

Introduced by Senator HancockFebruary 24, 2015

An act to amend Sections 66703, 66704, 66704.05, and 66706 of the Government Code, relating to the San Francisco Bay Restoration Authority.

LEGISLATIVE COUNSEL'S DIGEST

SB 371, as introduced, Hancock. San Francisco Bay Restoration Authority.

(1) Existing law, the San Francisco Bay Restoration Authority Act, until January 1, 2029, establishes the San Francisco Bay Restoration Authority to raise and allocate resources for the restoration, enhancement, protection, and enjoyment of wetlands and wildlife habitat in the San Francisco Bay and along its shoreline. The act establishes a governing board of the authority composed of specified members, including a member who is a resident of the San Francisco Bay area who serves as the chair. The act grants to the board all powers that are necessary to carry out the act, including, among other things, the power to levy specified benefit assessments, special taxes, and fees, and to issue revenue bonds. However, the act limits the total amount of indebtedness incurred pursuant to those provisions authorizing the issuance of revenue bonds from exceeding 10% of the authority's total revenues in the preceding fiscal year. Existing law generally requires a district to reimburse the county elections official for the actual costs incurred in conducting an election for the district. However, the act authorizes, until January 1, 2017, the authority to reimburse only the incremental costs, as defined, that are incurred by the county elections officials related to submitting a special tax measure to the voters.

This bill would delete the requirement that one member of the board, and the chair, be a resident of the San Francisco Bay area and would instead require that the member be an elected official of a bayside city or county. The bill would also delete the above-described 10% limit on the authority’s total amount of bonded indebtedness, and would extend to January 1, 2019, the provision authorizing the authority to reimburse county elections officials for only the incremental costs of submitting a special tax measure to the voters. The bill would also extend to January 1, 2041, the repeal date for the act, and would make related conforming changes. By imposing additional duties on local government officials with regard to implementation of the act, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 66703 of the Government Code is
 2 amended to read:
 3 66703. (a) The authority shall be governed by a board
 4 composed of seven voting members, as follows:
 5 (1) One member shall be ~~a resident of the San Francisco Bay~~
 6 ~~area~~ *an elected official of a bayside city or county* with expertise
 7 in the implementation of Chapter 4.5 (commencing with Section
 8 31160) of Division 21 of the Public Resources Code and shall
 9 serve as the chair.
 10 (2) One member shall be an elected official of a bayside city or
 11 county in the North Bay. For purposes of this subdivision, the
 12 North Bay consists of the Counties of Marin, Napa, Solano, and
 13 Sonoma.
 14 (3) One member shall be an elected official of a bayside city or
 15 county in the East Bay. For purposes of this subdivision, the East
 16 Bay consists of Contra Costa County and the portion of Alameda
 17 County that is north of the southern boundary of the City of
 18 Hayward, excluding the Delta primary zone.

1 (4) One member shall be an elected official of a bayside city or
2 county in the South Bay. For purposes of this subdivision, the
3 South Bay consists of Santa Clara County, the portion of Alameda
4 County that is south of the southern boundary of the City of
5 Hayward, and the portion of San Mateo County that is south of
6 the northern boundary of Redwood City.

7 (5) One member shall be an elected official of a bayside city or
8 county in the West Bay. For purposes of this subdivision, the West
9 Bay consists of the City and County of San Francisco and the
10 portion of San Mateo County that is north of the northern boundary
11 of Redwood City.

12 (6) Two members shall be elected officials of one or more of
13 the following:

14 (A) A bayside city or county.

15 (B) A regional park district, regional open-space district, or
16 regional park and open-space district formed pursuant to Article
17 3 (commencing with Section 5500) of Chapter 3 of Division 5 of
18 the Public Resources Code that owns or operates one or more San
19 Francisco Bay shoreline parcels.

20 (b) The Association of Bay Area Governments shall appoint
21 the members.

22 (c) Each member shall serve at the pleasure of his or her
23 appointing authority.

24 (d) A vacancy shall be filled by the Association of Bay Area
25 Governments within 90 days from the date on which the vacancy
26 occurs.

27 SEC. 2. Section 66704 of the Government Code is amended
28 to read:

29 66704. The authority has, and may exercise, all powers,
30 expressed or implied, that are necessary to carry out the intent and
31 purposes of this title, including, but not limited to, the power to
32 do all of the following:

33 (a) (1) Levy a benefit assessment, special tax levied pursuant
34 to Article 3.5 (commencing with Section 50075) of Chapter 1 of
35 Part 1 of Division 1 of Title 5, or property-related fee consistent
36 with the requirements of Articles XIII C and XIII D of the
37 California Constitution, including, but not limited to, a benefit
38 assessment levied pursuant to paragraph (2), except that a benefit
39 assessment, special tax, or property-related fee shall not be levied
40 pursuant to this subdivision after December 31, ~~2028~~ 2040.

- 1 (2) The authority may levy a benefit assessment pursuant to any
2 of the following:
- 3 (A) The Improvement Act of 1911 (Division 7 (commencing
4 with Section 5000) of the Streets and Highways Code).
- 5 (B) The Improvement Bond Act of 1915 (Division 10
6 (commencing with Section 8500) of the Streets and Highways
7 Code).
- 8 (C) The Municipal Improvement Act of 1913 (Division 12
9 (commencing with Section 10000) of the Streets and Highways
10 Code).
- 11 (D) The Landscaping and Lighting ~~Assessment~~ Act of 1972
12 (Part 2 (commencing with Section 22500) of Division 15 of the
13 Streets and Highways Code), notwithstanding Section 22501 of
14 the Streets and Highways Code.
- 15 (E) Any other statutory authorization.
- 16 (b) Apply for and receive grants from federal and state agencies.
- 17 (c) Solicit and accept gifts, fees, grants, and allocations from
18 public and private entities.
- 19 (d) Issue revenue bonds for any of the purposes authorized by
20 this title pursuant to the Revenue Bond Law of 1941 (Chapter 6
21 (commencing with Section 54300) of Part 1 of Division 2 of Title
22 5).
- 23 (e) Incur bond indebtedness, subject to the following
24 requirements:
- 25 (1) The principal and interest of any bond indebtedness incurred
26 pursuant to this subdivision shall be paid and discharged prior to
27 January 1, ~~2029~~ 2041.
- 28 (2) For purposes of incurring bond indebtedness pursuant to
29 this subdivision, the authority shall comply with the requirements
30 of Article 11 (commencing with Section 5790) of Chapter 4 of
31 Division 5 of the Public Resources Code except where those
32 requirements are in conflict with this provision. For purposes of
33 this subdivision, all references in Article 11 (commencing with
34 Section 5790) of Chapter 4 of Division 5 of the Public Resources
35 Code to a board of directors shall mean the board and all references
36 to a district shall mean the authority.
- 37 ~~(3) The total amount of indebtedness incurred pursuant to this
38 subdivision outstanding at any one time shall not exceed 10 percent
39 of the authority's total revenues in the preceding fiscal year.~~
- 40 (f) Receive and manage a dedicated revenue source.

1 (g) Deposit or invest moneys of the authority in banks or
2 financial institutions in the state in accordance with state law.

3 (h) Sue and be sued, except as otherwise provided by law, in
4 all actions and proceedings, in all courts and tribunals of competent
5 jurisdiction.

6 (i) Engage counsel and other professional services.

7 (j) Enter into and perform all necessary contracts.

8 (k) Enter into joint powers agreements pursuant to the Joint
9 Exercise of Powers Act (Chapter 5 (commencing with Section
10 6500) of Division 7 of Title 1).

11 (l) Hire staff, define their qualifications and duties, and provide
12 a schedule of compensation for the performance of their duties.

13 (m) Use interim or temporary staff provided by appropriate state
14 agencies or the Association of Bay Area Governments. A person
15 who performs duties as interim or temporary staff shall not be
16 considered an employee of the authority.

17 SEC. 3. Section 66704.05 of the Government Code is amended
18 to read:

19 66704.05. (a) If the authority proposes to levy a special tax
20 pursuant to subdivision (a) of Section 66704, the board of
21 supervisors of the county or counties in which the special tax is
22 proposed to be levied shall call a special election on the measure.
23 The special election shall be consolidated with the next regularly
24 scheduled statewide election and the measure shall be submitted
25 to the voters in the appropriate counties, consistent with the
26 requirements of Article XIII C or XIII D of the California
27 Constitution, as applicable.

28 (b) The authority is a district, as defined in Section 317 of the
29 Elections Code. Except as otherwise provided in this section, a
30 measure proposed by the authority that requires voter approval
31 shall be submitted to the voters of the authority in accordance with
32 the provisions of the Elections Code applicable to districts,
33 including the provisions of Chapter 4 (commencing with Section
34 9300) of Division 9 of the Elections Code.

35 (c) The authority shall file with the board of supervisors of each
36 county in which the measure shall appear on the ballot a resolution
37 of the authority requesting consolidation, and setting forth the
38 exact form of the ballot question, in accordance with Section 10403
39 of the Elections Code.

1 (d) The legal counsel for the authority shall prepare an impartial
2 analysis of the measure. The impartial analysis prepared by the
3 legal counsel for the authority shall be subject to review and
4 revision by the county counsel of the county that contains the
5 largest population, as determined by the most recent federal
6 decennial census, among those counties in which the measure will
7 be submitted to the voters.

8 (e) Each county included in the measure shall use the exact
9 ballot question, impartial analysis, and ballot language provided
10 by the authority. If two or more counties included in the measure
11 are required to prepare a translation of ballot materials into the
12 same language other than English, the county that contains the
13 largest population, as determined by the most recent federal
14 decennial census, among those counties that are required to prepare
15 a translation of ballot materials into the same language other than
16 English shall prepare the translation and that translation shall be
17 used by the other county or counties, as applicable.

18 (f) Notwithstanding Section 13116 of the Elections Code, if a
19 measure proposed by the authority pursuant to this article is
20 submitted to the voters of the authority in two or more counties,
21 the elections officials of those counties shall mutually agree to use
22 the same letter designation for the measure.

23 (g) The county clerk of each county shall report the results of
24 the special election to the authority.

25 (h) (1) Notwithstanding Section 10520 of the Elections Code,
26 for the first election at which the authority proposes a special tax
27 pursuant to subdivision (a) of Section 66704, the authority shall
28 reimburse each county in which the special tax measure appears
29 on the ballot only for the incremental costs incurred by the county
30 elections official related to submitting the measure to the voters.

31 (2) For purposes of this subdivision, “incremental costs” include
32 all of the following:

33 (A) The cost to prepare, review, and revise the impartial analysis
34 of the measure that is required by subdivision (d).

35 (B) The cost to prepare a translation of ballot materials into a
36 language other than English by any county, as described in
37 subdivision (e).

38 (C) The additional costs that exceed the costs incurred for other
39 election races or ballot measures, if any, appearing on the same

1 ballot in each county in which the special tax measure appears on
2 the ballot, including both of the following:

- 3 (i) The printing and mailing of ballot materials.
- 4 (ii) The canvass of the vote regarding the special tax measure
5 pursuant to Division 15 of the Elections Code.

6 (3) This subdivision is repealed on January 1, ~~2017~~ 2019.

7 SEC. 4. Section 66706 of the Government Code is amended
8 to read:

9 66706. This title shall remain in effect only until January 1,
10 ~~2029~~ 2041, and as of that date is repealed, unless a later enacted
11 statute, that is enacted before January 1, ~~2029~~ 2041, deletes or
12 extends that date.

13 SEC. 5. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 a local agency or school district has the authority to levy service
16 charges, fees, or assessments sufficient to pay for the program or
17 level of service mandated by this act, within the meaning of Section
18 17556 of the Government Code.