

AMENDED IN SENATE APRIL 6, 2015

**SENATE BILL**

**No. 371**

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**Introduced by Senator Hancock**

February 24, 2015

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An act to amend ~~Sections 66703, 66704, 66704.05, and 66706 of the Government Code, relating to the San Francisco Bay Restoration Authority. Section 50079 of the Government Code, relating to local government.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 371, as amended, Hancock. ~~San Francisco Bay Restoration Authority. School districts: special taxes.~~

*Existing law authorizes school districts to impose qualified special taxes, subject to specified constitutional and statutory provisions. Existing law defines "qualified special taxes" as taxes that apply uniformly to all taxpayers or all real property within a school district and may include taxes that provide for an exemption from those taxes for persons who are 65 years of age or older, for persons receiving Supplemental Security Income for a disability, or for persons receiving Social Security Disability Insurance benefits, as specified.*

*This bill would clarify that the authorization for an exemption from the qualified special taxes applies to any or all of the categories of persons described above. This bill would provide that this change is declaratory of existing law.*

~~(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-no.  
State-mandated local program: yes-no.~~

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

- 1 *SECTION 1. Section 50079 of the Government Code is*
- 2 *amended to read:*
- 3 *50079. (a) Subject to Section 4 of Article XIII A of the*
- 4 *California Constitution, any school district may impose qualified*

1 special taxes within the district pursuant to the procedures  
2 established in Article 3.5 (commencing with Section 50075) and  
3 any other applicable procedures provided by law.

4 (b) (1) As used in this section, “qualified special taxes” means  
5 special taxes that apply uniformly to all taxpayers or all real  
6 property within the school district, except that “qualified special  
7 taxes” may include taxes that provide for an exemption from those  
8 taxes for *any or* all of the following taxpayers:

9 (A) Persons who are 65 years of age or older.

10 (B) Persons receiving Supplemental Security Income for a  
11 disability, regardless of age.

12 (C) Persons receiving Social Security Disability Insurance  
13 benefits, regardless of age, whose yearly income does not exceed  
14 250 percent of the 2012 federal poverty guidelines issued by the  
15 United States Department of Health and Human Services.

16 (2) “Qualified special taxes” do not include special taxes  
17 imposed on a particular class of property or taxpayers.

18 (c) *The amendments made to this section by the act adding this  
19 subdivision are declaratory of existing law.*

20 ~~SECTION 1. Section 66703 of the Government Code is  
21 amended to read:~~

22 ~~66703. (a) The authority shall be governed by a board  
23 composed of seven voting members, as follows:~~

24 ~~(1) One member shall be an elected official of a bayside city or  
25 county with expertise in the implementation of Chapter 4.5  
26 (commencing with Section 31160) of Division 21 of the Public  
27 Resources Code and shall serve as the chair.~~

28 ~~(2) One member shall be an elected official of a bayside city or  
29 county in the North Bay. For purposes of this subdivision, the  
30 North Bay consists of the Counties of Marin, Napa, Solano, and  
31 Sonoma.~~

32 ~~(3) One member shall be an elected official of a bayside city or  
33 county in the East Bay. For purposes of this subdivision, the East  
34 Bay consists of Contra Costa County and the portion of Alameda  
35 County that is north of the southern boundary of the City of  
36 Hayward, excluding the Delta primary zone.~~

37 ~~(4) One member shall be an elected official of a bayside city or  
38 county in the South Bay. For purposes of this subdivision, the  
39 South Bay consists of Santa Clara County, the portion of Alameda  
40 County that is south of the southern boundary of the City of~~

1 ~~Hayward, and the portion of San Mateo County that is south of~~  
2 ~~the northern boundary of Redwood City.~~

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

8 ~~(6) Two members shall be elected officials of one or more of~~  
9 ~~the following:~~

10 ~~(A) A bayside city or county.~~

11 ~~(B) A regional park district, regional open-space district, or~~  
12 ~~regional park and open-space district formed pursuant to Article~~  
13 ~~3 (commencing with Section 5500) of Chapter 3 of Division 5 of~~  
14 ~~the Public Resources Code that owns or operates one or more San~~  
15 ~~Francisco Bay shoreline parcels.~~

16 ~~(b) The Association of Bay Area Governments shall appoint~~  
17 ~~the members.~~

18 ~~(c) Each member shall serve at the pleasure of his or her~~  
19 ~~appointing authority.~~

20 ~~(d) A vacancy shall be filled by the Association of Bay Area~~  
21 ~~Governments within 90 days from the date on which the vacancy~~  
22 ~~occurs.~~

23 ~~SEC. 2. Section 66704 of the Government Code is amended~~  
24 ~~to read:~~

25 ~~66704. The authority has, and may exercise, all powers,~~  
26 ~~expressed or implied, that are necessary to carry out the intent and~~  
27 ~~purposes of this title, including, but not limited to, the power to~~  
28 ~~do all of the following:~~

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

37 ~~(2) The authority may levy a benefit assessment pursuant to any~~  
38 ~~of the following:~~

39 ~~(A) The Improvement Act of 1911 (Division 7 (commencing~~  
40 ~~with Section 5000) of the Streets and Highways Code).~~

1 ~~(B) The Improvement Bond Act of 1915 (Division 10~~  
2 ~~(commencing with Section 8500) of the Streets and Highways~~  
3 ~~Code).~~

4 ~~(C) The Municipal Improvement Act of 1913 (Division 12~~  
5 ~~(commencing with Section 10000) of the Streets and Highways~~  
6 ~~Code).~~

7 ~~(D) The Landscaping and Lighting Act of 1972 (Part 2~~  
8 ~~(commencing with Section 22500) of Division 15 of the Streets~~  
9 ~~and Highways Code), notwithstanding Section 22501 of the Streets~~  
10 ~~and Highways Code.~~

11 ~~(E) Any other statutory authorization.~~

12 ~~(b) Apply for and receive grants from federal and state agencies.~~

13 ~~(c) Solicit and accept gifts, fees, grants, and allocations from~~  
14 ~~public and private entities.~~

15 ~~(d) Issue revenue bonds for any of the purposes authorized by~~  
16 ~~this title pursuant to the Revenue Bond Law of 1941 (Chapter 6~~  
17 ~~(commencing with Section 54300) of Part 1 of Division 2 of Title~~  
18 ~~5).~~

19 ~~(e) Incur bond indebtedness, subject to the following~~  
20 ~~requirements:~~

21 ~~(1) The principal and interest of any bond indebtedness incurred~~  
22 ~~pursuant to this subdivision shall be paid and discharged prior to~~  
23 ~~January 1, 2041.~~

24 ~~(2) For purposes of incurring bond indebtedness pursuant to~~  
25 ~~this subdivision, the authority shall comply with the requirements~~  
26 ~~of Article 11 (commencing with Section 5790) of Chapter 4 of~~  
27 ~~Division 5 of the Public Resources Code except where those~~  
28 ~~requirements are in conflict with this provision. For purposes of~~  
29 ~~this subdivision, all references in Article 11 (commencing with~~  
30 ~~Section 5790) of Chapter 4 of Division 5 of the Public Resources~~  
31 ~~Code to a board of directors shall mean the board and all references~~  
32 ~~to a district shall mean the authority.~~

33 ~~(f) Receive and manage a dedicated revenue source.~~

34 ~~(g) Deposit or invest moneys of the authority in banks or~~  
35 ~~financial institutions in the state in accordance with state law.~~

36 ~~(h) Sue and be sued, except as otherwise provided by law, in~~  
37 ~~all actions and proceedings, in all courts and tribunals of competent~~  
38 ~~jurisdiction.~~

39 ~~(i) Engage counsel and other professional services.~~

40 ~~(j) Enter into and perform all necessary contracts.~~

1 ~~(k) Enter into joint powers agreements pursuant to the Joint~~  
2 ~~Exercise of Powers Act (Chapter 5 (commencing with Section~~  
3 ~~6500) of Division 7 of Title 1).~~

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

6 ~~(m) Use interim or temporary staff provided by appropriate state~~  
7 ~~agencies or the Association of Bay Area Governments. A person~~  
8 ~~who performs duties as interim or temporary staff shall not be~~  
9 ~~considered an employee of the authority.~~

10 SEC. 3. ~~Section 66704.05 of the Government Code is amended~~  
11 ~~to read:~~

12 ~~66704.05. (a) If the authority proposes to levy a special tax~~  
13 ~~pursuant to subdivision (a) of Section 66704, the board of~~  
14 ~~supervisors of the county or counties in which the special tax is~~  
15 ~~proposed to be levied shall call a special election on the measure.~~  
16 ~~The special election shall be consolidated with the next regularly~~  
17 ~~scheduled statewide election and the measure shall be submitted~~  
18 ~~to the voters in the appropriate counties, consistent with the~~  
19 ~~requirements of Article XIII C or XIII D of the California~~  
20 ~~Constitution, as applicable.~~

21 ~~(b) The authority is a district, as defined in Section 317 of the~~  
22 ~~Elections Code. Except as otherwise provided in this section, a~~  
23 ~~measure proposed by the authority that requires voter approval~~  
24 ~~shall be submitted to the voters of the authority in accordance with~~  
25 ~~the provisions of the Elections Code applicable to districts,~~  
26 ~~including the provisions of Chapter 4 (commencing with Section~~  
27 ~~9300) of Division 9 of the Elections Code.~~

28 ~~(c) The authority shall file with the board of supervisors of each~~  
29 ~~county in which the measure shall appear on the ballot a resolution~~  
30 ~~of the authority requesting consolidation, and setting forth the~~  
31 ~~exact form of the ballot question, in accordance with Section 10403~~  
32 ~~of the Elections Code.~~

33 ~~(d) The legal counsel for the authority shall prepare an impartial~~  
34 ~~analysis of the measure. The impartial analysis prepared by the~~  
35 ~~legal counsel for the authority shall be subject to review and~~  
36 ~~revision by the county counsel of the county that contains the~~  
37 ~~largest population, as determined by the most recent federal~~  
38 ~~decennial census, among those counties in which the measure will~~  
39 ~~be submitted to the voters.~~

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

11 ~~(f) Notwithstanding Section 13116 of the Elections Code, if a~~  
12 ~~measure proposed by the authority pursuant to this article is~~  
13 ~~submitted to the voters of the authority in two or more counties,~~  
14 ~~the elections officials of those counties shall mutually agree to use~~  
15 ~~the same letter designation for the measure.~~

16 ~~(g) The county clerk of each county shall report the results of~~  
17 ~~the special election to the authority.~~

18 ~~(h) (1) Notwithstanding Section 10520 of the Elections Code,~~  
19 ~~for the first election at which the authority proposes a special tax~~  
20 ~~pursuant to subdivision (a) of Section 66704, the authority shall~~  
21 ~~reimburse each county in which the special tax measure appears~~  
22 ~~on the ballot only for the incremental costs incurred by the county~~  
23 ~~elections official related to submitting the measure to the voters.~~

24 ~~(2) For purposes of this subdivision, “incremental costs” include~~  
25 ~~all of the following:~~

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

28 ~~(B) The cost to prepare a translation of ballot materials into a~~  
29 ~~language other than English by any county, as described in~~  
30 ~~subdivision (e).~~

31 ~~(C) The additional costs that exceed the costs incurred for other~~  
32 ~~election races or ballot measures, if any, appearing on the same~~  
33 ~~ballot in each county in which the special tax measure appears on~~  
34 ~~the ballot, including both of the following:~~

35 ~~(i) The printing and mailing of ballot materials.~~

36 ~~(ii) The canvass of the vote regarding the special tax measure~~  
37 ~~pursuant to Division 15 of the Elections Code.~~

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

39 ~~SEC. 4. Section 66706 of the Government Code is amended~~  
40 ~~to read:~~

1     ~~66706. This title shall remain in effect only until January 1,~~  
2     ~~2041, and as of that date is repealed, unless a later enacted statute,~~  
3     ~~that is enacted before January 1, 2041, deletes or extends that date.~~  
4     ~~SEC. 5. No reimbursement is required by this act pursuant to~~  
5     ~~Section 6 of Article XIII B of the California Constitution because~~  
6     ~~a local agency or school district has the authority to levy service~~  
7     ~~charges, fees, or assessments sufficient to pay for the program or~~  
8     ~~level of service mandated by this act, within the meaning of Section~~  
9     ~~17556 of the Government Code.~~