

Introduced by Senator Craven

January 8, 1997

An act to amend Sections 6516.6 and 26220 of, and to add Article 7.3 (commencing with Section 53835) to Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code, relating to local government financing.

LEGISLATIVE COUNSEL'S DIGEST

SB 120, as introduced, Craven. Local government: Local Agency Accounts Financing Act.

Existing law generally regulates the financial affairs of local agencies, including the issuance of bonds under specified circumstances.

This bill would make legislative findings and declarations regarding the need to provide local agencies with a comprehensive and alternative method for the transfer of specified accounts, and identifying the bill as a means of using certain procedures, powers and penalties, otherwise only available to local agencies, for the benefit of purchasers or assignees or holders of bonds secured by accounts, as defined. The bill would authorize a local agency, as defined, to sell or assign, in a specified manner, all of its rights, title, and interest in and to any or all accounts and rights to collect, as defined.

This bill would further authorize a local agency to issue bonds to finance the costs of carrying accounts, as specified, and subject to certain constitutional limitations. The bill would provide that any interest payable on a bond issued by a local agency under the bill would not be subject to state personal income tax or corporate income tax.

This bill would authorize a joint powers agency, established as specified, to purchase accounts, interests therein, and rights to collect, in accordance with the above procedures. The bill would also authorize a county board of supervisors to sell or assign or pledge accounts and related rights to collect, including accounts arising out of delinquent assessments or taxes, in accordance with the above procedures.

The bill would also make nonsubstantive changes to existing law relating to joint powers authorities and county boards of supervisors.

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

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

1 SECTION 1. Section 6516.6 of the Government Code
 2 is amended to read:
 3 6516.6. (a) Notwithstanding any other provision of
 4 law, a joint powers agency established pursuant to a joint
 5 powers agreement in accordance with this chapter may
 6 issue bonds pursuant to Article 2 (commencing with
 7 Section 6540) ~~of this chapter~~ or Article 4 (commencing
 8 with Section 6584) ~~of this chapter~~, in order to purchase
 9 obligations of local agencies or make loans to local
 10 agencies, which moneys the local agencies are hereby
 11 authorized to borrow, to finance the local agencies'
 12 unfunded actuarial pension liability or to purchase, or to
 13 make loans to finance the purchase of, delinquent
 14 assessments or taxes levied on the secured roll by the local
 15 agencies, the county, or any other political subdivision of
 16 the state. Notwithstanding any other provision of law,
 17 including Section 53854, the local agency obligations or
 18 loans, if any, shall be repaid in the time, manner and
 19 amounts, with interest, security, and other terms as
 20 agreed to by the local agency and the joint powers
 21 authority.
 22 (b) *A joint powers agency established pursuant to a*
 23 *joint powers agreement in accordance with this chapter*
 24 *may purchase and acquire any accounts, or interests*
 25 *therein, and any right to collect that a local agency may*



1 *sell and assign pursuant to Article 7.3 (commencing with*
2 *Section 53835) of Chapter 4 of Part 1 of Division 2 of Title*
3 *5 and may purchase any bonds of a local agency*
4 *authorized for issuance thereunder. A joint powers*
5 *agency may issue bonds pursuant to this chapter in order*
6 *to purchase accounts, interests in accounts, or rights to*
7 *collect from a local agency that are sold or assigned in*
8 *accordance with Article 7.3 (commencing with Section*
9 *53835) of Chapter 4 of Part 1 of Division 2 of Title 5 and*
10 *may issue bonds pursuant to this chapter to purchase any*
11 *bonds of a local agency authorized for issuance under that*
12 *article.*

13 SEC. 2. Section 26220 of the Government Code is
14 amended to read:

15 26220. (a) The board of supervisors may by a
16 four-fifths vote of its members assign for purposes of
17 collection under ~~such~~ terms and conditions—*as that* the
18 board may prescribe any or all delinquent bills, claims,
19 and accounts, 30 days after the date upon which they are
20 due and payable to the county, and any or all money
21 judgments taken in the name of the county, to a collection
22 agency duly licensed by the ~~State of California~~ *state*.

23 (b) The board of supervisors may, by a four-fifths vote
24 of its members, and with the approval of the tax collector,
25 assign for purposes of collection under ~~such~~ terms and
26 conditions ~~as~~ *that* the board may prescribe, any or all
27 delinquent unsecured taxes 90 days after the date upon
28 which they are due and delinquent when, in the
29 judgment of the tax collector, the remedy set forth in
30 Section 2951 of the Revenue and Taxation Code will not
31 be used by the tax collector.

32 (c) The board of supervisors may assign, for purposes
33 of securing any financing of the same, any obligations
34 arising out of any delinquent assessments or taxes levied
35 on the secured roll by the county or any other political
36 subdivision of the state. No assignment to a collection
37 agency shall be made of obligations arising out of any
38 delinquent assessments or taxes levied on the secured roll
39 by the county or any other political subdivision of the
40 state.



1 (d) *The board of supervisors may sell, assign, or pledge*
2 *accounts and related rights to collect, including, with the*
3 *approval of the tax collector, accounts arising out of any*
4 *delinquent assessments or taxes, as provided in Article 7.3*
5 *(commencing with Section 53835) of Chapter 4 of Part 1*
6 *of Division 2 of Title 5.*

7 SEC. 3. Article 7.3 (commencing with Section 53835)
8 is added to Chapter 4 of Part 1 of Division 2 of Title 5 of
9 the Government Code, to read:

10

11 Article 7.3. Local Agency Accounts Financing

12

13 53835. The Legislature finds and declares the
14 following:

15 (a) There is a need to provide local agencies with a
16 comprehensive and alternative method for the transfer
17 of accounts either upon sale and assignment thereof or as
18 security for repayment obligations, so as to permit them
19 to convert more quickly their accounts into cash and thus
20 even out their cash flows and provide more certain times
21 of receipt.

22 (b) To the extent that accounts are sold and assigned
23 or pledged as security for bonds and the accounts are
24 secured by liens on property, the priority of which is
25 available only to a local agency (including, for example,
26 property taxes on the secured roll), or the collection
27 thereof is enhanced due to a local agency’s authority to
28 terminate services to which the account relates or due to
29 the availability of penalties or consequences not available
30 to those who are not local agencies, this article provides
31 a means of utilizing these priorities, powers, and penalties
32 for the benefit of purchasers or assignees of, or holders of,
33 bonds secured by accounts.

34 53835.1. (a) The following words have the following
35 meanings with regard to this article: “Account” means
36 any right to receive the payment of money and any
37 related interest, charges, or penalties of every kind and
38 nature, including (1) taxes of every kind and nature,
39 whether on the secured roll or otherwise, and any and all
40 related interest, charges and penalties due or becoming



1 due thereon, (2) fines and penalties of every kind and
2 nature and any related interest, charges, and penalties
3 due or becoming due thereon, (3) amounts payable for
4 goods sold or leased, for services rendered and for rights
5 granted, such as capacity rights, licenses, or other rights
6 to use, whether or not otherwise assignable, and any
7 related interest, charges, or penalties due or becoming
8 due thereon, and (4) any after-acquired account. An
9 account does not include any right to collect.

10 (b) “Account obligor” means the person who owes, or
11 the property that is encumbered by, amounts due on an
12 account.

13 (c) “After-acquired account” means a prospective
14 right to receive the payment of money that at the time of
15 the sale and assignment thereof, or the pledge thereof,
16 does not entitle the local agency to the payment thereof
17 or interest, charges, or penalties thereon, but which, as a
18 consequence of the passage of time, the sale or lease of
19 goods, the tender of use, the grant of rights, the
20 performance of services, or otherwise, gives rise at a later
21 date to the right to receive the payment of money.

22 (d) “Bonds” means bonds, notes, warrants,
23 commercial paper, pass-through certificates, variable
24 interest rate and variable maturity securities, any other
25 evidence of indebtedness, or certificates of participation
26 in, or other evidence of rights to, receive the payment of
27 money.

28 (e) “Local agency” means any county, city and
29 county, city, school district, community college district,
30 community facility district, other district, public
31 corporation, authority, agency, board, commission, or any
32 other public entity, or any improvement or assessment
33 district or zone thereof.

34 (f) “Proceeds” means whatever is received upon the
35 sale, exchange, collection (including by sale of property,
36 foreclosure of any lien securing any account, or
37 otherwise) or other disposition of an account, a right to
38 collect, or proceeds thereof.

39 (g) “Purchaser” means a purchaser or assignee of
40 accounts or rights to collect under this article.



1 (h) “Right to collect” means the right to collect an
2 account, including an after-acquired account.
3 53835.2. This article does not limit any other law and
4 shall be deemed to provide a complete, additional, and
5 alternative method for exercising the powers authorized
6 by this article and shall be deemed as being supplemental
7 to the powers conferred by other applicable laws. The
8 transactions authorized under this article need not
9 comply with the requirements of any other laws
10 applicable to the same subject matter.
11 53835.3. (a) A local agency may, at any time, sell or
12 assign, in a transaction or related series of transactions in
13 which bonds will be issued and sold by a local agency
14 under this article or other law, or by an issuer other than
15 a local agency under other law, to finance the sale or
16 assignment, of all its right, title, and interest in and to any
17 or all accounts, or in and to any undivided interest in any
18 or all accounts, the right to receive any proceeds of
19 accounts and interests therein so sold or assigned and, if
20 and to the extent specified in the resolution described in
21 this subdivision, the right to collect with respect to the
22 accounts and interest therein so sold or assigned, and the
23 right to receive any proceeds of the right to collect. Any
24 and all accounts, interests therein, and rights to collect,
25 may be sold or assigned by a local agency in accordance
26 with a resolution approved by the majority vote of the
27 members of the governing body of the local agency
28 voting on the question, which resolution may provide for
29 the sale or assignment of accounts in any manner that the
30 governing body deems appropriate, including by
31 negotiated sale or assignment, or through a competitive
32 bidding process established by the governing body, and
33 at a price or prices that the governing body deems
34 appropriate. The sale of accounts (or interests therein)
35 which are the rights to receive property taxes also shall
36 require the approval of the tax collector. Incident to a sale
37 or assignment, the local agency may agree, to the
38 maximum extent permitted by law, to bear all, some, or
39 none of the risk of collection thereof.



1 (b) If a local agency sells or assigns rights to collect
2 incident to a sale or assignment authorized under
3 subdivision (a), the purchaser shall acquire only the
4 rights that the local agency has to seek, in a court of
5 competent jurisdiction, as a personal judgment against
6 the account obligor, but only to the extent that the local
7 agency would have been able to obtain a personal
8 judgment against the account obligor. Even if a local
9 agency sells or assigns a right to collect, it may not, under
10 any circumstances, sell or assign the enforcement powers
11 or remedies that are uniquely available to the local
12 agency and would not be generally available to a
13 purchaser, such as the power to sell property that may be
14 subject to the lien of the account, the power to terminate
15 services rendered by the local agency, and the power to
16 impose penalties or sanctions, levy fines, or revoke
17 privileges. The local agency may agree with the
18 purchaser of an account, whether or not the related right
19 to collect is sold or assigned, to act as the servicer of the
20 collection of an account sold or assigned and to enforce
21 collection of the account and to exercise any and all
22 remedies available to the local agency, all in accordance
23 with agreed-upon procedures, as the agent of the
24 purchaser. Subject to the limitations set forth in this
25 subdivision, pursuant to an agreement with the
26 purchaser, some or all of the functions of servicing and
27 collecting an account may also be performed by a person
28 or entity other than the local agency. Notwithstanding
29 any other provision of law, the only consent that a local
30 agency or other servicer must obtain in order to enforce
31 the collection of any account or utilize a particular
32 remedy shall be that of the purchaser to the extent
33 provided in the agreement governing the sale or
34 assignment of the account. The sale or assignment of an
35 account by a local agency, with or without any related
36 right to collect, shall not be a defense to the enforcement
37 by the local agency of the collection of the account sold
38 or assigned, and shall not prevent the local agency from
39 enforcing all rights and remedies that would have been
40 available to it had it not sold or assigned the account.



1 (c) Any agreement entered into by a local agency with
2 respect to the sale or assignment of accounts and any
3 rights to collect shall be in writing and shall be effective,
4 valid, binding, and enforceable in accordance with its
5 terms against the local agency, its successors, subsequent
6 purchasers or assignees of accounts, and any rights to
7 collect, existing creditors, or subsequent creditors (other
8 than an existing creditor to whom an express pledge or
9 lien on the accounts and rights to collect has previously
10 been granted) of the local agency, without any need of
11 delivery, recordation, filing, or other act. The purchaser
12 of any after-acquired account shall not have the right to
13 enforce the sale or assignment and collection thereof
14 until the later of the following has occurred: (1) the local
15 agency has acquired rights in the account, and (2) value
16 has been given by the purchaser, whereupon the rights
17 and priority of the purchaser shall relate back to the time
18 of the execution and delivery of the agreement under
19 which the sale and assignment of the after-acquired
20 account occurred. For this purpose, value means the
21 agreed upon consideration to be paid or provided by the
22 purchaser upon the sale and assignment by a local agency
23 of after-acquired accounts, and shall be sufficient if the
24 consideration would support a simple contract.

25 (d) Unless the resolution approving the sale or
26 assignment of accounts specifically provides, by
27 reference to this section, that the accounts are being sold
28 or assigned with recourse as specified in the resolution,
29 then any and all of the sales or assignments shall be final
30 and without any recourse of any kind or nature to the
31 local agency.

32 (e) If a local agency sells or assigns an account, any
33 interest therein or any right to collect, and the agency
34 specifies that it shall be without recourse or the retention
35 of any risk of collection thereof beyond expected losses,
36 the local agency shall no longer have any interest or rights
37 therein or in the proceeds thereof, and all right, title, and
38 interest therein so sold or assigned shall vest in the
39 purchaser, notwithstanding the retention of any related
40 right to collect or, as required by subdivision (b), the



1 right to enforce powers or remedies that are uniquely
2 available to the local agency.

3 53835.4. (a) Subject to any limitations imposed by
4 Section 18 of Article XVI of the California Constitution,
5 a local agency may, from time to time, issue bonds to
6 finance the costs of carrying accounts.

7 (b) Bonds may be issued as serial bonds or as term
8 bonds, in one or more series, and any series or part of a
9 series may be senior to, on a parity with, or subordinate
10 to, any other series or part of a series in right of payment.
11 The bonds shall be authorized by a resolution approved
12 by a majority vote of the members of the governing body
13 of the local agency voting on the question and shall, as
14 provided by the resolution or by the terms of an
15 indenture or trust agreement pursuant to which the
16 bonds are issued, bear the date of issuance, the date or
17 dates of maturity, and the rate of interest, either fixed or
18 variable. The bonds shall also provide for the repayment
19 of a fixed principal amount or a variable principal amount
20 based upon the collection of accounts, shall be in the form
21 provided, shall be in registered form, shall be payable in
22 lawful money of the United States at the place or places
23 provided within or without the state, and shall be subject
24 to the terms of redemption provided by the resolution,
25 the indenture, or the trust agreement pursuant to which
26 the bonds are issued. Bonds that are secured by accounts,
27 or rights therein, which are rights to receive property
28 taxes also shall require the approval of the tax collector.

29 (c) The bonds shall be sold by the local agency at the
30 time and in the manner specified in the resolution of the
31 governing body. The sale may be negotiated or through
32 a competitive bidding process established by the
33 resolution, and for the price or prices, and on the other
34 terms and conditions, that the resolution provides. The
35 local agency may issue interim receipts, certificates,
36 instruments, or temporary bonds pending preparation of
37 definitive bond certificates, or instruments, and may
38 provide a means of transfer of beneficial ownership of a
39 bond without the need to deliver actual bond certificates
40 or instruments.



1 (d) The payment of principal of, and premium or
2 interest on, any bond shall be secured by a pledge of
3 accounts or interests therein, and may be secured by any
4 related rights to collect and by any other lawfully
5 available resource of the local agency, but only as
6 provided in accordance with Section 53835.7 in the
7 resolution, indenture, or trust agreement pursuant to
8 which the bonds are issued.

9 53835.5. Any resolution authorizing any bonds or
10 series of bonds may contain some or all of the following
11 provisions that shall be part of the contract with the
12 holders of bonds to be authorized:

13 (a) Provisions for payment of principal of and
14 premiums and interest on the bonds.

15 (b) Provisions for the priority in right of payment of
16 any series or part of a series of bonds as compared with
17 any other series or part of a series of bonds.

18 (c) Provisions creating or setting aside reserves or
19 sinking fund, and the regulation and disposition thereof.

20 (d) Limitations on the purpose to which the proceeds
21 of any series of bonds may be applied.

22 (e) Limitations on the issuance of additional bonds and
23 providing the terms on which additional bonds may be
24 issued and secured.

25 (f) Provisions for the defeasance or refunding of
26 outstanding bonds.

27 (g) Procedures, if any, by which the terms of the
28 resolution, indenture, or trust agreement may be
29 modified, abandoned, or abrogated.

30 (h) Definitions of acts, events, or omissions to act that
31 constitute defaults and the rights and remedies of the
32 holders of the bonds in the event of a default.

33 (i) Any other provisions deemed appropriate by the
34 governing body of the local agency.

35 53835.6. Any local agency may, out of funds legally
36 available therefor, purchase any of its bonds. The local
37 agency may hold, pledge, cancel, or resell bonds that it
38 purchases, subject to and in accordance with its contract
39 with bondholders.



1 53835.7. (a) Any bonds issued under this article shall
2 be issued under an indenture or trust agreement between
3 the local agency and corporate trustee or trustees, which
4 may include any trust company or bank having the power
5 of a trust company, within or without the state. The
6 resolution and the indenture or the trust agreement shall
7 provide for the pledge of the accounts identified therein,
8 or specified interests therein, and related proceeds, and
9 shall specify whether the pledge extends to any rights to
10 collect and the related proceeds thereof. The resolution
11 and the indenture or trust agreement shall further specify
12 the priority of the pledge for the series or part of a series
13 of bonds authorized by the resolution, in relation to other
14 series or parts of a series. Upon issuance of the bonds, the
15 pledge shall constitute a lien and security interest that
16 shall thereupon attach to the pledged accounts, or the
17 pledged interests therein, and any pledged rights to
18 collect, shall have the priority specified in the resolution
19 and the indenture or trust agreement pursuant to which
20 the bonds are issued, and shall be effective, valid, binding,
21 and enforceable against the local agency, its successors,
22 subsequent purchasers of pledged accounts, creditors
23 (other than an existing creditor to whom an express
24 pledge or lien on the pledged accounts and rights to
25 collect has previously been granted), including holders of
26 other series of bonds, and all others asserting rights
27 therein to the extent set forth, and in accordance with,
28 the resolution and the indenture or the trust agreement,
29 without the further need of delivery, recordation, filing,
30 or other act. If the pledged accounts include
31 after-acquired accounts, then the pledge therein shall not
32 be enforceable until the later of the following shall have
33 occurred: (1) the local agency has acquired rights in the
34 account, and (2) value has been received by the local
35 agency, whereupon the rights and priority of the pledgee
36 shall relate back to the time of the issuance of the bonds.
37 For this purpose, value means the agreed upon
38 consideration to be provided to the local agency as
39 specified in the authorizing resolutions and shall be



1 sufficient if the consideration would support a simple
2 contract.

3 (b) The indenture or trust agreement may contain
4 provisions for protecting and enforcing the rights and
5 remedies of the bondholders as may be reasonable and
6 proper and not in violation of law. The pledge of any
7 rights to collect incident to the pledge of related accounts,
8 shall, by operation of law, constitute the pledge of the
9 right which the local agency has to seek, in a court of
10 competent jurisdiction, a personal judgment against the
11 account obligor, and then only to the extent that the local
12 agency would have been able to obtain a personal
13 judgment against the account obligor. The local agency
14 may not pledge, assign, or otherwise transfer
15 enforcement powers or remedies that are uniquely
16 available to the local agency and would not be generally
17 available to an assignee or purchaser of an account, such
18 as the power to sell property that may be subject to the
19 lien of the account, the right to terminate services
20 provided by the local agency, and the right to impose
21 penalties or sanctions, levy fines, or revoke privileges.
22 The indenture, trust agreement, or other agreement to
23 which the local agency is a party may provide that the
24 local agency will act as the servicer of the collection of a
25 pledged account and enforce the collection of a pledged
26 account as agent for the trustee for bond holders, and will
27 exercise any and all remedies available to the local
28 agency, all in accordance with agreed-upon procedures.
29 Subject to the limitations set forth in this subdivision,
30 pursuant to an agreement with the purchaser, the
31 functions of servicing an account may also be performed
32 by a person or entity other than the local agency.
33 Notwithstanding any other provision of law, the only
34 consent that a local agency or other servicer must obtain
35 in order to enforce the collection of any account or utilize
36 a particular remedy shall be that of the trustee for the
37 bondholders if and to the extent provided in the
38 indenture or trust agreement pursuant to which the
39 bonds are issued. The pledge of an account provided for
40 in the resolution and indenture or trust agreement, with



1 or without any related rights to collect, shall not be a
2 defense to the enforcement by the local agency of the
3 collection of an account so pledged, and shall not prevent
4 the local agency from enforcing all rights and remedies
5 that would have been available to it had it not pledged an
6 account.

7 53835.8. (a) A local agency may issue bonds for the
8 purpose of refunding any of its bonds then outstanding,
9 including the payment of any redemption premium
10 thereon, and interest, accrued or to accrue, on the date
11 of redemption and related costs of issuance, as shall be
12 determined by the local agency or at the respective
13 maturities thereof.

14 (b) The proceeds of any bonds issued for the purpose
15 of refunding outstanding bonds shall be applied to the
16 purchase or retirement upon redemption of outstanding
17 bonds on any date selected by the local agency for
18 redemption, or the purchase or retirement at the
19 maturity thereof, and pending this application, shall be
20 placed in escrow to be applied to the purchase or
21 retirement of outstanding bonds at maturity or upon
22 redemption on the date or dates as may be determined
23 by the local agency.

24 (c) Pending the uses specified in subdivision (b),
25 refunding bond proceeds may be invested and reinvested
26 in obligations of, or guaranteed by, the United States, or
27 certificates of deposit or time deposits secured by
28 obligations of, or guaranteed by, the United States,
29 maturing at the time or times appropriate to ensure
30 timely payment of the principal, interest, or redemption
31 premium, if any, on the outstanding bonds to be
32 refunded. The interest, income, or profits, if any, earned
33 or realized on investments, may be applied to the
34 payment of outstanding bonds to be refunded. After the
35 terms of the escrow have been fully satisfied and carried
36 out, any balance of the proceeds and interest, income, and
37 profits, if any, earned or realized on the investments, shall
38 be disposed of in accordance with the terms of the
39 indenture or trust agreement.



1 53835.9. Bonds issued by a local agency under this
2 article are legal investments for all trust funds, the funds
3 of all insurance companies, banks, both commercial and
4 savings, trust companies, executors, administrators,
5 trustees and other fiduciaries, for state school funds, and
6 any funds that may be invested in bonds of local agencies.
7 The bonds are securities that may be legally deposited
8 with, and received by, any state or municipal officer,
9 agency, or political subdivision of the state for any
10 purpose for which the deposit of bonds or obligations of
11 the state is now, or may hereafter be, authorized or
12 required by law, including deposits to secure public
13 funds.

14 53835.10. Interest payable on any bond issued by a
15 local agency under this article shall at all times be free
16 from state personal income tax and corporate income tax.

17 53835.11. A local agency that issues bonds may obtain
18 insurance or other credit enhancement of the bonds and
19 may enter into any credit reimbursement or other similar
20 agreement for this purpose with any person or entity. The
21 agreement shall contain the terms of the credit
22 reimbursement, interest rate or rates, security, and any
23 other terms that the local agency and the credit provider
24 deem necessary or appropriate.

25 53835.12. If a local agency has, under any law other
26 than this chapter, pledged or otherwise encumbered any
27 or all of its revenues from one or more activities or
28 enterprises to secure obligations not created under this
29 article and thereafter sells, assigns, or pledges accounts
30 under this article, unless otherwise provided in the
31 agreement under which such a pledge or encumbrance
32 under the other law was created, the pledge or
33 encumbrance under the other law shall attach only to
34 actual revenues received and not to any account, and
35 amounts received by the local agency incident to the sale,
36 assignment, or pledge of an account under this article
37 shall be revenues for purposes of the pledge or
38 encumbrance under the other law.

39 53835.13. The validity of any action taken by a local
40 agency under this article, any agreement entered into by



1 a local agency pursuant to and under this article,
2 including any credit reimbursement or other similar
3 agreement entered into by a local agency under this
4 article, or any bonds issued pursuant to this article,
5 including the related indenture or trust agreement, may
6 be determined in accordance with Chapter 9
7 (commencing with Section 860) of Title 10 of Part 2 of the
8 California Code of Civil Procedure.

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