

**Introduced by Committee on Local Government (Senators Wiggins
(Chair), Aanestad, Cox, Kehoe, and Wolk)**

January 27, 2009

An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 101, as introduced, Committee on Local Government. Validations.

This bill would enact the First Validating Act of 2009, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

- 1 SECTION 1. This act shall be known and may be cited as the
- 2 First Validating Act of 2009.
- 3 SEC. 2. As used in this act:
- 4 (a) "Public body" means the state and all departments, agencies,
- 5 boards, commissions, and authorities of the state. "Public body"
- 6 also means all counties, cities and counties, cities, districts,
- 7 authorities, agencies, boards, commissions, and other entities,

- 1 whether created by a general statute or a special act, including, but
- 2 not limited to, the following:
- 3 Agencies, boards, commissions, or entities constituted or
- 4 provided for under or pursuant to the Joint Exercise of Powers
- 5 Act, Chapter 5 (commencing with Section 6500) of Division 7 of
- 6 Title 1 of the Government Code.
- 7 Air pollution control districts of any kind.
- 8 Air quality management districts.
- 9 Airport districts.
- 10 Assessment districts, benefit assessment districts, and special
- 11 assessment districts of any public body.
- 12 Bridge and highway districts.
- 13 California water districts.
- 14 Citrus pest control districts.
- 15 City maintenance districts.
- 16 Community college districts.
- 17 Community development commissions.
- 18 Community facilities districts.
- 19 Community redevelopment agencies.
- 20 Community rehabilitation districts.
- 21 Community services districts.
- 22 Conservancy districts.
- 23 Cotton pest abatement districts.
- 24 County boards of education.
- 25 County drainage districts.
- 26 County flood control and water districts.
- 27 County free library systems.
- 28 County maintenance districts.
- 29 County sanitation districts.
- 30 County service areas.
- 31 County transportation commissions.
- 32 County water agencies.
- 33 County water authorities.
- 34 County water districts.
- 35 County waterworks districts.
- 36 Department of Water Resources and other agencies acting
- 37 pursuant to Part 3 (commencing with Section 11100) of Division
- 38 6 of the Water Code.
- 39 Distribution districts of any public body.
- 40 Drainage districts.

- 1 Fire protection districts.
- 2 Flood control and water conservation districts.
- 3 Flood control districts.
- 4 Garbage and refuse disposal districts.
- 5 Garbage disposal districts.
- 6 Geologic hazard abatement districts.
- 7 Harbor districts.
- 8 Harbor improvement districts.
- 9 Harbor, recreation, and conservation districts.
- 10 Health care authorities.
- 11 Highway districts.
- 12 Highway interchange districts.
- 13 Highway lighting districts.
- 14 Housing authorities.
- 15 Improvement districts or improvement areas of any public body.
- 16 Industrial development authorities.
- 17 Infrastructure financing districts.
- 18 Integrated financing districts.
- 19 Irrigation districts.
- 20 Joint highway districts.
- 21 Levee districts.
- 22 Library districts.
- 23 Library districts in unincorporated towns and villages.
- 24 Local agency formation commissions.
- 25 Local health care districts.
- 26 Local health districts.
- 27 Local hospital districts.
- 28 Local transportation authorities or commissions.
- 29 Maintenance districts.
- 30 Memorial districts.
- 31 Metropolitan transportation commissions.
- 32 Metropolitan water districts.
- 33 Mosquito abatement and vector control districts.
- 34 Municipal improvement districts.
- 35 Municipal utility districts.
- 36 Municipal water districts.
- 37 Nonprofit corporations.
- 38 Nonprofit public benefit corporations.
- 39 Open-space maintenance districts.
- 40 Parking authorities.

- 1 Parking districts.
- 2 Permanent road divisions.
- 3 Pest abatement districts.
- 4 Police protection districts.
- 5 Port districts.
- 6 Project areas of community redevelopment agencies.
- 7 Protection districts.
- 8 Public cemetery districts.
- 9 Public utility districts.
- 10 Rapid transit districts.
- 11 Reclamation districts.
- 12 Recreation and park districts.
- 13 Regional justice facility financing agencies.
- 14 Regional park and open-space districts.
- 15 Regional planning districts.
- 16 Regional transportation commissions.
- 17 Resort improvement districts.
- 18 Resource conservation districts.
- 19 River port districts.
- 20 Road maintenance districts.
- 21 Sanitary districts.
- 22 School districts of any kind or class.
- 23 School facilities improvement districts.
- 24 Separation of grade districts.
- 25 Service authorities for freeway emergencies.
- 26 Sewer districts.
- 27 Sewer maintenance districts.
- 28 Small craft harbor districts.
- 29 Special municipal tax districts.
- 30 Stone and pome fruit pest control districts.
- 31 Storm drain maintenance districts.
- 32 Storm drainage districts.
- 33 Storm drainage maintenance districts.
- 34 Storm water districts.
- 35 Toll tunnel authorities.
- 36 Traffic authorities.
- 37 Transit development boards.
- 38 Transit districts.
- 39 Unified and union school districts' public libraries.
- 40 Vehicle parking districts.

1 Water agencies.
2 Water authorities.
3 Water conservation districts.
4 Water districts.
5 Water replenishment districts.
6 Water storage districts.
7 Watermaster districts.
8 Wine grape pest and disease control districts.
9 Zones, improvement zones, or service zones of any public body.

10 (b) “Bonds” means all instruments evidencing an indebtedness
11 of a public body incurred or to be incurred for any public purpose,
12 all leases, installment purchase agreements, or similar agreements
13 wherein the obligor is one or more public bodies, all instruments
14 evidencing the borrowing of money in anticipation of taxes,
15 revenues, or other income of that body, all instruments payable
16 from revenues or special funds of those public bodies, all
17 certificates of participation evidencing interests in the leases,
18 installment purchase agreements, or similar agreements, and all
19 instruments funding, refunding, replacing, or amending any thereof
20 or any indebtedness.

21 (c) “Hereafter” means any time subsequent to the effective date
22 of this act.

23 (d) “Heretofore” means any time prior to the effective date of
24 this act.

25 (e) “Now” means the effective date of this act.

26 SEC. 3. All public bodies heretofore organized or existing
27 under, or under color of any law, are hereby declared to have been
28 legally organized and to be legally functioning as those public
29 bodies. Every public body, heretofore described, shall have all the
30 rights, powers, and privileges, and be subject to all the duties and
31 obligations, of those public bodies regularly formed pursuant to
32 law.

33 SEC. 4. The boundaries of every public body as heretofore
34 established, defined, or recorded, or as heretofore actually shown
35 on maps or plats used by the assessor, are hereby confirmed,
36 validated, and declared legally established.

37 SEC. 5. All acts and proceedings heretofore taken by any public
38 body or bodies under any law, or under color of any law, for the
39 annexation or inclusion of territory into those public bodies or for
40 the annexation of those public bodies to any other public body or

1 for the detachment, withdrawal, or exclusion of territory from any
2 public body or for the consolidation, merger, or dissolution of any
3 public bodies are hereby confirmed, validated, and declared legally
4 effective. This shall include all acts and proceedings of the
5 governing board of any public body and of any person, public
6 officer, board, or agency heretofore done or taken upon the question
7 of the annexation or inclusion or of the withdrawal or exclusion
8 of territory or the consolidation, merger, or dissolution of those
9 public bodies.

10 SEC. 6. (a) All acts and proceedings heretofore taken by or
11 on behalf of any public body under any law, or under color of any
12 law, for, or in connection with, the authorization, issuance, sale,
13 execution, delivery, or exchange of bonds of any public body for
14 any public purpose are hereby authorized, confirmed, validated,
15 and declared legally effective. This shall include all acts and
16 proceedings of the governing board of public bodies and of any
17 person, public officer, board, or agency heretofore done or taken
18 upon the question of the authorization, issuance, sale, execution,
19 delivery, or exchange of bonds.

20 (b) All bonds of, or relating to, any public body heretofore issued
21 shall be, in the form and manner issued and delivered, the legal,
22 valid, and binding obligations of the public body. All bonds of, or
23 relating to, any public body heretofore awarded and sold to a
24 purchaser and hereafter issued and delivered in accordance with
25 the contract of sale and other proceedings for the award and sale
26 shall be the legal, valid, and binding obligations of the public body.
27 All bonds of, or relating to, any public body heretofore authorized
28 to be issued by ordinance, resolution, order, or other action adopted
29 or taken by or on behalf of the public body and hereafter issued
30 and delivered in accordance with that authorization shall be the
31 legal, valid, and binding obligations of the public body. All bonds
32 of, or relating to, any public body heretofore authorized to be issued
33 at an election and hereafter issued and delivered in accordance
34 with that authorization shall be the legal, valid, and binding
35 obligations of the public body. Whenever an election has heretofore
36 been called for the purpose of submitting to the voters of any public
37 body the question of issuing bonds for any public purpose, those
38 bonds, if hereafter authorized by the required vote and in
39 accordance with the proceedings heretofore taken, and issued and

1 delivered in accordance with that authorization, shall be the legal,
2 valid, and binding obligations of the public body.

3 SEC. 7. (a) This act shall operate to supply legislative
4 authorization as may be necessary to authorize, confirm, and
5 validate any acts and proceedings heretofore taken pursuant to
6 authority the Legislature could have supplied or provided for in
7 the law under which those acts or proceedings were taken.

8 (b) This act shall be limited to the validation of acts and
9 proceedings to the extent that the same can be effectuated under
10 the state and federal Constitutions.

11 (c) This act shall not operate to authorize, confirm, validate, or
12 legalize any act, proceeding, or other matter being legally contested
13 or inquired into in any legal proceeding now pending and
14 undetermined or that is pending and undetermined during the
15 period of 30 days from and after the effective date of this act.

16 (d) This act shall not operate to authorize, confirm, validate, or
17 legalize any act, proceeding, or other matter that has heretofore
18 been determined in any legal proceeding to be illegal, void, or
19 ineffective.

20 (e) This act shall not operate to authorize, confirm, validate, or
21 legalize a contract between any public body and the United States.

22 SEC. 8. Any action or proceeding contesting the validity of
23 any action or proceeding heretofore taken under any law, or under
24 color of any law, for the formation, organization, or incorporation
25 of any public body, or for any annexation thereto, detachment or
26 exclusion therefrom, or other change of boundaries thereof, or for
27 the consolidation, merger, or dissolution of any public bodies, or
28 for, or in connection with, the authorization, issuance, sale,
29 execution, delivery, or exchange of bonds thereof upon any ground
30 involving any alleged defect or illegality not effectively validated
31 by the prior provisions of this act and not otherwise barred by any
32 statute of limitations or by laches shall be commenced within six
33 months of the effective date of this act; otherwise each and all of
34 those matters shall be held to be valid and in every respect legal
35 and incontestable. This act shall not extend the period allowed for
36 legal action beyond the period that it would be barred by any
37 presently existing valid statute of limitations.

38 SEC. 9. Nothing contained in this act shall be construed to
39 render the creation of any public body, or any change in the
40 boundaries of any public body, effective for purposes of assessment

1 or taxation unless the statement, together with the map or plat,
2 required to be filed pursuant to Chapter 8 (commencing with
3 Section 54900) of Part 1 of Division 2 of Title 5 of the Government
4 Code, is filed within the time and substantially in the manner
5 required by those sections.

6 SEC. 10. This act is an urgency statute necessary for the
7 immediate preservation of the public peace, health, or safety within
8 the meaning of Article IV of the Constitution and shall go into
9 immediate effect. The facts constituting the necessity are:

10 In order to validate the organization, boundaries, acts,
11 proceedings, and bonds of public bodies as soon as possible, it is
12 necessary that this act take immediate effect.