

AMENDED IN ASSEMBLY APRIL 25, 2011

AMENDED IN ASSEMBLY APRIL 14, 2011

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1275

Introduced by Assembly Member Torres

February 18, 2011

An act to ~~add Section 33137 to~~ amend Sections 33121.5 and 33125 of, and to add Section 33137 to, the Health and Safety Code, relating to redevelopment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1275, as amended, Torres. Redevelopment: agency contracts.

The Community Redevelopment Law authorizes the establishment of redevelopment agencies in communities in order to address the effects of blight, as defined, in those communities and requires those agencies to prepare, or cause to be prepared, and approve a redevelopment plan for each project area. Existing law authorizes each agency to make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

This bill would provide that a contract *or other instrument* entered into by an agency, *or a particular severable provision of the contract or other instrument*, may be declared by a court to be null and void if ~~the agency performs~~ *court determines that the agency has performed* specified actions. *The bill would make other technical changes.*

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 33121.5 of the Health and Safety Code*
2 *is amended to read:*

3 33121.5. When a decision, determination, or other action by
4 the agency or legislative body is required by this part, neither the
5 agency nor the legislative body shall delegate the obligation to
6 decide, determine, or act to another *person or* entity unless a
7 provision of this part specifically provides for that delegation.

8 **SEC. 2.** *Section 33125 of the Health and Safety Code is*
9 *amended to read:*

10 33125. An agency may *do the following:*

11 (a) Sue and be sued.

12 (b) Have a seal.

13 (c) Make and execute contracts and other instruments, *subject*
14 *to the limitations and obligations imposed on an agency by this*
15 *part, as may be necessary or convenient to the exercise of its*
16 *powers.*

17 (d) *Make and execute amendments to contracts and other*
18 *instruments, subject to the limitations and obligations imposed on*
19 *an agency by this part, as may be necessary or convenient to the*
20 *exercise of its powers, including, but not limited to, amendments*
21 *to conform a contract or other instrument to the redevelopment*
22 *plan, an amended redevelopment plan, a current state law or local*
23 *ordinance, or to comply with a court order issued pursuant to*
24 *Section 33137.*

25 ~~(d)~~

26 (e) Make, amend, and repeal bylaws and regulations not
27 inconsistent with, and to carry into effect, the powers and purposes
28 of this part.

29 **SECTION 1.**

30 **SEC. 3.** Section 33137 is added to the Health and Safety Code,
31 to read:

32 33137. ~~A contract~~ *Notwithstanding Chapter 9 (commencing*
33 *with Section 860) of Title 10 of Part 2 of the Code of Civil*
34 *Procedure, a contract or instrument entered into by an agency, or*
35 *a particular severable provision of that contract or instrument,*
36 *may be declared by a court to be null and void if the agency does*
37 *court determines that the agency has done any of the following:*

- 1 (a) ~~Exercises~~*Exercised* the authority that is provided to the
2 agency pursuant to this part in a manner that ~~constitutes~~ *exceeded*
3 *the agency's authority or constituted* an abuse of discretion by the
4 agency.
- 5 ~~(b) Violates any powers or obligations granted to it by this part.~~
6 (b) *Entered into a contract or other instrument that, in whole*
7 *or in part, violated any powers granted to the agency or obligations*
8 *imposed on the agency by this part.*
- 9 (c) ~~Assumes~~*Assumed* any other obligations that ~~impairs~~ *impair*
10 its ability to meet existing obligations under this part.