

Introduced by Committee on Governance and Finance (Senators Wolk (Chair), DeSaulnier, Fuller, Hancock, Hernandez, Huff, Kehoe, La Malfa, and Liu)

February 8, 2011

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 191, as introduced, Committee on Governance and Finance. Validations.

This bill would enact the First Validating Act of 2011, 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 2011.

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,

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

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

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

1 Transit development boards.
2 Transit districts.
3 Unified and union school districts' public libraries.
4 Vehicle parking districts.
5 Water agencies.
6 Water authorities.
7 Water conservation districts.
8 Water districts.
9 Water replenishment districts.
10 Water storage districts.
11 Watermaster districts.
12 Wine grape pest and disease control districts.
13 Zones, improvement zones, or service zones of any public body.
14 (b) "Bonds" means all instruments evidencing an indebtedness
15 of a public body incurred or to be incurred for any public purpose,
16 all leases, installment purchase agreements, or similar agreements
17 wherein the obligor is one or more public bodies, all instruments
18 evidencing the borrowing of money in anticipation of taxes,
19 revenues, or other income of that body, all instruments payable
20 from revenues or special funds of those public bodies, all
21 certificates of participation evidencing interests in the leases,
22 installment purchase agreements, or similar agreements, and all
23 instruments funding, refunding, replacing, or amending any thereof
24 or any indebtedness.
25 (c) "Hereafter" means any time subsequent to the effective date
26 of this act.
27 (d) "Heretofore" means any time prior to the effective date of
28 this act.
29 (e) "Now" means the effective date of this act.
30 SEC. 3. All public bodies heretofore organized or existing
31 under, or under color of any law, are hereby declared to have been
32 legally organized and to be legally functioning as those public
33 bodies. Every public body, heretofore described, shall have all the
34 rights, powers, and privileges, and be subject to all the duties and
35 obligations, of those public bodies regularly formed pursuant to
36 law.
37 SEC. 4. The boundaries of every public body as heretofore
38 established, defined, or recorded, or as heretofore actually shown
39 on maps or plats used by the assessor, are hereby confirmed,
40 validated, and declared legally established.

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

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

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

body the question of issuing bonds for any public purpose, those bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with that authorization, shall be the legal, valid, and binding obligations of the public body.

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

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

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

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

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

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

1 SEC. 9. Nothing contained in this act shall be construed to
2 render the creation of any public body, or any change in the
3 boundaries of any public body, effective for purposes of assessment
4 or taxation unless the statement, together with the map or plat,
5 required to be filed pursuant to Chapter 8 (commencing with
6 Section 54900) of Part 1 of Division 2 of Title 5 of the Government
7 Code, is filed within the time and substantially in the manner
8 required by those sections.

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

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