

AMENDED IN ASSEMBLY MAY 16, 2011

AMENDED IN ASSEMBLY MAY 2, 2011

SENATE BILL

No. 191

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 amended, 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:

1 (a) “Public body” means the following:

2 (1) The state and all departments, agencies, boards,
3 commissions, and authorities of the state. Except as provided in
4 paragraph (2), “public body” also means all counties, cities and
5 counties, cities, districts, authorities, agencies, boards,
6 commissions, and other entities, whether created by a general
7 statute or a special act, including, but not limited to, the following:
8 Agencies, boards, commissions, or entities constituted or
9 provided for under or pursuant to the Joint Exercise of Powers Act
10 (Chapter 5 (commencing with Section 6500) of Division 7 of Title
11 1 of the Government Code).

12 Air pollution control districts of any kind.

13 Air quality management districts.

14 Airport districts.

15 Assessment districts, benefit assessment districts, and special
16 assessment districts of any public body.

17 Bridge and highway districts.

18 California water districts.

19 Citrus pest control districts.

20 City maintenance districts.

21 Community college districts.

22 Community development commissions in their capacity to act
23 as a housing authority for other community development purposes
24 of the jurisdiction in which the commission operates, except for
25 any action taken with respect to the commission’s authority to act
26 as a community redevelopment agency.

27 Community facilities districts.

28 Community rehabilitation districts.

29 Community services districts.

30 Conservancy districts.

31 Cotton pest abatement districts.

32 County boards of education.

33 County drainage districts.

34 County flood control and water districts.

35 County free library systems.

36 County maintenance districts.

37 County sanitation districts.

38 County service areas.

39 County transportation commissions.

40 County water agencies.

- 1 County water authorities.
- 2 County water districts.
- 3 County waterworks districts.
- 4 Department of Water Resources and other agencies acting
- 5 pursuant to Part 3 (commencing with Section 11100) of Division
- 6 of the Water Code.
- 7 Distribution districts of any public body.
- 8 Drainage districts.
- 9 Fire protection districts.
- 10 Flood control and water conservation districts.
- 11 Flood control districts.
- 12 Garbage and refuse disposal districts.
- 13 Garbage disposal districts.
- 14 Geologic hazard abatement districts.
- 15 Harbor districts.
- 16 Harbor improvement districts.
- 17 Harbor, recreation, and conservation districts.
- 18 Health care authorities.
- 19 Highway districts.
- 20 Highway interchange districts.
- 21 Highway lighting districts.
- 22 Housing authorities.
- 23 Improvement districts or improvement areas of any public body.
- 24 Industrial development authorities.
- 25 Infrastructure financing districts.
- 26 Integrated financing districts.
- 27 Irrigation districts.
- 28 Joint highway districts.
- 29 Levee districts.
- 30 Library districts.
- 31 Library districts in unincorporated towns and villages.
- 32 Local agency formation commissions.
- 33 Local health care districts.
- 34 Local health districts.
- 35 Local hospital districts.
- 36 Local transportation authorities or commissions.
- 37 Maintenance districts.
- 38 Memorial districts.
- 39 Metropolitan transportation commissions.
- 40 Metropolitan water districts.

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

1 Stone and pome fruit pest control districts.
2 Storm drain maintenance districts.
3 Storm drainage districts.
4 Storm drainage maintenance districts.
5 Storm water districts.
6 Toll tunnel authorities.
7 Traffic authorities.
8 Transit development boards.
9 Transit districts.
10 Unified and union school districts' public libraries.
11 Vehicle parking districts.
12 Water agencies.
13 Water authorities.
14 Water conservation districts.
15 Water districts.
16 Water replenishment districts.
17 Water storage districts.
18 Watermaster districts.
19 Wine grape pest and disease control districts.
20 Zones, improvement zones, or service zones of any public body.
21 (2) Notwithstanding paragraph (1), a "public body" does not
22 include any of the following:
23 (A) A community redevelopment agency formed pursuant to
24 the Community Redevelopment Law (Part 1 (commencing with
25 Section 33000) of Division 24 of the Health and Safety Code).
26 (B) A community development commission, with respect to its
27 exercise of the powers of a community redevelopment agency.
28 (C) A joint powers authority that includes a community
29 redevelopment agency or a community development commission
30 as a member, with respect to its exercise of the powers of a
31 community redevelopment agency.
32 (b) "Bonds" means all instruments evidencing an indebtedness
33 of a public body incurred or to be incurred for any public purpose,
34 all leases, installment purchase agreements, or similar agreements
35 wherein the obligor is one or more public bodies, all instruments
36 evidencing the borrowing of money in anticipation of taxes,
37 revenues, or other income of that body, all instruments payable
38 from revenues or special funds of those public bodies, all
39 certificates of participation evidencing interests in the leases,
40 installment purchase agreements, or similar agreements, and all

1 instruments funding, refunding, replacing, or amending any thereof
2 or any indebtedness.

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

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

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

8 SEC. 3. All public bodies heretofore organized or existing
9 under, or under color of any law, are hereby declared to have been
10 legally organized and to be legally functioning as those public
11 bodies. Every public body, heretofore described, shall have all the
12 rights, powers, and privileges, and be subject to all the duties and
13 obligations, of those public bodies regularly formed pursuant to
14 law.

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

19 SEC. 5. All acts and proceedings heretofore taken by any public
20 body or bodies under any law, or under color of any law, for the
21 annexation or inclusion of territory into those public bodies or for
22 the annexation of those public bodies to any other public body or
23 for the detachment, withdrawal, or exclusion of territory from any
24 public body or for the consolidation, merger, or dissolution of any
25 public bodies are hereby confirmed, validated, and declared legally
26 effective. This shall include all acts and proceedings of the
27 governing board of any public body and of any person, public
28 officer, board, or agency heretofore done or taken upon the question
29 of the annexation or inclusion or of the withdrawal or exclusion
30 of territory or the consolidation, merger, or dissolution of those
31 public bodies.

32 SEC. 6. (a) All acts and proceedings heretofore taken by or
33 on behalf of any public body under any law, or under color of any
34 law, for, or in connection with, the authorization, issuance, sale,
35 execution, delivery, or exchange of bonds of any public body for
36 any public purpose are hereby authorized, confirmed, validated,
37 and declared legally effective. This shall include all acts and
38 proceedings of the governing board of public bodies and of any
39 person, public officer, board, or agency heretofore done or taken

1 upon the question of the authorization, issuance, sale, execution,
2 delivery, or exchange of bonds.

3 (b) All bonds of, or relating to, any public body heretofore issued
4 shall be, in the form and manner issued and delivered, the legal,
5 valid, and binding obligations of the public body. All bonds of, or
6 relating to, any public body heretofore awarded and sold to a
7 purchaser and hereafter issued and delivered in accordance with
8 the contract of sale and other proceedings for the award and sale
9 shall be the legal, valid, and binding obligations of the public body.
10 All bonds of, or relating to, any public body heretofore authorized
11 to be issued by ordinance, resolution, order, or other action adopted
12 or taken by or on behalf of the public body and hereafter issued
13 and delivered in accordance with that authorization shall be the
14 legal, valid, and binding obligations of the public body. All bonds
15 of, or relating to, any public body heretofore authorized to be issued
16 at an election and hereafter issued and delivered in accordance
17 with that authorization shall be the legal, valid, and binding
18 obligations of the public body. Whenever an election has heretofore
19 been called for the purpose of submitting to the voters of any public
20 body the question of issuing bonds for any public purpose, those
21 bonds, if hereafter authorized by the required vote and in
22 accordance with the proceedings heretofore taken, and issued and
23 delivered in accordance with that authorization, shall be the legal,
24 valid, and binding obligations of the public body.

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

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

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

38 (d) This act shall not operate to authorize, confirm, validate, or
39 legalize any act, proceeding, or other matter that has heretofore

1 been determined in any legal proceeding to be illegal, void, or
2 ineffective.

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

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

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

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

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