

AMENDED IN ASSEMBLY APRIL 9, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 690**

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**Introduced by Assembly Member Campos**

February 21, 2013

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An act to amend Sections 53395, 53395.1, 53395.3, 53395.4, ~~53395.5, 53395.10, 53395.13, 53395.14, 53395.19, 53395.23, and 53395.24~~ *of and 53395.20 of, to add Sections 53395.3.6, 53395.3.7, 53395.3.8, 53395.3.9, 53395.3.10, 53395.3.11, and 53395.3.12 to, and to repeal Sections 53395.5, 53395.23, and 53395.24 of*, the Government Code, and to amend Section 33459 of the Health and Safety Code, relating to jobs and infrastructure financing districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 690, as amended, Campos. Jobs and infrastructure financing districts: voter approval.

Existing law authorizes a legislative body, as defined, to create an infrastructure financing district, adopt an infrastructure financing plan, and issue bonds, for which only the district is liable, to finance specified public facilities, upon approval by  $\frac{2}{3}$  of the voters. Existing law authorizes an infrastructure financing district to fund infrastructure projects through tax increment financing, pursuant to the infrastructure financing plan and agreement of affected taxing entities, as defined.

Existing law, the Polanco Redevelopment Act, authorizes a redevelopment agency to take any action that the agency determines is necessary and consistent with state and federal laws to remedy or remove a release of hazardous substances on, under, or from property within a project area, whether the agency owns that property or not, subject to specified conditions.

This bill would revise and recast the provisions governing infrastructure financing districts and instead provide for the creation of jobs and infrastructure financing districts (JIDs) ~~with 55%~~ *without* voter approval, *and would make various conforming changes*. The bill would authorize a public financing authority to enter into joint powers agreements with affected taxing entities with regard to nontaxing authority or powers only. The bill would authorize a district to implement hazardous cleanup pursuant to the Polanco Redevelopment Act, as specified.

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

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

1 SECTION 1. It is the intent of the Legislature to do all of the  
2 following:

3 (a) Establish a program that will enable local cities and counties  
4 to form tax exempt financing authorities known as Job and  
5 Infrastructure Districts (JIDs).

6 (b) To authorize JIDs to prepare comprehensive job creation  
7 plans (JCP), the objective of which shall be to identify the targeted  
8 industries that would be provided assistance in the form of property  
9 tax increment financing to locate or expand within the JID.

10 SEC. 2. Section 53395 of the Government Code is amended  
11 to read:

12 53395. The Legislature finds and declares all of the following:

13 (a) The state and federal governments have withdrawn in whole  
14 or in part from their former role in financing major, regional, or  
15 communitywide infrastructure, including highways and  
16 interchanges, sewage treatment and water reclamation works, water  
17 supply and treatment works, flood control and drainage works,  
18 schools, libraries, parks, parking facilities, open space, and seismic  
19 retrofit and rehabilitation of public facilities.

20 (b) The methods available to local agencies to finance public  
21 works often place an undue and unfair burden on buyers of new  
22 homes, especially for public works that benefit the broader  
23 community.

24 (c) The absence of practical and equitable methods for financing  
25 both regional and local public works leads to a declining standard  
26 of public works, a reduced quality of life and decreased safety for

1 affected citizens, increased objection to otherwise desirable  
2 development, and excessive costs for homebuyers.

3 (d) It is equitable and in the public interest to provide alternative  
4 procedures for financing public works and services needed to meet  
5 the needs of new housing and other development projects.

6 (e) Approximately 85 percent of the state’s general fund budget  
7 is generated by income tax and sales tax, which are derived from,  
8 or are directly linked to, employment. Therefore, the state’s  
9 structural budget deficit will not be resolved unless private sector  
10 investment is encouraged.

11 (f) Tax increment financing is recognized as a compelling and  
12 flexible financing tool for inducing private sector investment that  
13 creates jobs and tax revenue for the state and for local communities.

14 (g) Local prevailing wage job creating projects that use tax  
15 increment financing based on property tax have the potential to  
16 return new income tax and sales tax revenue to the state on an  
17 annual basis that would exceed ~~to~~ the incremental property tax  
18 invested in ~~the~~ these projects. *Increased tax revenues provide a*  
19 *link between job creation and a balanced state budget, thus*  
20 *enabling the state to meet its financial commitments to education*  
21 *and long-term stable economic development.*

22 SEC. 3. Section 53395.1 of the Government Code is amended  
23 to read:

24 53395.1. Unless the context otherwise requires, the definitions  
25 contained in this article shall govern the construction of this  
26 chapter.

27 (a) “Affected taxing entity” means any governmental taxing  
28 agency that levied or had levied on its behalf a property tax on all  
29 or a portion of the property located in the proposed district in the  
30 fiscal year prior to the designation of the district, but not including  
31 any county office of education, school district, or community  
32 college district.

33 (b) “City” means a city, a county, ~~or~~ a city and county, *or a*  
34 *joint powers authority that is acting as the military base reuse*  
35 *authority established pursuant to Title 7.86 (commencing with*  
36 *Section 67800).*

37 (c) “Debt” means any binding obligation to repay a sum of  
38 money, including obligations in the form of bonds, certificates of  
39 participation, long-term leases, loans from government agencies,

1 or loans from banks, other financial institutions, private businesses,  
2 or individuals.

3 (d) “Designated official” means the city engineer or other  
4 appropriate official designated pursuant to Section 53395.13.

5 (e) (1) “District” means a job and infrastructure financing  
6 district.

7 (2) A jobs and infrastructure financing district is a “district”  
8 within the meaning of Section 1 of Article XIII A of the California  
9 Constitution.

10 (f) “Jobs and infrastructure financing district” means a legally  
11 constituted governmental entity established pursuant to this chapter  
12 for the sole purpose of financing public facilities, *and real and*  
13 *tangible commercial property improvements.*

14 (g) “Landowner” or “owner of land” means any person shown  
15 as the owner of land on the last equalized assessment roll or  
16 otherwise known to be the owner of the land by the legislative  
17 body. The legislative body has no obligation to obtain other  
18 information as to the ownership of land, and its determination of  
19 ownership shall be final and conclusive for the purposes of this  
20 chapter. A public agency is not a landowner or owner of land for  
21 purposes of this chapter, unless the public agency owns all of the  
22 land to be included within the proposed district.

23 (h) “Legislative body” means the city council or board of  
24 supervisors.

25 SEC. 4. Section 53395.3 of the Government Code is amended  
26 to read:

27 53395.3. (a) A district may finance (1) the purchase,  
28 construction, expansion, improvement, seismic retrofit, or  
29 rehabilitation of any real or other tangible property with an  
30 estimated useful life of 15 years or longer that satisfies the  
31 requirements of subdivision (b), (2) may finance planning and  
32 design work that is directly related to the purchase, construction,  
33 expansion, or rehabilitation of that property, and (3) the costs  
34 described in Sections 53395.5 and 53396.5. A district may only  
35 finance the purchase of facilities for which construction has been  
36 completed, as determined by the legislative body. The facilities  
37 need not be physically located within the boundaries of the district.  
38 A district shall not finance routine maintenance, repair work, or  
39 the costs of ongoing operation or providing services of any kind.

- 1 (b) The district shall finance only public capital facilities of  
2 communitywide significance, which provide significant benefits  
3 to an area larger than the area of the district, including, but not  
4 limited to, all of the following:
- 5 (1) Highways, interchanges, ramps and bridges, arterial streets,  
6 parking facilities, and transit facilities.
  - 7 (2) Sewage treatment and water reclamation plants and  
8 interceptor pipes.
  - 9 (3) Facilities for the collection and treatment of water for urban  
10 uses.
  - 11 (4) Flood control levees and dams, retention basins, and drainage  
12 channels.
  - 13 (5) Child care facilities.
  - 14 (6) Libraries.
  - 15 (7) Parks, recreational facilities, and open space.
  - 16 (8) Facilities for the transfer and disposal of solid waste,  
17 including transfer stations and vehicles.
  - 18 (9) *Remediation of hazardous materials in, on, under, or around*  
19 *any real or tangible property.*
  - 20 (10) *Seismic and life-safety improvements to existing buildings.*
  - 21 (11) *Rehabilitation, restoration, and preservation of structures,*  
22 *buildings, or other facilities having special historical, architectural,*  
23 *or aesthetic interest or value and that are listed on the National*  
24 *Register of Historic Places, are eligible for listing on the National*  
25 *Register of Historic Places individually or because of their location*  
26 *within an eligible registered historic district, or are listed on a*  
27 *state or local register of historic landmarks.*
  - 28 (12) *Structural repairs and improvements to piers, seawalls,*  
29 *and wharves.*
  - 30 (13) *Removal of bay fill.*
  - 31 (14) *Stormwater management facilities, other utility*  
32 *infrastructure, or public open-space improvements.*
  - 33 (15) *Shoreline restoration.*
  - 34 (16) *Other repairs and improvements to maritime,*  
35 *transportation, utility or other infrastructure facilities.*
  - 36 (17) *Planning and design work that is directly related to any*  
37 *public facilities authorized to be financed by a district.*
  - 38 (18) *The repayment of the transfer of funds to a military base*  
39 *reuse authority pursuant to Section 67851.*

1 (c) The district may finance the costs of real and tangible  
2 commercial property improvements, including the costs of  
3 acquisition, installation, construction, inducements to private  
4 parties, and costs of planning and design thereof, as well as the  
5 costs of educational or job training programs created, established,  
6 or continued in association therewith, in accordance with the  
7 procedures contained in Sections 53395.13 and 53395.14.

8 (e)

9 (d) The district shall be a local agency within the meaning of  
10 subdivision (d) of Section 33459 of the Health and Safety Code  
11 and may finance any actions necessary to implement the Polanco  
12 Redevelopment Act (Article 12.5 (commencing with Section  
13 33459) of Chapter 4 of Part 1 of Division 24 of the Health and  
14 Safety Code).

15 ~~(d) Any district that constructs dwelling units shall set aside not~~  
16 ~~less than 20 percent of those units to increase and improve the~~  
17 ~~community's supply of low- and moderate-income housing~~  
18 ~~available at an affordable housing cost, as defined by Section~~  
19 ~~50052.5 of the Health and Safety Code, to persons and families of~~  
20 ~~low- and moderate-income, as defined in Section 50093 of the~~  
21 ~~Health and Safety Code.~~

22 (e) The district may engage in activities in which property tax  
23 increment is assumed, used, transferred, or otherwise encumbered  
24 by the district for activities authorized in this section and during  
25 the life of the district, as determined by paragraph (4) of  
26 subdivision (d) of Section 53395.14, until the unemployment rate  
27 of the district falls below the threshold stated in subdivision (c) of  
28 Section 53395.10.

29 SEC. 5. Section 53395.3.6 is added to the Government Code,  
30 to read:

31 53395.3.6. (a) There is in each city a public, corporate  
32 instrumentality of the State of California, known as the jobs and  
33 infrastructure financing district of the city. Each city is authorized  
34 to utilize that district in the issuance of revenue bonds in the  
35 accomplishment of the public purposes as provided in Section  
36 53395.3. The purposes provided in Section 53395.3 shall be  
37 deemed to constitute public purposes of the city, and the exercise  
38 by each district of the powers conferred by this title, including the  
39 power to issue revenue bonds, shall be deemed to be the  
40 performance of an essential governmental function of the city.

1 *However, that exercise of the powers conferred by this title in the*  
2 *achievement of the purposes provided in Section 53395.3 shall be*  
3 *subject to the provisions of, and exclusively as provided in, this*  
4 *article.*

5 *(b) A district shall not transact any business or exercise any*  
6 *powers under this article unless, by ordinance, the city council*  
7 *declares that there is a need for the district and that the district*  
8 *shall function. The ordinance shall be subject to referendum in*  
9 *the manner prescribed by law for ordinances of the city.*

10 *(c) A district shall conclusively be deemed to have been*  
11 *established and authorized to transact business and exercise its*  
12 *powers upon proof of the adoption of the ordinance.*

13 *(d) Notwithstanding any other provision of this article, a city*  
14 *shall have the power to transact any business or exercise any*  
15 *powers of a district conferred by this title without having to*  
16 *establish a district. However, a city, at its option may, establish a*  
17 *district pursuant to this article to exercise any powers conferred*  
18 *by this article. In the event that a city acts as a jobs and*  
19 *infrastructure financing district, any reference to district and board*  
20 *contained in this title shall mean city and city council, respectively.*

21 *SEC. 6. Section 53395.3.7 is added to the Government Code,*  
22 *to read:*

23 *53395.3.7. The sole purpose of a district is to undertake*  
24 *projects through the issuance of revenue bonds in accomplishment*  
25 *of the purposes provided in Section 53395.3, to carry out and*  
26 *complete those projects, and to perform and exercise derivative*  
27 *obligations and powers.*

28 *SEC. 7. Section 53395.3.8 is added to the Government Code,*  
29 *to read:*

30 *53395.3.8. (a) All powers vested in districts shall be*  
31 *exercisable as their respective boards shall provide, solely to*  
32 *accomplish the purposes of districts.*

33 *(b) The board shall consist of all of the members of the city*  
34 *council.*

35 *(c) The directors shall serve without compensation, except that*  
36 *they may be reimbursed for their actual and necessary expenses*  
37 *incurred in the performance of their duties, or may receive a*  
38 *reasonable per diem payment and mileage charge as*  
39 *reimbursement for living and traveling expenses incurred in the*  
40 *performance of duties away from the principal office. In addition,*

1 *they also may receive a reasonable mileage charge as*  
2 *reimbursement for traveling expenses to and from the principal*  
3 *office of the authority, or the place of meeting, if other than at the*  
4 *principal office.*

5 *SEC. 8. Section 53395.3.9 is added to the Government Code,*  
6 *to read:*

7 *53395.3.9. (a) The principal office of a district shall be located*  
8 *at the principal office of the city.*

9 *(b) Each district board shall have a chairperson, who shall be*  
10 *elected by the members of the board from among its membership.*

11 *(c) Public officers of a district consist of the chairperson and*  
12 *members of the board, a secretary, a treasurer, and those assistants*  
13 *for the secretary and the treasurer as the board may appoint. The*  
14 *corresponding officers of the city may, by designation by resolution*  
15 *of the board, be the secretary, the treasurer, and the assistants of*  
16 *the district. The secretary, the treasurer, and the assistants may*  
17 *be compensated.*

18 *(d) A district shall file with the clerk of the city a certificate of*  
19 *a majority of the authorized number of directors as to the secretary*  
20 *and any assistant secretaries of the district, and the certificate,*  
21 *until superseded by a later certificate, shall be conclusive with*  
22 *respect to the district of which the person is the secretary or*  
23 *assistant secretary, as the case may be, of the district.*

24 *(e) A certificate of the clerk of the city as to the secretary or*  
25 *assistant secretary of the district, and of the secretary or assistant*  
26 *secretary so certified as to the incumbents of any offices, shall be*  
27 *conclusive with respect to the city and the district that those*  
28 *persons are the incumbents of those offices in any transactions of*  
29 *the district authorized by this title.*

30 *SEC. 9. Section 53395.3.10 is added to the Government Code,*  
31 *to read:*

32 *53395.3.10. (a) A district may appoint any employees and*  
33 *agents, including, without limitation, financial advisers or*  
34 *consultants, accountants, architects, engineers, or other experts*  
35 *or advisers as it requires, and may determine their qualifications,*  
36 *duties, terms of employment or engagement, and compensation.*  
37 *Officers, agents, or employees of a city may also be agents or*  
38 *employees of a district. Officers, agents, or employees of a district*  
39 *shall not, by reason thereof, be deemed to be officers, agents, or*



1 *employees of a city. A district shall adopt personnel rules and*  
2 *regulations applicable to its employees.*

3 *(b) A district may contract for legal counsel as in its judgment*  
4 *is necessary or advisable to enable it to carry out its purposes,*  
5 *including bond counsel as it deems advisable in connection with*  
6 *any proceedings.*

7 *(c) An attorney or firm of attorneys employed as counsel by a*  
8 *company may not serve at the same time as legal counsel, including*  
9 *bond counsel, and a person or firm employed as financial adviser*  
10 *by a company may not serve at the same time as financial adviser,*  
11 *to the district in connection with any project or proposed project*  
12 *for the company.*

13 *SEC. 10. Section 53395.3.11 is added to the Government Code,*  
14 *to read:*

15 *53395.3.11. A member of the board or other officer of a district*  
16 *or a member of the city council who has any financial interest,*  
17 *other than an interest as defined by Section 1091 or 1091.5, in any*  
18 *project, project agreement, indenture, bonds, or the sale thereof,*  
19 *shall fully disclose the nature of the interest to the board, or city*  
20 *council, and shall not cast a vote upon any matter concerning that*  
21 *project, project agreement, indenture, bonds, or the sale thereof,*  
22 *in any manner whatsoever, except that the presence of the member*  
23 *may be considered in determining the existence of a quorum.*

24 *SEC. 11. Section 53395.3.12 is added to the Government Code,*  
25 *to read:*

26 *53395.3.12. A district may do all of the following:*

27 *(a) Sue and be sued in its own name.*

28 *(b) Have an official seal.*

29 *(c) Have perpetual succession.*

30 *(d) Make and execute contracts and other instruments and*  
31 *documents.*

32 *(e) Make, amend, and repeal bylaws governing procedures and*  
33 *meetings of the board and the duties of its officers, and make,*  
34 *amend, and repeal rules, regulations, and policies governing the*  
35 *transaction of its business and the exercise of its powers.*

36 *(f) Use premises of, subject to the regulation thereof by, the*  
37 *city.*

38 *(g) Administer its funds and deposit, invest, and reinvest funds*  
39 *in the types of securities or obligations permitted by the city in*  
40 *accordance with law.*

1     (h) Use discretion in the undertaking of projects, including the  
2     establishment of reasonable priorities and criteria among the types  
3     and locations of projects and regarding companies.

4     ~~SEC. 5.~~

5     ~~SEC. 12.~~ Section 53395.4 of the Government Code is amended  
6     to read:

7     ~~53395.4. (a) A district may finance only the facilities or~~  
8     ~~services authorized in this chapter to the extent that the facilities~~  
9     ~~or services are in addition to those provided in the territory of the~~  
10    ~~district before the district was created. The additional facilities or~~  
11    ~~services may not supplant facilities or services already available~~  
12    ~~within that territory when the district was created but may~~  
13    ~~supplement those facilities and services as needed to serve new~~  
14    ~~developments.~~

15    ~~(b)~~

16    ~~(a) A district may include areas that are not contiguous.~~

17    ~~SEC. 6.~~ Section 53395.5 of the Government Code is amended  
18    to read:

19    ~~53395.5. It is the intent of the Legislature that the establishment~~  
20    ~~of a district should not ordinarily lead to the removal of existing~~  
21    ~~dwelling units. If, however, any dwelling units are proposed to be~~  
22    ~~removed or destroyed in the course of private development or~~  
23    ~~public works construction within the area of the district, the~~  
24    ~~legislative body shall do all of the following:~~

25    ~~(a) Within four years of the removal or destruction, cause or~~  
26    ~~require the construction or rehabilitation, for rental or sale to~~  
27    ~~persons or families of low or moderate income, of an equal number~~  
28    ~~of replacement dwelling units at affordable housing cost, as defined~~  
29    ~~in Section 50052.5 of the Health and Safety Code, within the~~  
30    ~~territory of the district if the dwelling units removed were inhabited~~  
31    ~~by persons or families of low or moderate income, as defined in~~  
32    ~~Section 50093 of the Health and Safety Code.~~

33    ~~(b) Within four years of the removal or destruction, cause or~~  
34    ~~require the construction or rehabilitation, for rental or sale to~~  
35    ~~persons of low or moderate income, a number of dwelling units~~  
36    ~~which is at least one unit but not less than 20 percent of the total~~  
37    ~~dwelling units removed at affordable housing cost, as defined in~~  
38    ~~Section 50052.5 of the Health and Safety Code, within the territory~~  
39    ~~of the district if the dwelling units removed or destroyed were not~~

1 inhabited by persons of low or moderate income, as defined in  
2 Section 50093 of the Health and Safety Code.

3 (e) ~~Provide relocation assistance and make all the payments~~  
4 ~~required by Chapter 16 (commencing with Section 7260) of~~  
5 ~~Division 7 of Title 1, to persons displaced by any public or private~~  
6 ~~development occurring within the territory of the district. This~~  
7 ~~displacement shall be deemed to be the result of public action.~~

8 (d) ~~Ensure that removal or destruction of any dwelling units~~  
9 ~~occupied by persons or families of low or moderate income not~~  
10 ~~take place unless and until there are suitable housing units, at~~  
11 ~~comparable cost to the units from which the persons or families~~  
12 ~~were displaced, available and ready for occupancy by the residents~~  
13 ~~of the units at the time of their displacement. The housing units~~  
14 ~~shall be suitable to the needs of these displaced persons or families~~  
15 ~~and shall be decent, safe, sanitary, and otherwise standard~~  
16 ~~dwellings.~~

17 *SEC. 13. Section 53395.5 of the Government Code is repealed.*

18 ~~53395.5. It is the intent of the Legislature that the area of the~~  
19 ~~districts created be substantially undeveloped, and the~~  
20 ~~establishment of a district should not ordinarily lead to the removal~~  
21 ~~of existing dwelling units. If, however, any dwelling units are~~  
22 ~~proposed to be removed or destroyed in the course of private~~  
23 ~~development or public works construction within the area of the~~  
24 ~~district, the legislative body shall do all of the following:~~

25 (a) ~~Within four years of the removal or destruction, cause or~~  
26 ~~require the construction or rehabilitation, for rental or sale to~~  
27 ~~persons or families of low or moderate income, of an equal number~~  
28 ~~of replacement dwelling units at affordable housing cost, as defined~~  
29 ~~in Section 50052.5 of the Health and Safety Code, within the~~  
30 ~~territory of the district if the dwelling units removed were inhabited~~  
31 ~~by persons or families of low or moderate income, as defined in~~  
32 ~~Section 50093 of the Health and Safety Code.~~

33 (b) ~~Within four years of the removal or destruction, cause or~~  
34 ~~require the construction or rehabilitation, for rental or sale to~~  
35 ~~persons of low or moderate income, a number of dwelling units~~  
36 ~~which is at least one unit but not less than 20 percent of the total~~  
37 ~~dwelling units removed at affordable housing cost, as defined in~~  
38 ~~Section 50052.5 of the Health and Safety Code, within the territory~~  
39 ~~of the district if the dwelling units removed or destroyed were not~~

1 ~~inhabited by persons of low or moderate income, as defined in~~  
2 ~~Section 50093 of the Health and Safety Code.~~

3 ~~(e) Provide relocation assistance and make all the payments~~  
4 ~~required by Chapter 16 (commencing with Section 7260) of~~  
5 ~~Division 7 of Title 1, to persons displaced by any public or private~~  
6 ~~development occurring within the territory of the district. This~~  
7 ~~displacement shall be deemed to be the result of public action.~~

8 ~~(d) Ensure that removal or destruction of any dwelling units~~  
9 ~~occupied by persons or families of low or moderate income not~~  
10 ~~take place unless and until there are suitable housing units, at~~  
11 ~~comparable cost to the units from which the persons or families~~  
12 ~~were displaced, available and ready for occupancy by the residents~~  
13 ~~of the units at the time of their displacement. The housing units~~  
14 ~~shall be suitable to the needs of these displaced persons or families~~  
15 ~~and shall be decent, safe, sanitary, and otherwise standard~~  
16 ~~dwelling.~~

17 ~~SEC. 7.~~

18 ~~SEC. 14.~~ Section 53395.10 of the Government Code is amended  
19 to read:

20 53395.10. A legislative body of a city may designate one or  
21 more proposed job and infrastructure financing districts pursuant  
22 to this chapter ~~in an area of high unemployment~~ *a United States*  
23 *Census-defined area with high unemployment in excess of 7*  
24 *percent, as determined by the most recent data available from the*  
25 *American Community Survey (ACS) of the federal Bureau of Labor*  
26 *Statistics (BLS) of the United States Department of Labor at the*  
27 *time the district is formed. The United States Census-defined area*  
28 *is comprised of census tracts that may define conterminous areas*  
29 *within a city, or conterminous areas that reside in more than one*  
30 *city. Proceedings for the establishment of a district shall be*  
31 *instituted by the adoption of a resolution of intention to establish*  
32 *the proposed district and shall do all of the following:*

33 (a) State that a job and infrastructure financing district is  
34 proposed to be established under the terms of this chapter and  
35 describe the boundaries of the proposed district, which may be  
36 accomplished by reference to a map on file in the office of the  
37 clerk of the city.

38 (b) State the type of public facilities and development proposed  
39 to be financed or assisted by the district in accordance with Section  
40 53395.3.

1 (c) State the need for the district based upon the ~~area~~*most recent*  
2 *month's* unemployment rate *as published by the Employment*  
3 *Development Department* and the goals the district proposes to  
4 achieve. *These goals shall include, but are not limited to, reduction*  
5 *of the district unemployment rate to the national average, as*  
6 *determined by the latest information from the United States Bureau*  
7 *of Labor Statistics, or 5 percent, whichever is lower.*

8 (d) State that incremental property tax revenue from the city  
9 and some or all affected taxing entities within the district may be  
10 used to implement the job creation plan adopted pursuant to Section  
11 53395.14.

12 (e) Fix a time and place for a public hearing on the proposal.

13 ~~SEC. 8.~~

14 *SEC. 15.* Section 53395.13 of the Government Code is amended  
15 to read:

16 53395.13. After adopting the resolution pursuant to Section  
17 53395.10, the legislative body shall designate and direct the  
18 appropriate official to prepare a job creation plan (JCP) pursuant  
19 to Section 53395.14.

20 ~~SEC. 9.~~

21 *SEC. 16.* Section 53395.14 of the Government Code is amended  
22 to read:

23 53395.14. After receipt of a copy of the resolution of intention  
24 to establish a district, the official designated pursuant to Section  
25 53395.13 shall prepare a proposed JCP. The JCP shall be consistent  
26 with the general plan of the city within which the district is located  
27 and shall include all of the following:

28 (a) A map and legal description of the proposed district, which  
29 may include all or a portion of the district designated by the  
30 legislative body in its resolution of intention.

31 (b) A description of the public facilities required to serve the  
32 development proposed in the area of the district including those  
33 to be provided by the private sector, those to be provided by  
34 governmental entities without assistance under this chapter, those  
35 public improvements and facilities to be financed with assistance  
36 from the proposed district, and those to be provided jointly. The  
37 description shall include the proposed location, timing, and costs  
38 of the public improvements and facilities.

1 (c) A finding that the public facilities are of communitywide  
2 significance and provide significant benefits to an area larger than  
3 the area of the district.

4 (d) A financing section, which shall contain all of the following  
5 information:

6 (1) A specification of the maximum portion of the incremental  
7 tax revenue of the city and of each affected taxing entity proposed  
8 to be committed to the district for each year during which the  
9 district will receive incremental tax revenue. The portion need not  
10 be the same for all affected taxing entities. The portion may change  
11 over time.

12 (2) A projection of the amount of tax revenues expected to be  
13 received by the district in each year during which the district will  
14 receive tax revenues, including an estimate of the amount of tax  
15 revenues attributable to each affected taxing entity for each year.

16 (3) A plan for financing the public facilities to be assisted by  
17 the district, including a detailed description of any intention to  
18 incur debt.

19 ~~(4) A limit on the total number of dollars of taxes that may be  
20 allocated to the district pursuant to the JCP.~~

21 ~~(5)~~

22 (4) A date on which the district will cease to exist, by which  
23 time all tax allocation to the district will end. The date shall not  
24 be more than ~~30~~ 45 years from the date on which the ordinance  
25 forming the district is adopted pursuant to Section 53395.23.

26 ~~(6)~~

27 (5) An analysis of the costs to the city of providing facilities  
28 and services to the area of the district while the area is being  
29 developed and after the area is developed. The JCP shall also  
30 include an analysis of the tax, fee, charge, and other revenues  
31 expected to be received by the city as a result of expected  
32 development in the area of the district.

33 ~~(7)~~

34 (6) An analysis of the projected fiscal impact of the district and  
35 the associated development upon each affected taxing entity.

36 ~~(8) A plan for financing any potential costs that may be incurred  
37 by reimbursing a developer of a project that is both located entirely  
38 within the boundaries of that district and qualifies for the Transit  
39 Priority Project Program, pursuant to Section 65470, including  
40 any permit and affordable housing expenses related to the project.~~

1 ~~(e) If any dwelling units occupied by persons or families of low~~  
2 ~~or moderate income are proposed to be removed or destroyed in~~  
3 ~~the course of private development or public works construction~~  
4 ~~within the area of the district, a plan providing for replacement of~~  
5 ~~those units and relocation of those persons or families consistent~~  
6 ~~with the requirements of Section 53395.5.~~

7 ~~(f)~~

8 ~~(e) A formula that dictates that illustrates the estimated number~~  
9 ~~of jobs to be created pursuant to the JCP, with the requirement~~  
10 ~~that for every one million dollars (\$1,000,000) invested in tax~~  
11 ~~increment or companion private funds, the JID shall create 10~~  
12 ~~prevailing wage jobs full-time equivalent (FTE) jobs for qualifying~~  
13 ~~employees within two years of the start of construction, which~~  
14 ~~shall occur within six months of agreement approval. All~~  
15 ~~construction jobs generated shall be prevailing wage jobs.~~

16 ~~(g)~~

17 ~~(f) A description of any plan to encourage public-private~~  
18 ~~partnerships with employers and developers for property~~  
19 ~~acquisitions, building and tenant improvements, and equipment~~  
20 ~~purchases, and implementing and achieving the objectives stated~~  
21 ~~on the JCP.~~

22 ~~SEC. 10.~~

23 ~~SEC. 17.~~ Section 53395.19 of the Government Code is amended  
24 to read:

25 ~~53395.19. (a) The legislative body shall not enact a resolution~~  
26 ~~proposing formation of a district and providing for the division of~~  
27 ~~taxes of any affected taxing entity pursuant to Article 3~~  
28 ~~(commencing with Section 53396) unless a resolution approving~~  
29 ~~the plan has been adopted by the governing body of each affected~~  
30 ~~taxing entity which is proposed to be subject to division of taxes~~  
31 ~~pursuant to Article 3 (commencing with Section 53396) has been~~  
32 ~~filed with the legislative body at or prior to the time of the hearing.~~

33 ~~(b) Nothing in this section shall be construed to prevent the~~  
34 ~~legislative body from amending its infrastructure financing plan~~  
35 ~~and adopting a resolution proposing formation of the infrastructure~~  
36 ~~financing district without allocation of the tax revenues of any~~  
37 ~~affected taxing entity which has not approved the infrastructure~~  
38 ~~financing plan by resolution of the governing body of the affected~~  
39 ~~taxing entity.~~

40 ~~(e)~~

1 53395.19. (a) A public financing authority may enter into a  
2 joint powers agreement pursuant to Section 6500 with an affected  
3 taxing entity to carry out the purposes of this chapter with regard  
4 to nontaxing authority or powers only.

5 (b) *This section shall not be construed to prevent the legislative*  
6 *body from amending its infrastructure financing plan and adopting*  
7 *a resolution proposing formation of the infrastructure financing*  
8 *district without allocation of the tax revenues of any affected taxing*  
9 *entity that has not approved the infrastructure financing plan by*  
10 *resolution of the governing body of the affected taxing entity.*

11 SEC. 18. Section 53395.20 of the Government Code is amended  
12 to read:

13 53395.20. (a) At the conclusion of the hearing, the legislative  
14 body may adopt a resolution ~~proposing adoption of~~ *adopting* the  
15 infrastructure financing plan, as modified, and formation of the  
16 infrastructure financing district in a manner consistent with Section  
17 53395.19, or it may abandon the proceedings. ~~If the legislative~~  
18 ~~body adopts a resolution proposing formation of the district, it~~  
19 ~~shall then submit the proposal to create the district to the qualified~~  
20 ~~electors of the proposed district in the next general election or in~~  
21 ~~a special election to be held, notwithstanding any other~~  
22 ~~requirement, including any requirement that elections be held on~~  
23 ~~specified dates, contained in the Elections Code, at least 90 days,~~  
24 ~~but not more than 180 days, following the adoption of the~~  
25 ~~resolution of formation. The legislative body shall provide the~~  
26 ~~resolution of formation, a certified map of sufficient scale and~~  
27 ~~clarity to show the boundaries of the district, and a sufficient~~  
28 ~~description to allow the election official to determine the~~  
29 ~~boundaries of the district to the official conducting the election~~  
30 ~~within three business days after the adoption of the resolution of~~  
31 ~~formation. The assessor's parcel numbers for the land within the~~  
32 ~~district shall be included if it is a landowner election or the district~~  
33 ~~does not conform to an existing district's boundaries and if~~  
34 ~~requested by the official conducting the election. If the election is~~  
35 ~~to be held less than 125 days following the adoption of the~~  
36 ~~resolution of formation, the concurrence of the election official~~  
37 ~~conducting the election shall be required. However, any time limit~~  
38 ~~specified by this section or requirement pertaining to the conduct~~  
39 ~~of the election may be waived with the unanimous consent of the~~



1 qualified electors of the proposed district and the concurrence of  
2 the election official conducting the election.

3 (b) ~~If at least 12 persons have been registered to vote within the~~  
4 ~~territory of the proposed district for each of the 90 days preceding~~  
5 ~~the close of the hearing, the vote shall be by the registered voters~~  
6 ~~of the proposed district, who need not necessarily be the same~~  
7 ~~persons, with each voter having one vote. Otherwise, the vote shall~~  
8 ~~be by the landowners of the proposed district and each landowner~~  
9 ~~who is the owner of record at the close of the protest hearing, or~~  
10 ~~the authorized representative thereof, shall have one vote for each~~  
11 ~~acre or portion of an acre of land that he or she owns within the~~  
12 ~~proposed district. The number of votes to be voted by a particular~~  
13 ~~landowner shall be specified on the ballot provided to that~~  
14 ~~landowner.~~

15 (e) ~~Ballots for the special election authorized by subdivision (a)~~  
16 ~~may be distributed to qualified electors by mail with return postage~~  
17 ~~prepaid or by personal service by the election official. The official~~  
18 ~~conducting the election may certify the proper mailing of ballots~~  
19 ~~by an affidavit, which shall be exclusive proof of mailing in the~~  
20 ~~absence of fraud. The voted ballots shall be returned to the election~~  
21 ~~officer conducting the election not later than the hour specified in~~  
22 ~~the resolution calling the election. However, if all the qualified~~  
23 ~~voters have voted, the election shall be closed.~~

24 *(b) An election shall not be required to form the district.*

25 *(c) A public or private owner of land that is not within an*  
26 *existing district, but that has any boundary line contiguous to a*  
27 *boundary of the district, may petition the legislative body for*  
28 *inclusion of the land in the district without an election.*

29 ~~SEC. 11. Section 53395.23 of the Government Code is amended~~  
30 ~~to read:~~

31 ~~53395.23. After the canvass of returns of any election pursuant~~  
32 ~~to Section 53395.20, the legislative body may, by ordinance, adopt~~  
33 ~~the JCP and create the district with full force and effect of law, if~~  
34 ~~55 percent of the votes upon the question of creating the district~~  
35 ~~are in favor of creating the district.~~

36 ~~SEC. 12. Section 53395.24 of the Government Code is amended~~  
37 ~~to read:~~

38 ~~53395.24. After the canvass of returns of any election~~  
39 ~~conducted pursuant to Section 53395.20, the legislative body shall~~  
40 ~~take no further action with respect to the proposed infrastructure~~

1 financing district for one year from the date of the election if the  
 2 question of creating the district fails to receive approval by 55  
 3 percent of the votes cast upon the question.

4 *SEC. 19. Section 53395.23 of the Government Code is repealed.*

5 ~~53395.23. After the canvass of returns of any election pursuant~~  
 6 ~~to Section 53395.20, the legislative body may, by ordinance, adopt~~  
 7 ~~the infrastructure financing plan and create the district with full~~  
 8 ~~force and effect of law, if two-thirds of the votes upon the question~~  
 9 ~~of creating the district are in favor of creating the district.~~

10 *SEC. 20. Section 53395.24 of the Government Code is repealed.*

11 ~~53395.24. After the canvass of returns of any election~~  
 12 ~~conducted pursuant to Section 53395.20, the legislative body shall~~  
 13 ~~take no further action with respect to the proposed infrastructure~~  
 14 ~~financing district for one year from the date of the election if the~~  
 15 ~~question of creating the district fails to receive approval by~~  
 16 ~~two-thirds of the votes cast upon the question.~~

17 ~~SEC. 13.~~

18 *SEC. 21. Section 33459 of the Health and Safety Code is*  
 19 *amended to read:*

20 33459. For purposes of this article, the following terms shall  
 21 have the following meanings:

22 (a) “Department” means the Department of Toxic Substances  
 23 Control.

24 (b) “Director” means the Director of Toxic Substances Control.

25 (c) “Hazardous substance” means any hazardous substance as  
 26 defined in subdivision (h) of Section 25281, and any reference to  
 27 hazardous substance in the definitions referenced in this section  
 28 shall be deemed to refer to hazardous substance, as defined in this  
 29 subdivision.

30 (d) “Local agency” means a single local agency that is one of  
 31 the following:

32 (1) A local agency authorized pursuant to Section 25283 to  
 33 implement Chapter 6.7 (commencing with Section 25280) of, and  
 34 Chapter 6.75 (commencing with Section 25299.10) of, Division  
 35 20.

36 (2) A local officer who is authorized pursuant to Section 101087  
 37 to supervise a remedial action.

38 (3) A job and infrastructure district.

39 ~~(e) “Qualified independent contractor” means an independent~~  
 40 ~~contractor who is any of the following:~~

- 1     ~~(1) An engineering geologist who is certified pursuant to~~  
2     ~~Section 7842 of the Business and Professions Code.~~
- 3     ~~(2) A geologist who is registered pursuant to Section 7850 of~~  
4     ~~the Business and Professions Code.~~
- 5     ~~(3) A civil engineer who is registered pursuant to Section 6762~~  
6     ~~of the Business and Professions Code.~~
- 7     ~~(f) “Release” means any release, as defined in Section 25320.~~
- 8     ~~(g) “Remedy” or “remove” means any action to assess, evaluate,~~  
9     ~~investigate, monitor, remove, correct, clean up, or abate a release~~  
10    ~~of a hazardous substance or to develop plans for those actions.~~  
11    ~~“Remedy” includes any action set forth in Section 25322 and~~  
12    ~~“remove” includes any action set forth in Section 25323.~~
- 13    ~~(h) “Responsible party” means any person described in~~  
14    ~~subdivision (a) of Section 25323.5 of this code or subdivision (a)~~  
15    ~~of Section 13304 of the Water Code.~~

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