



**BOARD OF DIRECTORS
EAST BAY MUNICIPAL UTILITY DISTRICT**

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

Notice of Time Change

**LEGISLATIVE/HUMAN RESOURCES
COMMITTEE MEETING**

**10:00 a.m.
Tuesday, March 10, 2015**

Notice is hereby given that on Tuesday, March 10, 2015 the Legislative/Human Resources Committee Meeting of the Board of Directors has been rescheduled from 10:15 a.m. to 10:00 a.m. The meeting will be held in the Training Resource Center of the Administration Building, 375 - 11th Street, Oakland, California.

Dated: March 5, 2015

A handwritten signature in cursive script, reading 'Lynelle M. Lewis', is written over a horizontal line.

Lynelle M. Lewis
Secretary of the District



**BOARD OF DIRECTORS
EAST BAY MUNICIPAL UTILITY DISTRICT**

375 – 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

AGENDA

Legislative/Human Resources Committee

Tuesday, March 10, 2015

10:00 a.m.

Training Resource Center

(Committee Members: Directors Coleman {Chair}, McIntosh and Patterson)

*Director John A. Coleman will participate by telephone from
165 Rudgear Drive, Walnut Creek, California, 94596)*

ROLL CALL:

PUBLIC COMMENT: The Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.

DETERMINATION AND DISCUSSION:

1. Resolution Supporting A California Wild and Scenic Designation (Sykes)
2. Legislative Report (Dumaine)
 - Receive Legislative Report No. 02-15 and consider positions on the following bills: SB 181 (Committee on Governance and Finance) Validations; SB 182 (Committee on Governance and Finance) Validations; SB 183 (Committee on Governance and Finance) Validations; and AB 142 (Bigelow) Wild and Scenic Rivers: Mokelumne River;
 - Update on Legislative Issues of Interest to EBMUD

ADJOURNMENT:

Disability Notice

If you require a disability-related modification or accommodation to participate in an EBMUD public meeting please call the Office of the Secretary (510) 287-0404. We will make reasonable arrangements to ensure accessibility. Some special equipment arrangements may require 48 hours advance notice.

Document Availability

Materials related to an item on this Agenda that have been submitted to the EBMUD Board of Directors within 72 hours prior to this meeting are available for public inspection in EBMUD's Office of the Secretary at 375 11th Street, Oakland, California, during normal business hours.

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: March 5, 2015

MEMO TO: Board of Directors

THROUGH: Alexander R. Coate, General Manager *ARC*

FROM: Richard G. Sykes, Director of Water and Natural Resources *RGS*

SUBJECT: Resolution Supporting A California Wild and Scenic Designation

INTRODUCTION

There have been several attempts to establish a wild and scenic designation for the Mokelumne River. At the Board's February 10, 2015 meeting, a Board member circulated a proposed resolution for future Board consideration. Staff modified that resolution to incorporate previous Board comments and direction to express EBMUD's position on a wild and scenic designation for the Mokelumne River outside of specific legislation. A marked up version of that resolution showing the edits and a clean version are included as attachments. This item will be discussed at the March 10, 2015 Legislative/Human Resources Committee.

DISCUSSION

EBMUD seeks to both protect the Mokelumne River through a wild and scenic designation and to preserve regional decision making. EBMUD believes that the local community, including water utilities, city and county government, environmental organizations, business organizations, and others should reach an agreement regarding the desire for and extent of a wild and scenic designation. EBMUD is willing to participate in those discussions but believes the process to gain designation should be locally championed.

Significant interest in protecting the Mokelumne River under Federal Wild and Scenic River status developed in 2008 when the U.S. Bureau of Land Management published its Resource Management Plan for central Sierra counties. That proposal included designation for the Mokelumne River from below Salt Springs Reservoir to the top of Pardee Reservoir. Local discussion and interest continued for several years and in February 2014, the Calaveras County Board of Supervisors adopted a resolution supporting a California Wild and Scenic Designation that endorsed the introduction and passage of enabling legislation. Shortly thereafter, SB 1199 (Hancock) was introduced, which initiated intense discussion and debate.

The debate centered on key impacts in several areas including future local water supply, private property rights, local economy, and EBMUD water system operations. Even though SB 1199 was amended to address some of these issues (including the issues related to EBMUD water system

operations), the bill ultimately failed to advance out of the legislature. During this time, the Board was supportive of the concept of designation of the Mokelumne River from Salt Springs Dam to the upper extent of Pardee Reservoir (at 580 feet elevation above mean sea level) as a California Wild and Scenic River that was protective of the District's water rights, facilities and operations, and encouraged local stakeholders to work together on legislation for the designation. EBMUD's final position on SB 1199 was "support if amended and, if and when amended, support and amend" to encourage continued discussions between upcountry stakeholders and the legislature.

Local upcountry discussions are expected to be underway shortly in an effort to gain a better understanding of key issues and concerns and identify a path forward that can be broadly supported by stakeholders. These discussions are being facilitated by the Center for Collaborative Policy through a contract with the Sierra Nevada Conservancy and are expected to continue over the coming months with participants from the local community, including the Foothill Conservancy, local government, and the water districts.

NEXT STEPS

This item is scheduled for Board consideration at the March 10, 2015 Regular meeting.

Attachments

ARC:RGS:dec

RESOLUTION NO.

SUPPORTING A CALIFORNIA WILD AND SCENIC RIVER
DESIGNATION FOR THE MOKELUMNE RIVER

Introduced by Director ; Seconded by Director

~~DRAFT EBMUD Resolution, Mokelumne WS February 4, 2015~~

~~WHEREAS, T~~he East Bay Municipal Utility District has relied on the Mokelumne River for clean, high-quality water for nearly a century; and

WHEREAS, ~~F~~future growth in the East Bay and related public investment should be carried out in a socially, economically and environmentally sustainable manner ~~that does not export harm to other regions~~; and

WHEREAS, ~~T~~he East Bay Municipal Utility District has previously supported the concept of protection of the Mokelumne River from Salt Springs Dam to Pardee Reservoir as a California Wild and Scenic River~~s~~; and encouraged local stakeholders to work together to craft acceptable legislation; and

WHEREAS, a California Wild and Scenic designation for the Mokelumne River ~~would be developed in a manner that would protect the East Bay's water quality and could avoid impacting without affecting the water rights or operations of~~ the East Bay Municipal Utility's District's water rights, facilities or a future downstream expansion of Pardee Reservoir; and

WHEREAS, ~~B~~y preventing new dams on the designated river sections, state Wild and Scenic River designation ~~will could~~ protect proximate American Indian sacred and cultural sites, valuable historical resources, miles of habitat suitable for salmon and steelhead restoration, important wildlife habitat, and recreational resources ~~important to foothill families and visitors from the East Bay alike~~; and

~~WHEREAS, The free-flowing sections of the Mokelumne River are an important economic asset to Amador and Calaveras Counties; and~~

~~WHEREAS, Water supply projects for foothill counties can and should be designed and built in a ways that do not harm the Mokelumne River; and~~

WHEREAS, in 2014, support for Senate Bill 1199 (SB 1199), which proposed a wWild and sScenic protection of designation for the Mokelumne River, was is expressed to EBMUD supported by the cities eCity of Oakland, and numerous individuals from the foothills and East

Bay area; Berkeley and Richmond; and, according to thea June 23, 2014 aAssembly policy committee analysis, support for SB 1199 was expressed by; major environmental justice, conservation, fish, business, tourism and recreation organizations; three federally recognized tribes; more than 150 and a number of foothill small businesses; and countless individuals; in the foothills and East Bay alike; and.

NOW, THEREFORE, BE IT RESOLVED, that We, the Board of Directors of the East Bay Municipal Utility District, does hereby support a California Wild and Scenic River designation for approximately 3537 miles (or as many segments thereof that are determined to qualify) of the Mokelumne River below Salt Springs Dam to the to the upper extent of Pardee Reservoir (at 580 feet elevation above mean sea level) that is protective of the East Bay Municipal Utility District's water rights, facilities, and operations, and urges the state Legislature and Governor Edmund G. Brown, Jr., to pass and sign locally championed legislation that is broadly supported in the Mokelumne watershed by the local community and local government to designate the Mokelumne a state Wild and Scenic River. this year.

ADOPTED this 10th day of March, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

RESOLUTION NO. _____

SUPPORTING A CALIFORNIA WILD AND SCENIC RIVER
DESIGNATION FOR THE MOKELUMNE RIVER

Introduced by Director

; Seconded by Director

WHEREAS, the East Bay Municipal Utility District has relied on the Mokelumne River for clean, high-quality water for nearly a century; and

WHEREAS, future growth in the East Bay and related public investment should be carried out in a socially, economically and environmentally sustainable manner; and

WHEREAS, the East Bay Municipal Utility District has previously supported the concept of protection of the Mokelumne River from Salt Springs Dam to Pardee Reservoir as a California Wild and Scenic River, and encouraged local stakeholders to work together to craft acceptable legislation; and

WHEREAS, a California Wild and Scenic designation for the Mokelumne River could be developed in a manner that would protect the East Bay's water quality and avoid impacting the East Bay Municipal Utility District's water rights, facilities or a future downstream expansion of Pardee Reservoir; and

WHEREAS, by preventing new dams on the designated river sections, state Wild and Scenic River designation could protect proximate American Indian sacred and cultural sites, valuable historical resources, miles of habitat suitable for salmon and steelhead restoration, important wildlife habitat, and recreational resources; and

WHEREAS, in 2014, support for Senate Bill 1199 (SB 1199), which proposed a wild and scenic designation for the Mokelumne River, was expressed to EBMUD by the City of Oakland and numerous individuals from the foothills and East Bay area, and, according to the June 23, 2014 Assembly policy committee analysis, support for SB 1199 was expressed by major environmental justice, conservation, fish, business, tourism and recreation organizations, three federally recognized tribes, and a number of small businesses and individuals.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Municipal Utility District does hereby support a California Wild and Scenic River designation for approximately 35 miles (or as many segments thereof that are determined to qualify) of the Mokelumne River below Salt Springs Dam to the upper extent of Pardee Reservoir (at 580 feet elevation above mean sea level) that is protective of the East Bay Municipal Utility District's water rights, facilities, and operations, and urges the state Legislature and Governor Edmund G. Brown, Jr. to pass and sign locally championed legislation that is broadly supported in the

Mokelumne watershed by the local community and local government to designate the Mokelumne a state Wild and Scenic River.

ADOPTED this 10th day of March, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: March 5, 2015

MEMO TO: Board of Directors

FROM: Alexander R. Coate, General Manager *ARC*

SUBJECT: Legislative Report No. 02-15

The following issues are being referred to the Legislative/Human Resources Committee for review and recommendation to the Board of Directors for action, as appropriate.

RECOMMENDED ACTION

Approve positions on the following bills: 1) Support SB 181 (Committee on Governance and Finance) Validations, 2) Support SB 182 (Committee on Governance and Finance) Validations, 3) Support SB 183 (Committee on Governance and Finance) Validations, and 4) Oppose Unless Amended AB 142 (Bigelow) Wild and scenic rivers: Mokelumne River

STATE LEGISLATION

RECOMMENDED POSITION

**SB 181, SB 182,
SB 183
(Committee on
Governance and
Finance)**

VALIDATIONS

SUPPORT

SB 181, SB 182 and SB 183 (Committee on Governance and Finance) would enact the Validating Acts of 2015. The legislature usually enacts three bills known as the Validating Acts each year to retroactively correct procedural errors or omissions that public officials of state agencies, cities, counties and special districts inadvertently may make.

Banks, pension funds and other investors will not buy municipal securities unless they are sound investments. Without the enactment of Validating Acts to cure minor errors that might undermine a bond's legal integrity, bond counsel would be reluctant to certify public agencies' bonds as good risks because of potential mistakes that could invalidate future payments. Safer bonds mean higher ratings and lower costs.

While the three Validating Acts save California taxpayers millions of dollars by protecting investors from minor procedural mistakes that might otherwise imperil bonds, boundary changes, proceedings, and other official acts, they will not cure fraudulent, illegal or unconstitutional actions. A Validating Act cannot protect public officials who have acted illegally from prosecution.

EBMUD has historically supported the Validating Acts. Most recently, in 2014, EBMUD adopted a "support" position on the Validating Acts of 2014, SB 1230, SB 1231, and SB 1232, which were signed into law (Chapter 19, Chapter 224, and Chapter 225, respectively).

There are currently no entities listed in support or opposition to SB 181, SB 182, and SB 183.

**AB 142
(Bigelow)**

**WILD AND SCENIC RIVERS:
MOKELUMNE RIVER**

**OPPOSE UNLESS
AMENDED**

Existing law, the California Wild and Scenic Rivers Act (Act), designates certain rivers and river segments as components of the state wild and scenic river system and generally prohibits the construction of new dams, reservoirs, diversions, other impoundments or water diversion facilities along the specified river segments. Designated rivers are classified as wild, scenic or recreational depending upon the level of development along the river; however, the rivers are commonly referred to as “wild and scenic.”

Under existing law, classification of a river or river segment requires legislative action. The Secretary of the Natural Resources Agency (Secretary) may, but is not required to, “recommend legislation to classify or reclassify rivers or segments of rivers within the system.” In addition, the Secretary is required to study and submit to the governor and the legislature a report analyzing the suitability or unsuitability of a river or river segments designated by the legislature as potential additions to the “wild and scenic” river system. The report must include specified information as well as the Secretary’s recommendations with respect to the proposed designation. Prior designations have occurred both with and without the completion of a study.

AB 142 (Bigelow), as introduced on January 12, 2015, would require that prior to any designation of the Mokelumne River as a “wild and scenic” river the Secretary must study and submit to the governor and the legislature a report that analyzes the suitability or unsuitability of a “wild and scenic” designation (designation) for the Mokelumne River. In addition to the specified information required by existing law, AB 142 would require the report to: (1) consider the potential effects of the proposed designation on the ability of public agencies and utilities within the Mokelumne River watershed to meet current and projected future water requirements through the development of new and more reliable water supplies from the Mokelumne River, (2) consider any effects of climate change and (3) include the Secretary’s recommendations and proposals with respect to the proposed designation of the Mokelumne River.

Discussion

The intent of AB 142 is to inform a future designation of the Mokelumne River as a California “wild and scenic” river by requiring a study of water supply and climate-related issues prior to any designation. According to the author’s office, AB 142 is an author-sponsored measure. The measure attempts to address a primary point of debate regarding a designation – its impact on future water supply reliability for Amador and Calaveras Counties. However, as written, the measure is overly broad and lacks the specificity necessary to effectively address this key concern and achieve a designation with broad stakeholder support. There are five key areas of concern where amendments are needed.

1. EBMUD facilities and operations must be protected.

AB 142 does not specify the portion of the river to be considered for designation. Instead, AB 142 uses the general term “Mokelumne River,” which could mean any portion of the river

upstream or downstream of Pardee Reservoir and could include areas that encroach upon EBMUD's facilities and/or operations.

Amendments needed: AB 142 should be amended to specify that the subject area is upstream from the upper extent of Pardee Reservoir at the elevation of not less than 580 feet above mean sea level. This is consistent with the amendments EBMUD requested and the author made to last year's SB 1199.

2. AB 142 must not prevent a locally-championed and broadly supported measure from moving forward.

AB 142 would prohibit a designation for the Mokelumne River until a study is completed by the Secretary. This would prevent local stakeholders from advancing legislation to enact a broadly supported approach unless and until a study is completed by the Secretary. This is contrary to EBMUD's past position of being supportive of an approach that is locally championed and broadly supported in the Mokelumne River watershed by local communities and local governments.

Local discussions are expected to be underway shortly in the Mokelumne watershed communities in an effort to gain a better understanding of key issues and concerns and identify a path forward that can be broadly supported by stakeholders. These discussions will be facilitated by the Center for Collaborative Policy through a contract with the Sierra Nevada Conservancy and are expected to continue over the coming months with participants from the local area, including local government, water districts and the Foothill Conservancy.

AB 142 should not prevent this or other local efforts from moving forward with an agreed-upon legislative approach. AB 142 should be amended to provide sufficient flexibility to allow for advancing a measure that is locally-championed and broadly supported in the Mokelumne River watershed by the local community and local government.

Amendments needed: AB 142 should be amended to remove the language that prohibits a designation until a study is completed by the Secretary.

3. A deadline and explicit legislative recommendation must be added.

AB 142 requires that a study be completed by the Secretary prior to any designation of the Mokelumne River but it does not specify a timeframe in which a study must be completed nor does it require the Secretary to explicitly recommend legislation. In the absence of a deadline and language to require that a recommendation for legislation be made, it is unclear how this measure would result in meaningful progress towards a designation for the Mokelumne River.

Amendments needed: AB 142 should be amended to require the Secretary to complete and submit a report to the legislature within a specified timeframe and to require that the Secretary recommend legislation to classify those areas of the river that are found to be suitable for designation. A report deadline of December 31, 2016 is recommended. This would allow one year from the projected enactment date of the bill (January 1, 2016) for

the completion of the study and report and would provide sufficient time to subsequently advance legislation during Governor Brown's tenure.

4. Stakeholder input is imperative.

AB 142 does not specify whether the study would include stakeholder input. The engagement of a broad range of local stakeholders will help inform the content of the study or an update to existing studies so that a balanced approach, representative of stakeholder concerns, is taken.

Amendments needed: AB 142 should be amended to require the opportunity for stakeholder input in the study conducted by the Secretary. This amendment is consistent with EBMUD's view that a designation should be locally-championed and enjoy the support of a broad range of stakeholders.

5. Existing studies should be recognized.

AB 142 does not acknowledge the potential for existing studies, such as the 2008 U.S. Bureau of Land Management resource management plan, to be updated with new information rather than initiating an entirely new study. An update to an existing relevant study could reduce the time and cost of the study required under AB 142 and expedite progress toward a final designation.

Amendments needed: AB 142 should be amended to require the Secretary to study "or update existing studies."

These recommended amendments clarify how AB 142 would facilitate a designation for the Mokelumne River. With these amendments, the bill would serve as an important backstop that would provide a clear path to achieving a designation if local efforts to reach a broadly supported approach are elusive.

The recommended amendments would be protective of EBMUD's facilities and operations, preclude AB 142 from standing in the way of a locally-championed legislative effort, ensure opportunities for broad stakeholder input, provide certainty that a future designation would occur, and require a state-driven independent third party study of a designation in the event a locally-championed and broadly-supported effort is not advanced. Suggested amendment language is attached to this legislative report.

EBMUD's Prior Positions

EBMUD has previously taken positions on state legislation to designate the Mokelumne River as a "wild and scenic" river. In 2014, SB 1199, which proposed a designation for the Mokelumne River, was introduced by Senator Hancock and sponsored by the Foothill Conservancy and Friends of the River. The Board adopted an initial position of "oppose unless amended" on the basis that the designation for the Mokelumne River must satisfy two overriding principles: (1) it cannot interfere with existing EBMUD water operations and water rights; and (2) it must be achieved through a stakeholder process that includes EBMUD as a participant. The Board subsequently adopted a "support if amended" position to acknowledge the inclusion of language protective of EBMUD's facilities and operations and to encourage continued stakeholder

discussions. EBMUD's final position on SB 1199 was "support if amended" and when amended "support and amend" to encourage continued discussions with upcountry stakeholders.

Legislative Support/Opposition

An official AB 142 support/opposition list is not yet available from the legislature.

ARC:MD:JF

Attachment

I:\Sec\2015 Board Related Items\03-10-15 LEGHR Committee\OGM – Legislative Report No. 02-15.doc

Attachment

EBMUD AB 142 (Bigelow) Amendments

Suggested language is below with each amendment number shown in superscript.

5093.548. (a) Notwithstanding Section 5093.547, ~~*prior to the designation of the Mokelumne River, its tributaries, or portions thereof as additions to the system,*~~⁽²⁾ the secretary shall study ~~*or update existing studies*~~⁽⁵⁾ and submit to the Governor and the Legislature a report that analyzes the suitability or nonsuitability of the proposed designation ~~*for those sections of the Mokelumne River located upstream from the upper extent of Pardee Reservoir at the elevation of not less than 580 feet above mean sea level.*~~⁽¹⁾ The suitability analysis contained in the report shall consider the potential effects of the proposed designation on the ability of public agencies and utilities within the Mokelumne River watershed to meet current and projected future water requirements through the development of new and more reliable water supplies from the Mokelumne River, and any effects of climate change. The report shall also include the information required in subdivision (b) of Section 5093.547 and the secretary's recommendations and proposals with respect to the proposed designation. ~~*The report shall be submitted not later than December 31, 2016 and include a clear recommendation for legislation to add segments to the system.*~~⁽³⁾

~~*(b) The study or update of existing studies undertaken by the Secretary shall provide for public input from a broad range of stakeholders from the local community and local government.*~~⁽⁴⁾

~~*(b)*~~ ~~*(c)*~~ A report required to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

Introduced by Committee on Governance and Finance (Senators Hertzberg (Chair), Bates, Beall, Hernandez, Lara, Nguyen, and Pavley)

February 9, 2015

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

This bill would enact the First Validating Act of 2015, 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 2015.

3 SEC. 2. As used in this act:

4 (a) "Public body" means all of the following:

5 (1) The state and all departments, agencies, boards,
6 commissions, and authorities of the state. Except as provided in

1 paragraph (2), “public body” also means all cities, counties, cities
2 and counties, districts, authorities, agencies, boards, commissions,
3 and other entities, whether created by a general statute or a special
4 act, including, but not limited to, the following:

5 Agencies, boards, commissions, or entities constituted or
6 provided for under or pursuant to the Joint Exercise of Powers Act
7 (Chapter 5 (commencing with Section 6500) of Division 7 of Title
8 1 of the Government Code).

9 Air pollution control districts of any kind.

10 Air quality management districts.

11 Airport districts.

12 Assessment districts, benefit assessment districts, and special
13 assessment districts of any public body.

14 Bridge and highway districts.

15 California water districts.

16 Citrus pest control districts.

17 City maintenance districts.

18 Community college districts.

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

24 Community facilities districts.

25 Community rehabilitation districts.

26 Community services districts.

27 Conservancy districts.

28 Cotton pest abatement districts.

29 County boards of education.

30 County drainage districts.

31 County flood control and water districts.

32 County free library systems.

33 County maintenance districts.

34 County sanitation districts.

35 County service areas.

36 County transportation commissions.

37 County water agencies.

38 County water authorities.

39 County water districts.

40 County waterworks districts.

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

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

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

1 (d) "Heretofore" means any time prior to the effective date of
2 this act.

3 (e) "Now" means the effective date of this act.

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

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

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

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

38 (b) All bonds of, or relating to, any public body heretofore issued
39 shall be, in the form and manner issued and delivered, the legal,
40 valid, and binding obligations of the public body. All bonds of, or

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

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

25 (b) This act shall be limited to the validation of acts and
26 proceedings to the extent that the same can be effectuated under
27 the California Constitution and the United States Constitution.

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

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

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

39 SEC. 8. Any action or proceeding contesting the validity of
40 any action or proceeding heretofore taken under any law, or under

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

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

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

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

Introduced by Committee on Governance and Finance (Senators Hertzberg (Chair), Bates, Beall, Hernandez, Lara, Nguyen, and Pavley)

February 9, 2015

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

This bill would enact the Second Validating Act of 2015, 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 Second Validating Act of 2015.

3 SEC. 2. As used in this act:

4 (a) "Public body" means all of the following:

5 (1) The state and all departments, agencies, boards,
6 commissions, and authorities of the state. Except as provided in

1 paragraph (2), “public body” also means all cities, counties, cities
2 and counties, districts, authorities, agencies, boards, commissions,
3 and other entities, whether created by a general statute or a special
4 act, including, but not limited to, the following:

5 Agencies, boards, commissions, or entities constituted or
6 provided for under or pursuant to the Joint Exercise of Powers Act
7 (Chapter 5 (commencing with Section 6500) of Division 7 of Title
8 1 of the Government Code).

9 Air pollution control districts of any kind.

10 Air quality management districts.

11 Airport districts.

12 Assessment districts, benefit assessment districts, and special
13 assessment districts of any public body.

14 Bridge and highway districts.

15 California water districts.

16 Citrus pest control districts.

17 City maintenance districts.

18 Community college districts.

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

24 Community facilities districts.

25 Community rehabilitation districts.

26 Community services districts.

27 Conservancy districts.

28 Cotton pest abatement districts.

29 County boards of education.

30 County drainage districts.

31 County flood control and water districts.

32 County free library systems.

33 County maintenance districts.

34 County sanitation districts.

35 County service areas.

36 County transportation commissions.

37 County water agencies.

38 County water authorities.

39 County water districts.

40 County waterworks districts.

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

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

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

1 (d) "Heretofore" means any time prior to the effective date of
2 this act.

3 (e) "Now" means the effective date of this act.

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

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

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

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

38 (b) All bonds of, or relating to, any public body heretofore issued
39 shall be, in the form and manner issued and delivered, the legal,
40 valid, and binding obligations of the public body. All bonds of, or

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

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

25 (b) This act shall be limited to the validation of acts and
26 proceedings to the extent that the same can be effectuated under
27 the California Constitution and the United States Constitution.

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

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

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

39 SEC. 8. Any action or proceeding contesting the validity of
40 any action or proceeding heretofore taken under any law, or under

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

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

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

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

Introduced by Committee on Governance and Finance (Senators Hertzberg (Chair), Bates, Beall, Hernandez, Lara, Nguyen, and Pavley)

February 9, 2015

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.

LEGISLATIVE COUNSEL'S DIGEST

SB 183, as introduced, Committee on Governance and Finance. Validations.

This bill would enact the Third Validating Act of 2015, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

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. This act shall be known, and may be cited, as the
- 2 Third Validating Act of 2015.
- 3 SEC. 2. As used in this act:
- 4 (a) "Public body" means all of the following:
- 5 (1) The state and all departments, agencies, boards,
- 6 commissions, and authorities of the state. Except as provided in
- 7 paragraph (2), "public body" also means all cities, counties, cities
- 8 and counties, districts, authorities, agencies, boards, commissions,

1 and other entities, whether created by a general statute or a special
2 act, including, but 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 Act
5 (Chapter 5 (commencing with Section 6500) of Division 7 of Title
6 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 in their capacity to act
18 as a housing authority for other community development purposes
19 of the jurisdiction in which the commission operates, except for
20 any action taken with respect to the commission's authority to act
21 as a community redevelopment agency.

22 Community facilities districts.

23 Community rehabilitation districts.

24 Community services districts.

25 Conservancy districts.

26 Cotton pest abatement districts.

27 County boards of education.

28 County drainage districts.

29 County flood control and water districts.

30 County free library systems.

31 County maintenance districts.

32 County sanitation districts.

33 County service areas.

34 County transportation commissions.

35 County water agencies.

36 County water authorities.

37 County water districts.

38 County waterworks districts.

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

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

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

1 (d) "Heretofore" means any time prior to the effective date of
2 this act.

3 (e) "Now" means the effective date of this act.

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

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

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

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

38 (b) All bonds of, or relating to, any public body heretofore issued
39 shall be, in the form and manner issued and delivered, the legal,
40 valid, and binding obligations of the public body. All bonds of, or

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

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

25 (b) This act shall be limited to the validation of acts and
26 proceedings to the extent that the same can be effectuated under
27 the California Constitution and the United States Constitution.

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

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

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

39 SEC. 8. Any action or proceeding contesting the validity of
40 any action or proceeding heretofore taken under any law, or under

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

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

ASSEMBLY BILL

No. 142

Introduced by Assembly Member Bigelow
(Principal coauthor: Senator Berryhill)

January 12, 2015

An act to add Section 5093.548 to the Public Resources Code, relating to wild and scenic rivers.

LEGISLATIVE COUNSEL'S DIGEST

AB 142, as introduced, Bigelow. Wild and scenic rivers: Mokelumne River.

(1) Existing law, the California Wild and Scenic Rivers Act, provides for a system of classification of those rivers or segments of rivers in the state that are designated as wild, scenic, or recreational rivers, for purposes of preserving the highest and most beneficial use of those rivers. The act requires the Secretary of the Natural Resources Agency to study and submit to the Governor and the Legislature a report that analyzes the suitability or unsuitability for addition to the system of rivers or segments of rivers that are designated by the Legislature as potential additions to the system, and requires that each report contain specified information and recommendations with respect to the proposed designation.

This bill would require the secretary, in a report analyzing the suitability or unsuitability of a proposed designation of the Mokelumne River, its tributaries, or portions thereof as additions to the system, to consider the potential effects of the proposed designation on future water requirements, as specified, and the effects of climate change.

(2) The bill would declare that due to the unique geographical features of the Mokelumne River and its tributaries, a general statute within the

meaning of specified provisions of the California Constitution cannot be made applicable and a special statute is necessary.

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. Section 5093.548 is added to the Public Resources
2 Code, to read:

3 5093.548. (a) Notwithstanding Section 5093.547, prior to the
4 designation of the Mokelumne River, its tributaries, or portions
5 thereof as additions to the system, the secretary shall study and
6 submit to the Governor and the Legislature a report that analyzes
7 the suitability or unsuitability of the proposed designation. The
8 suitability analysis contained in the report shall consider the
9 potential effects of the proposed designation on the ability of public
10 agencies and utilities within the Mokelumne River watershed to
11 meet current and projected future water requirements through the
12 development of new and more reliable water supplies from the
13 Mokelumne River, and any effects of climate change. The report
14 shall also include the information required in subdivision (b) of
15 Section 5093.547 and the secretary's recommendations and
16 proposals with respect to the proposed designation.

17 (b) A report required to be submitted pursuant to subdivision
18 (a) shall be submitted in compliance with Section 9795 of the
19 Government Code.

20 SEC. 2. Due to the unique geographical features of the
21 Mokelumne River and its tributaries, the Legislature hereby finds
22 and declares that a general cannot be made applicable within the
23 measuring of Section 16 of Article IV of the California
24 Constitution. Therefore, the special legislation contained in Section
25 1 of this act is necessarily applicable to the Mokelumne River and
26 its tributaries.

O