In October of last year, the Commission directed the staff to:

prepare a discussion draft that solicits input on whether and, if so, how, to revise the San Joaquin County Regional Justice Facility Financing Act (Gov’t Code §§ 26290-26293.4), the Orange County Regional Justice Facilities Act (Gov’t Code §§ 26295-26295.58), and the County Regional Justice Facilities Financing Act (Gov’t Code §§ 26299.00026299.083) to reflect trial court restructuring. The discussion draft should describe the basic options and present the text of those Acts without proposing any revisions.¹

Attached is a draft of a document to implement those instructions.

Commissioners should review the attached draft and determine whether to approve it (as is, or with revisions) for circulation for comment and posting to the Commission’s website.

Respectfully submitted,

Barbara Gaal
Chief Deputy Counsel

¹. Minutes (Oct. 2018), pp. 7-8. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission’s website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission’s staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.
The purpose of this discussion draft is to solicit public comment on the issues raised. A comment submitted to the Commission will be part of the public record. The Commission will consider the comment at a public meeting and determine how to proceed in this study.

COMMENTS ON THIS DISCUSSION DRAFT SHOULD BE RECEIVED BY THE COMMISSION NOT LATER THAN xxx.

California Law Revision Commission  
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SUMMARY OF DISCUSSION DRAFT

California’s trial court system was dramatically restructured around the turn of the century. As a result, hundreds of provisions throughout the codes became obsolete, in whole or in part.

At the request of the Legislature, the Law Revision Commission has been reviewing the codes and recommending revisions to remove material made obsolete by trial court restructuring. The Commission has done extensive work on this legislative assignment over the years, but more work remains to be done.

Among other things, the codes include the following Acts:

• The San Joaquin County Regional Justice Facility Financing Act (Gov’t Code §§ 26290-26293.4).
• The Orange County Regional Justice Facilities Act (Gov’t Code §§ 26295-26298.58).
• The County Regional Justice Facilities Financing Act (Gov’t Code §§ 26299.000-26299.083), which applies to Humboldt, Los Angeles, Riverside, San Bernardino, Stanislaus, and Ventura Counties.

These Acts (collectively, the “Regional Justice Facilities Acts”) contain material that appears to be obsolete due to trial court restructuring.

Under Government Code Section 71674, the Law Revision Commission “shall recommend to the Legislature any amendments to remove” such obsolete material. In this context, however, determining how to remove the obsolete material may entail significant policy decisions, not just technical clean-up.

Such decision-making might exceed the Commission’s authority in this study. Even if the work is within the Commission’s authority, it would be helpful to have input on the situation and any relevant policy considerations before reaching preliminary conclusions and presenting them in a tentative recommendation.

The Commission thus decided to prepare and circulate this discussion draft as an initial step. As the draft explains, the Commission seeks comments from the affected counties, the local courts, the Judicial Council, other stakeholders, and other knowledgeable sources on whether and, if so, how to revise the Regional Justice Facilities Acts to reflect trial court restructuring. Comments may be in any format and should be directed to bgaal@clrc.ca.gov.

This discussion draft was prepared pursuant to Government Code Sections 8298 and 71674 and Resolution Chapter 158 of the Statutes of 2018.
TRIAL COURT RESTRUCTURING CLEAN-UP:
REGIONAL JUSTICE FACILITIES ACTS

California made several major reforms of its trial court system around the turn of the century. Those reforms necessitated extensive statutory revisions, throughout the codes. At the request of the Legislature, the Law Revision Commission has been reviewing the codes and recommending revisions to remove material made obsolete by trial court restructuring. Over the years, many bills have been enacted to implement its recommendations, but there is still work to be done.

This discussion draft focuses on three statutes in the Government Code relating to funding for regional justice facilities (hereafter, the “Regional Justice Facilities Acts”).¹ Those statutes appear to contain material that is obsolete due to developments stemming from trial court restructuring, particularly a shift in responsibility for court facilities. As explained below, the Commission has not yet reached even a preliminary decision about how to handle that material, because the situation is complicated and appears difficult to address without becoming entangled in policy decisions that may exceed its authority.

The key purpose of this discussion draft is to elicit comments that will help the Commission determine whether, and, if so, how, it should approach the Regional Justice Facilities Acts. An additional purpose is to obtain input that may be of interest to the Legislature and the Governor in resolving policy questions relating to those statutes, regardless of whether the Commission makes any recommendation on the matter.

The draft begins by summarizing the trial court restructuring reforms and the Commission’s role in that process. The draft then describes the Regional Justice Facilities Acts, as well as a few constitutional challenges to those statutes. Lastly, the Commission provides some analysis and gives instructions for submitting comments.

Trial Court Restructuring and the Commission’s Role

The restructuring of California’s trial court system was extensive, complex, and occurred in several stages, as explained below.

Former Structure

In the late 1990’s, California had two types of trial courts: municipal courts (with limited jurisdiction) and superior courts (with jurisdiction of all other

¹ Gov’t Code §§ 26290-26293.4 (San Joaquin County Regional Justice Facility Financing Act), 26295-26298.58 (Orange County Regional Justice Facilities Act), 26299.000-26299.083 (County Regional Justice Facilities Financing Act). Unless otherwise indicated, all further statutory references in this discussion draft are to the Government Code
cases). Both types were county-operated, received county funding, and were largely staffed with county employees. Trial court facilities were owned, constructed, and maintained by the counties.

**Key Structural Changes**

Around the turn of the century, three major reforms occurred:

- **Lockyer-Isenberg Trial Court Funding Act.** Under this 1997 legislation, the state assumed full responsibility for funding trial court operations. The goal was to eliminate disparities in funding from county to county, helping to ensure equal service in courts across the state.

- **Trial court unification.** In 1998, the voters approved a measure that permitted trial court unification on a county-by-county basis: On a vote of a majority of the municipal court judges and a majority of the superior court judges in a county, the municipal and superior courts in that county could unify their operations in the superior court. By early 2001, the trial courts in all of California’s 58 counties had unified. Each county now has a unified superior court, which handles all trial court operations in that county.

- **Enactment of the Trial Court Employment Protection and Governance Act (“TCEPGA”).** This legislation was enacted in 2000. It established a new personnel system for trial court employees, in which they are employed by the superior court itself (not by the county or the state).

**Follow-Up Legislation on Court Facilities**

The reforms described above did not directly resolve the fate of trial court facilities. Instead, the Trial Court Funding Act created a task force “to review and
report the status of court facilities throughout the state, and to make
recommendations for specific funding responsibilities among the entities of
government (i.e., state and/or county) with regards to court facilities maintenance
and construction.”12

The task force visited court facilities throughout the state and submitted its final
report to the Legislature in 2001.13 Its overarching recommendation was that
“responsibility for trial court facilities funding and operation be shifted from the
counties to the state.”14

The task force gave four main reasons for that recommendation, which the
Legislature endorsed in the Trial Court Facilities Act, enacted in 2002.15 A key
theme was that the judiciary should control both court operations and court
facilities:

(1) The judicial branch of government is now wholly responsible for its
programs and operations, with the exception of trial court facilities. The judiciary
should have the responsibility for all of its functions related to its operations and
staff, including facilities.

(2) Uniting responsibility for operations and facilities increases the likelihood
that operational costs will be considered when facility decisions are made, and
enhances economical, efficient, and effective court operations.

(3) The state, being solely responsible for creating new judicial positions, drives
the need for new court facilities.

(4) Equal access to justice is a key underpinning of our society and the rule of
law. It is also a paramount goal of the Judicial Council, the policymaking body of
the judicial branch. The state can best ensure uniformity of access to all court
facilities in California.16

Consistent with those findings, the Trial Court Facilities Act grants the judicial
branch broad authority with respect to court facilities, while still ensuring that
other voices are heard and taken into account.17

Of particular importance, the Trial Court Facilities Act set a deadline for each
county to negotiate agreements transferring its court facilities (and responsibility
for maintaining those facilities) to the state.18 The court facility transfers took
longer than expected, but were essentially completed by the end of 2009.19

15. 2002 Cal. Stat. ch. 1082 (SB 1732 (Escutia)); see generally Sections 70301-70403.
16. 2002 Cal. Stat. ch. 1082, § 1 (emphasis added). For further background on the Trial Court Facilities
Act, see Assembly Committee on Judiciary Analysis of SB 1732 (June 25, 2002); Senate Committee on
Judiciary Analysis of SB 1732 (April 16, 2002).
17. See, e.g., Section 70391.
19. See, e.g., Section 70321.
Role of the Law Revision Commission in Trial Court Restructuring

At the direction of the Legislature, the Law Revision Commission was involved in trial court restructuring from the outset. In 1993-94, the Commission helped to draft the constitutional revisions necessary to accomplish trial court unification.20 It later drafted the extensive statutory revisions necessary to accommodate county-by-county unification.21

After the trial courts in all counties unified, the Commission prepared a massive report proposing further statutory revisions (and a few constitutional revisions) to reflect the elimination of the municipal courts. As requested by the Legislature, that 2001 report also included proposed legislation to reflect the enactment of the Trial Court Funding Act and the TCEPGA.22

Since then, the Commission has continued to review the codes and periodically recommend revisions to reflect trial court unification, enactment of the Trial Court Funding Act, and enactment of the TCEPGA,23 Virtually all of the Commission’s proposed legislation on trial court restructuring has become law.24

Throughout this work, the Legislature, the Governor, and the general public made the key policy decisions; the Commission was not involved in such decision-making. Instead, the Commission’s role was to use its drafting expertise to conform the codes and the California Constitution to the new policies governing California’s trial court system, without disrupting other existing policy choices.25

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23. For a list of the Commission’s recommendations on trial court restructuring, see Pre-Print Recommendation on Statutes Made Obsolete by Trial Court Restructuring (Part 6): Court Facilities (May 2019), p. 4, n. 26 (http://clrc.ca.gov/pub/Printed-Reports/Pub241-J1405.pdf) (hereafter, “Court Facilities Pre-Print”). See also Pre-Print Recommendation on Trial Court Restructuring Clean-Up: Obsolete “Constable” References (Oct. 2018) (http://clrc.ca.gov/pub/Printed-Reports/Pub240-J1405.1.pdf); Pre-Print Recommendation on Trial Court Restructuring Clean-Up: Task Force on Trial Court Employees (Feb. 2019); Tentative Recommendation on Trial Court Restructuring Clean-Up: Obsolete References to Marshals (April 2019).

The Commission has also completed work on a set of legislatively-mandated projects that derived from its work on trial court unification. See CLRC Staff Memorandum 2018-5, pp. 2-3, 5.

24. For details, see Court Facilities Pre-Print, supra note 22, at 5, n. 27. The proposed legislation in the tentative recommendation and three pre-print recommendations cited in note 22 supra has not yet been introduced in the Legislature.

25. See TCU: Constitutional Revision, supra note 2, at 13 (“The Commission has not been authorized to report to the Legislature concerning the wisdom or desirability of trial court unification, and has not considered the question.”); TCU: Revision of Codes, supra note 3, at 60 (“[T]he Commission has narrowly limited its recommendations to generally preserve existing procedures in the context of unification. The objective of the proposed revisions is to preserve existing rights and procedures despite unification, with no
Because court facilities issues were unsettled, the Commission did not address such issues in its 2001 report or shortly thereafter. Recently, however, the Commission turned to those issues and finalized a recommendation on how to update various court facility provisions to reflect the trial court restructuring reforms, including the enactment and implementation of the Trial Court Facilities Act.\(^7\)

The Commission examined the Regional Justice Facilities Acts in preparing that new recommendation, but decided to address them separately because they raised special issues. Those three statutes and their history are described next.

**Regional Justice Facilities Acts**

“Part 2. Board of Supervisors” of Division 2 of Title 3 of the Government Code includes three adjacent chapters relating to “regional justice facilities”:

- The San Joaquin County Regional Justice Facility Financing Act (Sections 26290-26293.4) (reproduced at pages 17-24) (hereafter, the “San Joaquin County Act”).  
- The Orange County Regional Justice Facilities Act (Sections 26295-26298.58) (reproduced at pp. 25-42) (hereafter, the “Orange County Act”).  
- The County Regional Justice Facilities Financing Act (Sections 26299.000-26299.083) (reproduced at 43-60) (hereafter, the “Multi-County Act”). This Act pertains to Humboldt, Los Angeles, Riverside, San Bernardino, Stanislaus, and Ventura Counties.\(^8\)

These Acts were all enacted in the late 1980’s. As discussed below, they are similar, but not identical, in content.

**Description of the Acts**

Each of the Regional Justice Facilities Acts contains a provision with legislative findings and declarations, which state that it is in the public interest to:

1. Address overcrowding of local jails and court facilities.

\(^{26}\) See \textit{TCR: Part 1}, supra note 22, at 21; \textit{TCR: Part 2}, supra note 4, at 176-77.

\(^{27}\) See Court Facilities Pre-Print, supra note 23.

\(^{28}\) See Section 26299.007.
(2) Create, or authorize the creation of, a new governmental entity with responsibilities relating to regional justice facilities.

(3) Allow voters to decide whether to impose a countywide tax to fund regional justice facilities.

For example, Section 26295.2 in the Orange County Act states:

26295.2. The Legislature hereby finds and declares that the existing state of overcrowding in jails and court facilities in Orange County is so great as to significantly impede the administration of justice and create a situation wherein persons who are a danger to society are required to be released into that society for lack of adequate facilities to house them. The Legislature further finds and declares that it is in the public interest to create the Orange County Regional Justice Facilities Commission so that regional justice facility needs may be addressed in an expeditious and appropriate fashion on a countywide basis. The Legislature further finds and declares that it is in the public interest to allow the voters to approve a general tax for the general governmental purposes of the Orange County Regional Justice Facilities Commission.29

Consistent with the legislative findings, each Act provides for creation of a new governmental entity and specifies its composition, powers, duties, limitations, and other attributes. For example, the Orange County Act creates the Orange County Regional Justice Facilities Commission (hereafter, “Orange County Commission”), comprised of two members of the board of supervisors, two members of city councils in the county, and one other citizen.30 The Orange County Commission is responsible for soliciting proposals for “adult and juvenile detention facilities and courthouse facilities” in the county and then developing a “master plan.”31

Subject to specified limitations, the “master plan” may include, but is not limited to, all of the following:

(a) The adult detention facilities to be constructed, furnished, acquired, maintained or operated throughout the county.

(b) The juvenile detention facilities to be constructed, furnished, acquired, maintained, or operated throughout the county.

(c) The courthouse facilities to be constructed, furnished, acquired, maintained, or operated throughout the county.

(d) The time schedule according to which the facilities referenced in subdivisions (a), (b), and (c) shall be constructed, furnished, or acquired.

(e) Projections of revenues, including revenues expected to be derived from the tax provided for in this chapter, together with other federal, state, and local funds, and funds from the sale of bonds under this chapter, and expenditures for capital,

29. The corresponding provisions in the other Acts are Section 26290.1 (San Joaquin County Act) and Section 26299.001 (Multi-County Act).

30. See Section 26296.2.

31. See Section 26297.1.
maintenance, and operations purposes for adult and juvenile detention facilities and courthouse facilities purposes.

(f) Those other requirements as the commission, in carrying out its responsibility for the provision of detention and court facilities and services, deems necessary and appropriate.32

The Orange County Commission has “no power to determine the geographic locations at which any of the detention or court facilities … shall be sited or the design or construction standards which shall apply to those detention or court facilities.”33 For purposes of allocating revenues pursuant to the tax feature of the Act, “the commission shall coordinate the construction, furnishing, acquisition, maintenance, and operation of all adult and juvenile detention facilities and courthouse facilities within the county pursuant to the master plan.”34

The tax in question is a retail transactions and use tax, which is intended to “supplement existing local revenues being used for the development of adult and juvenile detention facilities and courthouse facilities within the county.”35 Orange County and cities within it are “encouraged to maintain their existing commitment of local funds for adult and juvenile detention facilities and courthouse facilities purposes.”36 The retail transactions and use tax must be approved by the Orange County voters at an election.37 Voter approval is also necessary for the Commission to issue bonds payable from the proceeds of the tax.38

The San Joaquin County Act and the Multi-County Act differ from the above-described Orange County scheme in some respects. For example, the San Joaquin County Act only pertains to “construction and acquisition of adult detention facilities, sheriff facilities, functionally related court facilities, and structures necessary or convenient thereto.”39 A “functionally related court facility” is “a court facility that is used solely for criminal prosecutions and handling inmates.”40

The entity created by the San Joaquin County Act is the San Joaquin County Regional Justice Facility Financing Agency, comprised of two members of the board of supervisors, two public members, and the local sheriff.41 That entity has broad powers to implement the master plan for “construction and acquisition of adult detention facilities, sheriff facilities, functionally related court facilities, and

32. Section 26295.12 (emphasis added).
33. Section 26295.14(c).
34. Section 26297 (emphasis added).
35. Section 26298.
36. Id.
37. See Sections 26298.2-26298.10.
38. Section 26298.12.
39. Section 26290.6 (emphasis added).
40. Sections 26290.8.
41. See Sections 26291, 26291.1.
structures necessary or convenient thereto, but the master plan is to be developed and approved by the board of supervisors. The master plan may include, but is not limited to, the following:

(a) The number of adult detention facilities, sheriff facilities, functionally related court facilities, to be constructed, furnished, or acquired.
(b) The geographic location at which the facilities referenced in subdivision (a) shall be sited.
(c) The time schedule according to which the facilities referenced in subdivision (a) shall be constructed, furnished, or acquired.
(d) Construction standards which shall apply to facilities constructed, furnished, or acquired pursuant to this chapter.
(e) Design standards which shall apply to facilities constructed, furnished, or acquired pursuant to this chapter.
(f) Those other requirements as the board of supervisors, in carrying out its responsibility for the provision of regional detention services, deems necessary and appropriate.

The corresponding provision in the Multi-County Act is closely similar, but it refers simply to “court facilities,” not “functionally related court facilities.” Further, the Multi-County Act does not actually create any new governmental entity. Rather, it authorizes each county covered by the Act (Humboldt, Los Angeles, Riverside, San Bernardino, Stanislaus, and Ventura Counties) to create a “county regional justice facilities financing agency” if the local board of supervisors finds that it is in the public interest to do so. The rules regarding composition of the board of a county regional justice facilities financing agency are different from, and more complicated than, the corresponding rules under the San Joaquin Act and the Orange County Act. There are also various other distinctions between the three Acts, but this description should suffice for present purposes.

**Constitutional Challenges**

Soon after enactment of the Orange County Act and the Multi-County Act, the Howard Jarvis Taxpayers’ Association challenged those Acts as “unconstitutional and invalid as in conflict with article XIII A, section 4 of the California Constitution (Proposition 13).” As originally enacted, the Acts only required a

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42. See, e.g., Sections 26291.7, 26291.8.
43. Section 26290.6.
44. Id.
45. See Section 26299.020.
46. See Section 26299.021.
majority vote (not a 2/3 vote) on the tax for each county. The trial court held that unconstitutional and the defendants appealed.

While the Howard Jarvis appeal was pending, the Legislature amended the Acts to provide an option of requiring a 2/3 vote instead of a majority vote. In addition, Los Angeles County (with permission from the court of appeal) conducted a vote on a justice facilities tax. The voters rejected the proposed tax by an almost two-to-one margin. Orange County held a similar election and the voters rejected the proposed justice facilities tax by an almost three-to-one margin.

The court of appeal issued its decision in Howard Jarvis in late 1993. Because the Legislature had amended the Acts to include an option for a 2/3 vote, the court of appeal declined to declare the Acts altogether void. Instead, it ruled that any tax ordinance under the Acts “is invalid if it is not approved by at least two-thirds of the county’s voters, as required by Proposition 13.”

In reaching that conclusion, the court of appeal relied on the California Supreme Court’s 1991 decision in Rider v. County of San Diego, which held that a similar tax under the San Diego Regional Justice Facility Financing Act (hereafter, “the San Diego Act”) violated Proposition 13. Unlike the versions of the Orange County Act and Multi-County Act in the Howard Jarvis appeal, the San Diego Act did not include an option for a 2/3 vote. The Legislature repealed the invalidated San Diego Act in 1993.

In contrast, the Legislature did not make any changes to the Orange County Act or the Multi-County Act shortly after the Howard Jarvis decision. Fourteen years later, however, it amended those Acts to require a 2/3 vote. The same 2007 bill also amended the San Joaquin Act and ten other statutes (unrelated to court facilities) in a similar manner, because they appeared potentially vulnerable on the

50. Id.
51. Id. at 1605-06 (emphasis added). The court of appeal recognized one exception to the 2/3 vote requirement: It did not apply to any prevention program under the Multi-County Act. See id. at 1606.
52. 1 Cal. 4th 1, 820 P.2d 1000, 2 Cal. Rptr. 2d 490 (1991).
53. See id. at 4 (retail transaction and use tax imposed for purpose of financing construction and operation of criminal detention and/or courthouse facilities in San Diego County “is invalid because it was not approved by at least two-thirds of the County’s voters, as required by section 4”).
54. See Rider v. County of San Diego, 1 Cal. 4th 1, 820 P.2d 1000, 2 Cal. Rptr. 2d 490 (1991).
56. See 2007 Cal. Stat. ch. 343, §§ 9.2, 9.3 (SB 144 (Committee on Local Government)). This bill made a 2/3 vote mandatory, but it did not delete Sections 26298.2(b) and 26299.041(b)-(d), which permit a 2/3 vote as an alternative procedure. That appears to have been an oversight.
same constitutional grounds. In addition, the bill (the Local Government Omnibus Act of 2007) made numerous other uncontroversial reforms relating to local government. The legislative history of that omnibus bill gives no indication that the Legislature evaluated the continuing utility of the Orange County Act, the Multi-County Act, or the San Joaquin Act. To the best of the Commission’s knowledge, none of those Acts has ever been implemented for its intended purposes.

Analysis

The Commission’s role in this study is to determine whether any provisions of law are obsolete as a result of the implementation of trial court unification, the enactment of the TCEPGA, or the enactment of the Trial Court Funding Act of 1997. The Commission “shall recommend to the Legislature any amendments to remove those obsolete provisions.”

The Trial Court Facilities Act followed from, and is closely linked to, the Trial Court Funding Act. The Commission’s role logically includes identifying and recommending removal of material that became obsolete due to enactment of the Trial Court Facilities Act.

The Regional Justice Facilities Acts discussed above appear to contain some material made obsolete by trial court restructuring. Most glaringly, a provision in the Multi-County Act still refers to municipal courts:

26299.008. “Court facilities” means the municipal and superior courts of the county, as well as any other facilities used for adult or juvenile court matters, criminal prosecutions, handling inmates, or a combination thereof.

The Commission flagged that municipal court reference in its 2001 tentative recommendation on trial court restructuring, but ultimately left the section alone because court facilities issues were still unsettled.

More fundamentally, all three of the Regional Justice Facilities Acts may conflict to some extent with the Trial Court Facilities Act. Under that Act, the

58. See 2007 Cal. Stat. ch. 343; Senate Floor Analysis of SB 144 (June 27, 2007).
59. See, e.g., Senate Floor Analysis of SB 144 (Aug. 29, 2007), pp. 6-7.
60. Section 71674.
61. Id.
62. Sections 70301-70508.
63. See text accompanying notes 12-19 supra.
64. Emphasis added.
Judicial Council and the individual superior courts have key roles with regard to court facilities, but other entities are also involved to some extent. For instance, Section 70391 provides:

70391. The Judicial Council, as the policymaking body for the judicial branch, shall have the following responsibilities and authorities with regard to court facilities, in addition to any other responsibilities or authorities established by law:

(a) Exercise full responsibility, jurisdiction, control, and authority as an owner would have over trial court facilities the title of which is held by the state, including, but not limited to, the acquisition and development of facilities.

(b) Exercise the full range of policymaking authority over trial court facilities, including, but not limited to, planning, construction, acquisition, and operation, to the extent not expressly otherwise limited by law.

(c) Dispose of surplus court facilities following the transfer of responsibility under Article 3 (commencing with Section 70321), subject to all of the following:

1. If the property was a court facility previously the responsibility of the county, the Judicial Council shall comply with the requirements of Section 11011, and as follows, except that, notwithstanding any other provision of law, the proportion of the net proceeds that represents the proportion of other state funds used on the property other than for operation and maintenance shall be returned to the fund from which it came and the remainder of the proceeds shall be deposited in the State Court Facilities Construction Fund.

2. The Judicial Council shall consult with the county concerning the disposition of the facility. Notwithstanding any other law, including Section 11011, when requested by the transferring county, a surplus facility shall be offered to that county at fair market value prior to being offered to another state agency or local government agency.

3. The Judicial Council shall consider whether the potential new or planned use of the facility:

   (A) Is compatible with the use of other adjacent public buildings.

   (B) Unreasonably departs from the historic or local character of the surrounding property or local community.

   (C) Has a negative impact on the local community.

   (D) Unreasonably interferes with other governmental agencies that use or are located in or adjacent to the building containing the court facility.

   (E) Is of sufficient benefit to outweigh the public good in maintaining it as a court facility or building.

4. All funds received for disposal of surplus court facilities shall be deposited by the Judicial Council in the State Court Facilities Construction Fund.

5. If the facility was acquired, rehabilitated, or constructed, in whole or in part, with moneys in the State Court Facilities Construction Fund that were deposited in that fund from the state fund, any funds received for disposal of that facility shall be appropriated to the state fund and the State Court Facilities Construction Fund in the same proportion that the original cost of the building was paid from the state fund and other sources of the State Court Facilities Construction Fund.

6. Submission of a plan to the Legislature for the disposition of court facilities transferred to the state, prior to, or as part of, any budget submission to fund a
new courthouse that will replace the existing court facilities transferred to the state.

(d) Conduct audits of all of the following:
  (1) The collection of fees by the local courts.
  (2) The moneys in local courthouse construction funds established pursuant to Section 76100.
  (3) The collection of moneys to be transmitted to the Controller for deposit in the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, established in Section 70371.5.

(e) Establish policies, procedures, and guidelines for ensuring that the courts have adequate and sufficient facilities, including, but not limited to, facilities planning, acquisition, construction, design, operation, and maintenance.

(f) Establish and consult with local project advisory groups on the construction of new trial court facilities, including the trial court, the county, the local sheriff, state agencies, bar groups, including, but not limited to, the criminal defense bar, and members of the community. Consultation with the local sheriff in design, planning, and construction shall include the physical layout of new facilities, as it relates to court security and other security considerations, including matters relating to the safe control and transport of in-custody defendants.

(g) Manage court facilities in consultation with the trial courts.

(h) Allocate appropriated funds for court facilities maintenance and construction, subject to the other provisions of this chapter.

(i) Manage shared-use facilities to the extent required by the agreement under Section 70343.

(j) Prepare funding requests for court facility construction, repair, and maintenance.

(k) Implement the design, bid, award, and construction of all court construction projects, except as delegated to others.

(l) Provide for capital outlay projects that may be built with funds appropriated or otherwise available for these purposes as follows:
  (1) Approve five-year and master plans for each district.
  (2) Establish priorities for construction.
  (3) Recommend to the Governor and the Legislature the projects to be funded by the State Court Facilities Construction Fund.
  (4) Submit the cost of projects proposed to be funded to the Department of Finance for inclusion in the Governor’s Budget.

(m) In carrying out its responsibilities and authority under this section, the Judicial Council shall consult with the local court for:
  (1) Selecting and contracting with facility consultants.
  (2) Preparing and reviewing architectural programs and designs for court facilities.
  (3) Preparing strategic master and five-year capital facilities plans.
  (4) Major maintenance of a facility.⁶⁷

In contrast, the Regional Justice Facilities Acts predate the trial court restructuring reforms and were thus built on the premise that the pertinent county (or counties) bore responsibility for trial court facilities, as well as detention

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⁶⁷. Emphasis added.
facilities. Unsurprisingly, those Acts allocate key roles to boards of supervisors and their members (as detailed above), and give relatively little control to the Judicial Council, trial courts, and trial court personnel.

Reconciling the Regional Justice Facilities Acts with the Trial Court Facilities Act could perhaps be done, but it would require care and entail various policy decisions that may go beyond the Commission’s statutory clean-up role in this study. To give just a few examples:

- Should the Acts be amended to apply only to detention facilities, deleting all references to court facilities? Would this preclude using these Acts for purposes of building a detention facility that includes a courtroom? If so, is that advisable?
- If the Acts continue to apply to courts, should any adjustments be made in the composition of the boards of the governmental entities created or authorized by the Acts? If so, precisely what adjustments should be made?
- If the Acts continue to apply to courts, should changes be made in who has responsibility for preparing a “master plan”? If so, what changes should be made?

Because the Acts do not appear to have ever actually served their intended purposes, it may not make sense for the Commission (if authorized), the Legislature, or anyone else to invest resources in answering these types of questions. If that is the case, it might be better to repeal the Regional Justice Facilities Acts as obsolete, instead of attempting to refine them to reflect current conditions.

A third alternative would be to leave the Regional Justice Facilities Acts in place, despite their obsolete aspects. The Acts could just remain in the codes indefinitely, waiting for the time (if ever) when there is impetus to modernize them. That approach would be easy, but a bit inconsistent with the Commission’s clean-up role. Leaving the Acts in their present form may also lead to occasional wasted efforts or confusion if people run across them and try to make sense of them.

Comments on how to approach this matter would be helpful. The Commission would much appreciate input from the affected counties, the superior courts in those counties, the Judicial Council, other stakeholders, and other knowledgeable sources before proceeding further with respect to the Orange County Act, the Multi-County Act, and the San Joaquin Act.

Request for Public Comment

The Commission seeks public comment on the issues raised in this discussion draft. Comments can be in any format and can be emailed to bgaal@clrc.ca.gov.

The Commission also welcomes comments on other statutes that require revisions to reflect trial court restructuring, regardless of whether they relate to
marshals. Comments from knowledgeable persons are invaluable in the Commission’s study process.
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SAN JOAQUIN COUNTY REGIONAL JUSTICE FACILITY FINANCING ACT (GOV’T CODE §§ 26290-26293.4)

Article 1. General Provisions, Findings, and Definitions

§ 26290. Title of act
26290. This chapter shall be known and may be cited as the San Joaquin County Regional Justice Facility Financing Act.

§ 26290.1. Legislative findings and declarations
26290.1. The Legislature hereby finds and declares that the existing state of overcrowding in the jails, sheriff, and court facilities in San Joaquin County is so great as to significantly impede the administration of justice and create a situation wherein persons who are a danger to society are required to be released into that society for lack of adequate facilities to house them. The Legislature further finds and declares that it is in the public interest to create the San Joaquin County Regional Justice Facility Financing Agency so that regional justice facility and prevention program needs may be addressed in an expeditious and appropriate fashion. The Legislature further finds and declares that it is in the public interest to allow the voters to approve a general tax for the general governmental purposes of the San Joaquin County Regional Justice Facility Financing Agency.

§ 26290.2. “Bonds”
26290.2. “Bonds” means indebtedness and securities of any kind or class, including bonds, notes, bond anticipation notes, and commercial paper.

§ 26290.3. “Agency”
26290.3. “Agency” means the San Joaquin County Regional Justice Facility Financing Agency.

§ 26290.4. “County”
26290.4. “County” means the County of San Joaquin.

§ 26290.5. “Board of supervisors”
26290.5. “Board of supervisors” means the Board of Supervisors of the County of San Joaquin.

§ 26290.6. “Master plan”
26290.6. “Master plan” means the plan for construction and acquisition of adult detention facilities, sheriff facilities, functionally related court facilities, and structures necessary or convenient thereto. The plan shall be developed and
approved, and may be amended from time to time, by the board of supervisors. The master plan may include, but is not limited to, the following:

(a) The number of adult detention facilities, sheriff facilities, functionally related court facilities, to be constructed, furnished, or acquired.

(b) The geographic location at which the facilities referenced in subdivision (a) shall be sited.

(c) The time schedule according to which the facilities referenced in subdivision (a) shall be constructed, furnished, or acquired.

(d) Construction standards which shall apply to facilities constructed, furnished, or acquired pursuant to this chapter.

(e) Design standards which shall apply to facilities constructed, furnished, or acquired pursuant to this chapter.

(f) Those other requirements as the board of supervisors, in carrying out its responsibility for the provision of regional detention services, deems necessary and appropriate.

§ 26290.7. “Prevention program”

26290.7. “Prevention program” means a program, administered by the county, designed to decrease the number of inmates incarcerated in county adult detention facilities by providing alternatives to incarceration, or by providing counseling, diversion, or intervention programs, or by providing both. Alternatives to incarceration, include, but are not limited to, alternative work programs, work furlough programs, half-way houses, and own recognizance services. Counseling, diversion, or intervention programs, include, but are not limited to, drug and alcohol counseling, parole counseling, and pretrial screening.

§ 26290.8. “Functionally related court facility”

26290.8. “Functionally related court facility” means a court facility that is used solely for criminal prosecutions and handling inmates.
Article 2. Creation of the Agency, Powers and Duties, Membership

§ 26291. San Joaquin County Regional Justice Facility Financing Agency
26291. There is hereby created the San Joaquin County Regional Justice Facility Financing Agency in the county.

§ 26291.1. Board of directors
26291.1. (a) The board of directors of the agency shall be comprised of five members, as follows:
   (1) Two members of the board of supervisors who shall be appointed by, and serve at the pleasure of, the board of supervisors.
   (2) Two public members who shall be appointed by, and serve at the pleasure of, the board of supervisors.
   (3) The Sheriff of San Joaquin County.
   (b) The senior member of the two appointed members of the board of supervisors shall serve as the chairperson of the board of directors of the agency through December 31, 1990. Thereafter, the chairperson of the board of directors of the agency shall be elected by vote of a majority of the members of the board of directors of the agency and shall serve for a period of one calendar year.
   (c) The board of directors shall adopt those rules and procedures as it deems necessary to conduct its business.

§ 26291.2. Seal
26291.2. The agency may adopt a seal and alter it at its pleasure.

§ 26291.3. Lawsuits and claims
26291.3. The agency may sue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.
   All claims for money or damages against the agency are governed by Division 3.6 (commencing with Section 810) of Title 1, except as provided therein, or by other statutes or regulations expressly applicable thereto.

§ 26291.4. Compensation for reasonable and necessary expenses
26291.4. The agency may compensate the members of its board of directors for all reasonable and necessary expenses incurred in the course of performing their duties.

§ 26291.5. Staff
26291.5. All reasonably necessary staff shall be provided by the county or hired by the agency. The county shall be reimbursed by the agency for the costs of any staff services provided to the agency by the county in accordance with an agreement entered into between the agency and county.
§ 26291.6. Authority to enter into contracts and employ attorneys and consultants
26291.6. The agency may enter into contracts. The agency may employ attorneys and consultants as necessary or convenient to carrying out its purposes and powers.

§ 26291.7. Powers of agency
26291.7. The agency shall have the power to do all of the following:
(a) Administer this chapter.
(b) Finance the construction, acquisition, and furnishing of adult detention facilities, sheriff facilities, functionally related court facilities, and structures necessary or convenient thereto, in compliance with a master plan.
(c) Exercise the power of eminent domain for acquisition, and finance the acquisition of, the lands, easements, and rights-of-way necessary for the general governmental purposes of the agency set forth in this section.
(d) Hold title as necessary to land or facilities and convey title to such land or facilities to the county.
(e) Retire all or a portion of any capital debt previously incurred for any adult detention facilities, sheriff facilities, or functionally related court facilities which exists on the date the election is held for voter approval of the retail transactions and use tax ordinance authorized by this chapter.
(f) Finance all or part of the cost of any prevention program.
(g) Reimburse costs incurred by the county in implementing the master plan, reimburse costs incurred by the county in the operation of any facility constructed or acquired pursuant to this chapter, or reimburse costs incurred by prevention programs provided the board of supervisors certifies to the agency that progress toward completion of adult detention facilities, sheriff facilities, and functionally related court facilities has progressed substantially in accordance with the master plan.
(h) Construct, furnish, and acquire adult detention facilities, sheriff facilities, functionally related court facilities, and structures necessary or convenient thereto, in accordance with the master plan.

§ 26291.8. Authority to achieve purposes of chapter
26291.8. The agency may do all things necessary or convenient to carry out the purposes of this chapter.

§ 26291.9. Transactions and use tax ordinance and ballot proposition
26291.9. The initial meeting of the agency shall be held in the county when called by the board of supervisors. At that meeting, or at any subsequent meeting of the agency called by the board of supervisors for the purposes of approving the transactions and use tax ordinance and ballot proposition, the agency may approve a transactions and use tax ordinance and may call an election in accordance with Article 3 (commencing with Section 26292) which election, notwithstanding any
other provision of law, may be held within 60 days of the calling of the election. The board of supervisors or the agency may file written arguments, including rebuttal arguments, in favor of the ballot proposition. No arguments shall exceed 500 words in length.

Article 3. Transactions and Use Tax

§ 26292. Supplementation of existing local revenues
26292. The Legislature, by the enactment of this article, intends the additional funds provided by this article to supplement existing local revenues being used for the development of regional justice facilities. Government agencies are encouraged to maintain their existing commitment of local funds for regional justice facility purposes.

§ 26292.1. Retail transactions and use tax ordinance
26292.1. A retail transactions and use tax ordinance applicable in the incorporated and unincorporated territory of the county may be adopted by the agency in accordance with Section 26292.5 and Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code, if the ordinance is adopted by a two-thirds vote of the board of directors of the agency and if two-thirds of the electors voting on the measure vote to approve its imposition at a special election called for that purpose by the agency. The tax ordinance shall take effect at the close of the polls on the day of the election at which the proposition is adopted. The initial collection of the transactions and use tax shall take place in accordance with Section 26292.4.

§ 26292.2. Tax rate, term, and purposes
26292.2. The ordinance shall state the tax rate and may state a term during which the tax will be imposed. The purposes for which the tax may be imposed are the general governmental purposes of the agency as set forth in Section 26291.7.

§ 26292.3. Election
26292.3. (a) The county shall conduct an election called by the agency. The election shall be held within the incorporated and unincorporated areas of the county.
   (b) The election shall be called and conducted in the same manner as provided by law for the conduct of elections by a county.
   (c) The cost incurred by the county in conducting the election shall be reimbursed by the agency from proceeds of the transactions and use tax.
§ 26292.4. Operative date

26292.4. (a) Any transactions and use tax ordinance adopted pursuant to this article shall become operative on the first day of the first calendar quarter commencing more than 110 days after adoption of the ordinance.

(b) Prior to the operative date of the ordinance, the agency shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of the ordinance.

§ 26292.5. Permissible tax rate

26292.5. The agency, subject to the approval of the voters, may impose a tax rate of one-half of 1 percent under this chapter and Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code. Neither this chapter nor the ordinance shall affect any tax otherwise authorized.

§ 26292.6. Combined rate of taxes

26292.6. The combined rate of tax imposed in San Joaquin County by any entity pursuant to Part 1.5 (commencing with Section 7200) or Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code, this chapter, and any other provision of law authorizing the imposition of local sales or transactions and use taxes shall not exceed 2.25 percent. Neither this chapter nor any ordinance or resolution approved pursuant to this chapter shall affect any tax otherwise authorized.

§ 26292.7. Authority to issue bonds

26292.7. (a) The agency, as part of the ballot proposition to approve the imposition of a retail transactions and use tax, may seek authorization to issue bonds payable from the proceeds of the tax and establish the appropriation limit of the agency for purposes of Article XIII B of the California Constitution.

(b) The maximum bonded indebtedness which may be outstanding at any one time shall be an amount equal to the sum of the principal of, and interest on, the bonds, but not to exceed the estimated proceeds of the transactions and use tax for a period of not more than the number of years for which the transactions and use tax authorized by this article is to be imposed.

§ 26292.8. Limited tax bonds

26292.8. (a) The bonds authorized by the voters concurrently with the approval of the retail transactions and use tax may be issued by the agency at any time, and from time to time, payable from the proceeds of the tax. The bonds shall be referred to as “limited tax bonds.” The bonds may be secured by a pledge of revenues from the proceeds of the tax.

(b) The pledge of the transactions and use tax revenues for the limited tax bonds authorized under this article shall have priority over the use of any of the revenues
for other purposes except to the extent that the priority is expressly restricted in the
resolution authorizing the issuance of the bonds.
(c) The proceeds of the bonds may be used for the following purposes:
(1) To finance the activities set forth in paragraphs (2), (3), (5), and (8) of
subdivision (a) of Section 26291.7.
(2) To pay the costs incurred for the issuance of the bonds.
(3) To fund a reserve fund for the bonds.

§ 26292.9. Interest
26292.9. The agency may provide for the bonds to bear a variable or fixed
interest rate, for the manner and intervals in which the rate shall vary, and for the
dates on which the interest shall be payable.

§ 26293. Issuance of limited tax bonds
26293. Limited tax bonds shall be issued pursuant to a resolution adopted at any
time, and from time to time, by vote of the board of directors of the agency.

§ 26293.1. Bonds constitute legal investment
26293.1. Any bonds issued pursuant to this article are a legal investment for all
trust funds; for the funds of insurance companies, commerical [sic] savings banks,
and trust companies; and for state school funds. Whenever any money or funds
may, by any law now or hereafter enacted, be invested in bonds of cities, counties,
school districts, or other districts within the state, those funds may be invested in
the bonds issued pursuant to this article, and whenever bonds of cities, counties,
school districts, or other districts within this state may, by any law now or
hereafter enacted, be used as security for the performance of any act or the deposit
of any public money, the bonds issued pursuant to this article may be so used. The
provisions of this article are in addition to all other laws relating to legal
investments and shall be controlling as the latest expression of the Legislature with
respect thereto.

§ 26293.2. Contest procedure
26293.2. Any action or proceeding wherein the validity of the adoption of the
retail transactions and use tax ordinance provided for in this article or the issuance
of any bonds thereunder or any of the proceedings in relation thereto is contested,
questioned, or denied, shall be commenced pursuant to Chapter 9 (commencing
with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. Otherwise,
the bonds and all proceedings in relation thereto, including the adoption and
approval of the ordinance, shall be held to be valid and in every respect legal and
incontestable.
§ 26293.3. No power to impose any other tax
26293.3. The agency has no power to impose any tax other than the transactions
and use tax imposed upon approval of the voters in accordance with this chapter.

§ 26293.4. Severability
26293.4. If any provision of this chapter or the application thereof to any person
or circumstance is held invalid, that invalidity shall not affect other provisions or
applications of the chapter which can be given effect without the invalid provision
or application, and to this end the provisions of this chapter are severable.
ORANGE COUNTY REGIONAL JUSTICE FACILITIES ACT (GOV’T CODE §§ 26295-26298.58)

1 Article 1. General Provisions, Findings, and Definitions

§ 26295. Title of act
2 26295. This chapter shall be known and may be cited as the Orange County Regional Justice Facilities Act.

§ 26295.2. Legislative findings and declarations
3 26295.2. The Legislature hereby finds and declares that the existing state of overcrowding in jails and court facilities in Orange County is so great as to significantly impede the administration of justice and create a situation wherein persons who are a danger to society are required to be released into that society for lack of adequate facilities to house them. The Legislature further finds and declares that it is in the public interest to create the Orange County Regional Justice Facilities Commission so that regional justice facility needs may be addressed in an expeditious and appropriate fashion on a countywide basis. The Legislature further finds and declares that it is in the public interest to allow the voters to approve a general tax for the general governmental purposes of the Orange County Regional Justice Facilities Commission.

§ 26295.4. “Commission”
4 26295.4. As used in this chapter, “commission” means the Orange County Regional Justice Facilities Commission created pursuant to Article 2 (commencing with Section 26296).

§ 26295.6. “Bonds”
5 26295.6. As used in this chapter, “bonds” means indebtedness and securities of any kind or class, including bonds, notes, bond anticipation notes, and commercial paper.

§ 26295.8. “County”
6 26295.8. As used in this chapter, “county” means the County of Orange.

§ 26295.10. “Board of supervisors”
7 26295.10. As used in this chapter, “board of supervisors” means the Board of Supervisors of the County of Orange.

§ 26295.12. “Master plan”
8 26295.12. As used in this chapter, “master plan” means the plan for construction, furnishing, acquisition, maintenance, and operation of adult and
juvenile detention facilities and courthouse facilities, and structures necessary or
convenient to those facilities. The master plan shall be developed and approved,
and may be amended from time to time, by the commission. Subject to the
limitations on the commission’s powers, as set forth in subdivision (c) of Section
26296.14, the master plan may include, but is not limited to, all of the following:
(a) The adult detention facilities to be constructed, furnished, acquired,
maintained or operated throughout the county.
(b) The juvenile detention facilities to be constructed, furnished, acquired,
maintained, or operated throughout the county.
(c) The courthouse facilities to be constructed, furnished, acquired, maintained,
or operated throughout the county.
(d) The time schedule according to which the facilities referenced in
subdivisions (a), (b), and (c) shall be constructed, furnished, or acquired.
(e) Projections of revenues, including revenues expected to be derived from the
tax provided for in this chapter, together with other federal, state, and local funds,
and funds from the sale of bonds under this chapter, and expenditures for capital,
maintenance, and operations purposes for adult and juvenile detention facilities
and courthouse facilities purposes.
(f) Those other requirements as the commission, in carrying out its responsibility
for the provision of detention and court facilities and services, deems necessary
and appropriate.

§ 26295.14. “Outstanding”
26295.14. As used in this chapter, “outstanding,” when used as of any particular
time with reference to bonds issued by the commission, means all bonds
theretofore and thereupon being authenticated and delivered by an authenticating
agent duly appointed by the commission or its authorized designee except:
(a) Bonds theretofore canceled by an authenticating agent or surrendered to such
authenticating agent for cancellation.
(b) Bonds that are owned or held by or for the account of the commission or any
other obligor on the bonds, or any person directly or indirectly controlling or
controlled by, or under direct or indirect common control with, the commission or
any other obligor on the bonds.
(c) Bonds for the transfer or exchange of or in lieu of or in substitution for which
other bonds shall have been authenticated and delivered.
(d) Refunding bonds issued pursuant to Section 26298.42, except to the extent
that the principal amount of the refunding bonds exceeds the principal amount of
the bonds to be refunded with the proceeds of such refunding bonds.
Article 2. Creation of Commission, Powers and Duties, Membership

§ 26296. Orange County Regional Justice Facilities Commission
26296. There is hereby created the Orange County Regional Justice Facilities Commission in the county.

§ 26296.2. Commission members and terms
26296.2. (a) The commission shall be comprised of five members, as follows:
(1) Two members of the board of supervisors who shall be appointed by, and serve at the pleasure of, the board of supervisors.
(2) One member of the city council of a city in the county, who shall be appointed by, and serve at the pleasure of, the county city selection committee created pursuant to Article 11 (commencing with Section 50270) of Chapter 1 of Part 1 of Division 1 of Title 5.
(3) One member of the city council of a city in the county, other than the city specified in paragraph (2), who shall be appointed by, and serve at the pleasure of, the county city selection committee specified in paragraph (2).
(4) One citizen, who shall be appointed by a majority vote of the other four members of the commission.

(b) Each member of the board of directors may appoint an alternate member to the commission, to represent, including, without limitation, to appear for and vote on behalf of, that member.

(c)(1) Except as provided in paragraph (2), all members of the commission shall be appointed for terms of four years and until their successors are appointed and qualified.
(2) For the initial members of the commission, two shall serve for terms of two years, two shall serve for terms of three years, and one shall serve for a term of four years. The respective terms of each of the initial members shall be determined by the members of the commission by lot. Thereafter, persons appointed as members of the commission shall be appointed for terms of four years.
(3) The term of any member serving on the commission as a result of holding another public office shall terminate when that member ceases holding the other public office and a new member has been properly seated. The new member of the commission shall hold office for the remainder of the term of the member who was replaced by the new member.
(4) Vacancies occurring shall be filled by the appointing authority for the unexpired term.

§ 26296.4. Chairperson and vice chairperson
26296.4. The commission at its first meeting, and thereafter annually at the first meeting held on a date as the commission may determine, shall elect a chairperson from its members, who shall preside at all meetings, and a vice chairperson, who shall preside in the chairperson’s absence. In the event of the absence or inability
to act of both the chairperson and vice chairperson, the members present, by an order entered in the minutes, shall select one of their members to act as chairperson pro tempore who, while so acting, shall have all of the authority of the chairperson.

§ 26296.6. Rules for commission proceedings

26296.6. The commission shall establish rules for its proceedings consistent with the law of the State of California.

§ 26296.8. Quorum

26296.8. A majority of the members of the commission shall constitute a quorum for the transaction of business, and all official acts of the commission shall require the affirmative vote of a majority of its members constituting a quorum.

§ 26296.10. Acts of commission

26296.10. The acts of the commission shall be expressed by motion, resolution, or ordinance.

§ 26296.12. Compliance with Ralph M. Brown Act

26296.12. All meetings of the commission shall be conducted in the manner prescribed by the Ralph M. Brown Act, Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5.

§ 26296.14. Powers and duties of commission

26296.14. (a) The commission shall do all of the following:

1. Adopt an annual budget.
2. Cause a postaudit of the financial transactions and records of the commission to be made at least annually by a certified public accountant.
3. Do any and all things necessary to carry out the purposes of this chapter.

(b) The commission may do all of the following:

1. Adopt an administrative code, by ordinance, which shall prescribe the powers and duties of commission officers, the method of appointment of commission employees, and methods, procedures, and systems of operation and management of the commission.
2. Notwithstanding subdivision (a) or (b), the commission shall have no power
to determine the geographic locations at which any of the detention or court facilities specified in this chapter shall be sited or the design or construction standards which shall apply to those detention or court facilities.

§ 26296.16. Procedure for adoption of annual budget

26296.16. Notice of time and place of the public hearing for the adoption of the annual budget shall be published one time in a newspaper of general circulation
not later than the 15th day prior to the date of the hearing. The proposed annual budget shall be available for public inspection at least 15 days prior to the hearing.

§ 26296.18. Executive director and other officers
26298.18. The commission shall appoint an executive director who shall act for the commission under its direction. The commission may appoint other officers as it deems necessary to carry out its duties and functions.

§ 26296.20. Compensation of members and reimbursement of their expenses
26296.20. Members of the commission may be compensated at a rate not exceeding one hundred dollars ($100) for any day attending to the business of the commission, but not to exceed four hundred dollars ($400) in any month, and may be reimbursed for necessary travel and other expenses incurred in the performance of their duties, as authorized by the commission.

§ 26296.22. Retirement benefits
26296.22. (a) Except as otherwise provided in subdivisions (b) and (c), the commission shall enter into a contract with the Board of Administration of the Public Employees’ Retirement System, and the board shall enter into that contract, to include all of the employees of the commission in that retirement system, and the employees shall be entitled to substantially similar health benefits as are state employees pursuant to Part 5 (commencing with Section 22750) of Division 5 of Title 2.

(b) For purposes of providing retirement benefits, the commission may contract with the retirement system of which the employees of the county are members, in lieu of contracting with the board.

(c) Notwithstanding subdivision (a) or (b), to the extent that the commission contracts with the county or other agencies to utilize employees of the county or other agencies as employees of the commission, the commission need not establish any retirement benefits program for those employees.

§ 26296.24. Perpetual succession and seal
26296.24. The commission has perpetual succession and may adopt a seal and alter it at its pleasure.

§ 26296.26. Lawsuits
26296.26. The commission may sue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.
§ 26296.28. Claims against commission for money or damages

26296.28. All claims for money or damages against the commission are
governed by Division 3.6 (commencing with Section 810) of Title 1, except as
provided therein, or by other statutes or regulations expressly applicable thereto.

§ 26296.30. Authority to enter into contracts and stipulations

26296.30. The commission may make contracts and enter into stipulations of
any nature whatsoever, including, but not limited to, contracts and stipulations to
indemnify and save harmless, to employ labor, and to do all acts necessary and
convenient for the full exercise of the powers granted in this chapter. The
commission may contract with any department or agency of the United States of
America, with any public agency, or with any person upon terms and conditions as
the commission finds is in its best interest including, but not limited to, contracts
for alcohol detoxification diversion programs. The commission may employ
attorneys and consultants necessary and convenient to carrying out its purposes
and powers.

§ 26296.34. Contract procedure

26296.34. The purchase of all supplies, equipment, and materials, and the
construction of all facilities and works, when the expenditure required exceeds
twenty-five thousand dollars ($25,000), shall be by contract let to the lowest
responsible bidder. Notice requesting bids shall be published at least once in a
newspaper of general circulation. The publication shall be made at least 10 days
before the date for the receipt of the bids. The commission, at its discretion, may
reject any and all bids and readvertise.

§ 26296.36. Purchase of supplies, equipment, or materials in open market

26296.36. If, after rejecting bids received under Section 26296.34 the
commission determines and declares, by a two-thirds vote of all of its members,
that the supplies, equipment, or materials may be purchased at a lower price in the
open market, the commission may proceed to purchase those supplies, equipment,
or materials in the open market without further observance of the provisions of
this article regarding contracts, bids, advertisement, or notice.

§ 26296.38. Single source of procurement

26296.38. Notwithstanding Section 26296.34, the commission may direct the
purchase of any supply, equipment, or material without observance of any
provision in this article regarding contracts, bids, advertisement, or notice upon a
finding by two-thirds of all members of the commission that there is only a single
source of procurement therefor and that the purchase is for the sole purpose of
duplicating or replacing supply, equipment, or material already in use.
Article 3. Detention and Courthouse Facilities

§ 26297. Coordination of construction, furnishing, acquisition, maintenance, and operation of adult and juvenile detention facilities and courthouse facilities within county

26297. For purposes of allocating revenues pursuant to Section 26298.18, the commission shall coordinate the construction, furnishing, acquisition, maintenance, and operation of all adult and juvenile detention facilities and courthouse facilities within the county pursuant to the master plan.

§ 26297.1. Master plan and proposals for courthouse facilities and adult and juvenile detention facilities

26297.1. (a) The master plan shall be developed and approved by the commission. The master plan may be approved before or after the adoption of the retail transactions and use tax ordinance specified in Article 4 (commencing with Section 26298).

(b) Incident to the development of the master plan, the commission shall solicit proposals for adult and juvenile detention facilities and courthouse facilities purposes from the county and the cities in the county. The commission shall adopt a procedure for evaluating these proposals in consultation with the county and the cities in the county. However, nothing in this subdivision shall require the commission to include any of these proposals into the master plan.

(c) The master plan may be amended from time to time by the commission, in its sole discretion.

Article 4. Transactions and Use Taxes in the County of Orange

§ 26298. Supplementation of existing local revenues

26298. The Legislature, by the enactment of this article, intends the additional funds provided by this article to supplement existing local revenues being used for the development of adult and juvenile detention facilities and courthouse facilities within the county. The county and the cities therein are further encouraged to maintain their existing commitment of local funds for adult and juvenile detention facilities and courthouse facilities purposes.

§ 26298.2. Retail transactions and use tax ordinance

26298.2. (a) A retail transactions and use tax ordinance applicable in the incorporated and unincorporated territory of the county may be adopted by the commission in accordance with Section 26298.8 and Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code, if the ordinance is adopted by a two-thirds vote of the commission and if two-thirds of the electors voting on the measure vote to approve its imposition at an election. This election may be a special election called for that purpose by the commission or, if the commission so determines, shall be consolidated with a regular election.
(b) In addition to the authorization of subdivision (a), a retail transactions and use tax ordinance applicable in the incorporated and unincorporated territory of the county may be adopted by the commission in accordance with the requirements of subdivision (a), except that, at the option of the commission, the ordinance may be required to be approved by two-thirds of the electors voting on the measure.

§ 26298.4. Content of ordinance and proposition
26298.4. The ordinance shall state the nature of the tax to be imposed, the tax rate, the purposes for which the revenue derived from the tax will be used, and the term during which the tax shall be imposed. The proposition shall include an appropriations limit for the agency pursuant to Section 4 of Article XIII B of the California Constitution.

§ 26298.6. Election
26298.6. (a) The county shall conduct the election, as called by the commission, regarding the imposition of a retail transactions and use tax ordinance. The commission shall reimburse the county for its cost in conducting that portion of the regular election directly related to the commission measure or in conducting the special election, as applicable.
(b) Any special election shall be called and conducted in the same manner as provided by law for the conduct of special elections by a county.

§ 26298.8. Permissible tax rate
26298.8. The commission, subject to the approval of the voters, may impose a tax rate of one-half of 1 per cent under this chapter and Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code. Neither this chapter nor the ordinance shall affect any tax otherwise authorized.

(Added by Stats. 1989, Ch. 1335, Sec. 1.)

§ 26298.10. Wording of proposition
26298.10. (a) The actual wording of the proposition on any short form of ballot card, label, or other device, regardless of the system of voting used, shall read as follows:
“ADULT AND JUVENILE DETENTION FACILITIES AND COURTHOUSE FACILITIES—ORANGE COUNTY REGIONAL JUSTICE FACILITIES COMMISSION

To construct, furnish, acquire, maintain, and operate adult and juvenile detention facilities and courthouse facilities in the county, this proposition authorizes the Orange County Regional Justice Facilities Commission to adopt a one-half of 1 percent sales tax solely for adult and juvenile detention facilities and courthouse facilities purposes.” In approving this proposition the voters are also approving an appropriations limit for the Orange County Regional Justice Facilities Commission.

YES

NO

(b) The sample ballot to be mailed to the voters, under Section 13303 of the Elections Code, shall be the full proposition as set forth in the ordinance calling for the measure to be voted upon at an election.

§ 26298.12. Authority to issue bonds

26298.12. (a) The commission may, as part of the same ballot proposition to approve the imposition of a retail transactions and use tax, seek authorization to issue bonds payable solely from the proceeds of the retail transactions and use tax.

(b) The actual wording of the proposition on any short form of ballot card, label, or other device, regardless of the system of voting used, shall read as follows:

“ADULT AND JUVENILE DETENTION FACILITIES AND COURTHOUSE FACILITIES—ORANGE COUNTY REGIONAL JUSTICE FACILITIES COMMISSION

To construct, furnish, acquire, maintain, and operate adult and juvenile detention facilities and courthouse facilities in the county, this proposition authorizes the Orange County Regional Justice Facilities Commission to adopt a one-half of 1 percent sales tax solely for adult and juvenile detention facilities and courthouse facilities purposes and/or to issue bonds payable from the proceeds of that sales tax.” In approving this proposition the voters are also approving an appropriations limit for the Orange County Regional Justice Facilities Commission.

YES

NO
(c) The sample ballot to be mailed to the voters, under Section 13303 of the Elections Code, shall be the full proposition as set forth in the ordinance calling for the measure to be voted upon at an election.

§ 26298.16. Operative date
26298.16. (a) Any transactions and use tax ordinance adopted pursuant to this article shall become operative as provided in Section 7265 of the Revenue and Taxation Code.
(b) Prior to the operative date of the ordinance, the commission shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of the ordinance.

§ 26298.17. Combined rate of taxes
26298.17. The combined rate of any transactions and use tax imposed pursuant to this chapter and all other transactions and use taxes imposed pursuant to the Transactions and Use Tax Law (Part 1.6 (commencing with Section 7251) of the Revenue and Taxation Code) or any other provision of law shall not exceed 1 percent. No tax shall be considered in accordance with this part if, upon its adoption, the combined rate will exceed 1 percent.

§ 26298.18. Permissible purposes for allocation of tax revenues
26298.18. The revenues from the taxes imposed pursuant to this article may be allocated by the commission for the following purposes:
(a) To administer this chapter.
(b) To pay the costs of the financing, construction, acquisition, furnishing, maintenance, and operation of adult and juvenile detention facilities, courthouse facilities, and structures necessary or convenient thereto, in compliance with the master plan and pursuant to allocation or funding agreements described in Section 26298.20.
(c) To pay the costs of the financing and acquisition of necessary lands, easements, and rights-of-way at sites designated or approved by the commission, including any costs incurred by the commission in acquiring the lands, easements, and rights-of-way.
(d) To hold title as necessary to land or facilities.
(e) To retire all or a portion of any capital debt previously incurred for any adult or juvenile detention facilities or courthouse facilities which exists on the date the election is held for voter approval of the retail transactions and use tax ordinance authorized by this chapter.
(f) To pay all debt service and any other related costs and expenses of any bonds issued under this chapter.
§ 26298.20. Allocation of tax revenues

26298.20. (a) The commission shall establish a procedure for reviewing and evaluating requests by the county and the cities in the county for revenues of the commission to be used for the adult and juvenile detention facilities and courthouse facilities purposes specified in Section 26298.18, and shall review and evaluate, from time to time, those requests. After approving such a request of the county or any city in the county, the commission may allocate to the county or city any lawfully available moneys of the commission, including, but not limited to, the revenues from the taxes imposed pursuant to this article and the proceeds of any limited tax bonds authorized by the voters pursuant to Section 26298.12, in amounts as the commission shall determine, to fund, in whole or in part, those detention or courthouse facilities purposes.

(b) In connection with any allocation of moneys to the county or any city in the county pursuant to subdivision (a), the commission shall enter into an allocation or funding agreement with the county or city pursuant to which the commission shall commit the moneys allocated under subdivision (a) to the county or city. The moneys shall be used solely for the purposes approved by the commission under subdivision (a). Each allocation or funding agreement shall contain terms and conditions as the commission shall determine and may provide, without limitation, the purpose or purposes for which the allocation may be used, that the amount to be allocated may be advanced by the commission in a lump sum or in a series of payments at a date or dates determined by the commission, which may be in one or more fiscal years of the commission, that the allocation will be in the form of a conditional or unconditional grant or contribution or as a loan or other advance against an obligation of the county or city to repay the same, and the terms and conditions relating the obligation to repay the same, including the interest rate to be paid and the date or dates that payments are to be made to the commission on account of that obligation.

§ 26298.22. Modification, amendment, or rescission of allocation or funding agreement

26298.22. (a) No modification, amendment, or rescission of any allocation or funding agreement between the commission and the county shall become effective unless the board of supervisors, by resolution, first approves the modification, amendment, or rescission.

(b) No modification, amendment, or rescission of any allocation or funding agreement between the commission and any city within the county shall become effective unless the city council of the city, by resolution, first approves the modification, amendment, or rescission.
§ 26298.24. Priorities in annual budget

26298.24. When adopting its annual budget pursuant to Section 26296.14, the commission shall provide that the lawfully available moneys of the commission shall be used first for the payment of debt service on all outstanding limited tax bonds of the commission (unless otherwise provided in the resolution providing for the issuance of such bonds) and (unless otherwise provided in an allocation or funding agreement) for the payment of all allocations required to be made pursuant to allocation or funding agreements between the commission and the county or any city in the county prior to the payment of operating costs and expenses and any other lawful costs and expenses of the commission.

§ 26298.28. Annual report on implementation of master plan

26298.28. If a retail transactions and use tax is adopted pursuant to this article, the commission shall prepare and submit a report to the board of supervisors and to the city council of each city in the county on or before January 1 of the year following the end of the first full fiscal year after that date that the taxes are imposed pursuant to this article and annually thereafter. The report shall evaluate, and report the progress made in, the implementation of the master plan in the preceding fiscal year.

§ 26298.30. Limited tax bonds

26298.30. (a) The bonds authorized by the voters concurrently with the approval of the retail transactions and use tax may be issued by the commission at any time, and from time to time, payable solely from the proceeds of the tax. The bonds shall be referred to as “limited tax bonds.”

(b) Limited tax bonds may not be issued unless the estimated proceeds of the retail transactions and use tax for a period of 30 years after issuance of the bonds shall at least equal the aggregate principal and interest payable with respect to all limited tax bonds then outstanding plus the limited tax bonds proposed to be issued. For purposes of determining the principal amount of limited tax bonds outstanding, limited tax bonds shall be assumed to be paid at par either at their respective maturities or pursuant to mandatory sinking fund installments with respect thereto. For purposes of determining the aggregate interest payable with respect to any issue of limited tax bonds, bonds that bear interest at variable interest rates shall be assumed to bear interest for the terms thereof equal to the interest rate in effect on the date the bonds are issued or, in the case of limited tax bonds already outstanding, equal to the interest rate in effect on the date that the determination is made. For purposes of determining the estimated proceeds of the retail transactions and use tax for a period of 30 years, a finding made by the commission, incidental to any prospective issuance of bonds, regarding the amount of the estimated proceeds shall be binding and conclusive for all purposes.
(c) The pledge of retail transactions and use taxes to the limited tax bonds authorized under this article shall have priority over the use of any of the funds for “pay-as-you-go” financing except to the extent that priority is expressly restricted in the resolution providing for the issuance of the bonds.

§ 26298.32. Issuance of limited tax bonds

26298.32. (a) Limited tax bonds shall be issued pursuant to a resolution adopted at any time, and from time to time, by the commission by a two-thirds vote of all members of the commission. Each resolution shall provide for the issuance of bonds in amounts as the necessity therefor may appear, until the full amount of the bonds authorized shall have been issued. The full amount of bonds may be divided into two or more series and different dates of payment fixed for the bonds of each series. A bond need not mature on its anniversary date.

(b) A resolution providing for the issuance of bonds shall state all of the following:

(1) The purposes for which the proposed debt is to be incurred, which may include all costs and estimated costs incidental to or connected with the accomplishment of those purposes, including, without limitation, engineering, inspection, legal, fiscal agents, financial consultant and other fees, bond and other reserve funds, working capital, bond interest estimated to accrue during the construction period and for a period not to exceed three years thereafter, and expenses of all proceedings for the authorization, issuance, and sale of the bonds.

(2) The estimated cost of accomplishing the purposes.

(3) The amount of the principal of the indebtedness.

(4) The maximum term the bonds, proposed to be issued, shall run before maturity, which shall not exceed 31 years from the date thereof or the date of each series thereof.

(5) The maximum rate of interest to be paid, which shall not exceed the maximum interest rate specified from time to time in Section 53531 of the Government Code, without regard to any other limitation.

(6) The denomination or denominations of the bonds, which shall not be less than five thousand dollars ($5,000).

(7) A pledge of retail transactions and use taxes to the limited tax bonds, either before or after giving effect to the payment of maintenance and operations expenses as defined by the commission in the resolution, and a statement that the bonds shall have priority over the use of any of the funds for “pay-as-you-go” financing except to the extent that the priority is expressly restricted in the resolution. However, the resolution shall not provide for the pledge of retail transactions and use taxes that have been allocated to the county or any city therein pursuant to Section 26298.20, except to the extent that the proceeds of any limited tax bonds are to be so allocated in lieu of those retail transactions and use taxes.
(8) The form of the bonds, including, without limitation, registered bonds and coupon bonds, to the extent permitted by federal law, and the form of any coupons to be attached thereto, the registration, conversion, and exchange privileges, if any, pertaining thereto, and the time when the whole or any part of the principal shall become due and payable.

(c) The resolution may also contain any other matters authorized by this article or any other law.

§ 26298.34. Interest rate and other features of bonds

26298.34. (a) The commission may provide for the bonds to bear interest at a variable or fixed interest rate, for the manner and intervals, in which the rate shall vary, and for the dates on which the interest shall be payable.

(b) In the resolution or resolutions providing for the issuance of the bonds, the commission may also provide for call and redemption of the bonds prior to maturity at times and prices and upon other terms as it may specify. However, no bond shall be subject to call or redemption prior to maturity unless it contains a recital to that effect or unless a statement to that effect is printed thereon.

(c) The principal of and interest on the bonds shall be payable in lawful money of the United States at the office of the treasurer of the county or at such other place or places as may be designated, or at either place or places at the option of the holders of the bonds.

(d) The bonds, or each series thereof, shall be dated and numbered consecutively and shall be signed by the chairperson or vice chairperson of the commission and the treasurer, or other officer of the commission performing the duties of a treasurer, of the commission, and the official seal of the commission shall be attached thereto. The interest coupons, if any, of the bonds shall be signed by the treasurer, or other officer performing the duties of a treasurer, of the commission. All of the signatures and seal may be printed, lithographed, or mechanically reproduced. However, the bonds shall be valid or become obligatory for any purpose until manually signed by an authenticating agent duly appointed by the commission or its authorized designee. If any officer whose signature appears on bonds or coupons ceases to be such an officer before the delivery of the bonds, the officer’s signature is as effective as if the officer had remained in office.

§ 26298.36. Bond sales

26298.36. The bonds may be sold as the commission determines by resolution. The commission may sell the bonds at a price below par, but the discount on any bonds so sold shall not exceed 5 percent of the par value thereof.

§ 26298.38. Delivery of bonds

26298.38. Delivery of any bonds issued pursuant to this chapter may be made at any place either inside or outside the state, and the purchase price may be received in cash or bank credits.
§ 26298.40. Use of bond sale proceeds

26298.40. All accrued interest and premiums received on the sale of bonds shall be placed in the fund to be used for the payment of principal of and interest on the bonds and the remainder of the proceeds of the bonds shall be placed in the treasury of the commission and applied to secure the bonds or for the purposes for which the debt was incurred. However, when those purposes have been accomplished, any moneys remaining shall be either (a) transferred to the fund to be used for the payment of principal of and interest on the bonds or (b) placed in a fund to be used for the purchase of outstanding bonds of the commission from time to time in the open market at those prices and in that manner, either at public or private sale or otherwise, as the commission may determine. Bonds so purchased shall be canceled immediately.

§ 26298.42. Refunding bonds

26298.42. (a) The commission may provide for the issuance, sale, or exchange of refunding bonds to redeem or retire any bonds issued by the commission upon the terms, at the times and in the manner which it determines.

(b) The proceeds of any bonds issued for the purpose of refunding outstanding bonds may, in the discretion of the commission, be applied to the purchase or retirement at maturity or redemption of outstanding bonds either on their earliest or any subsequent redemption date or upon the purchase or retirement at the maturity thereof and may, pending that application, be placed in escrow to be applied to the purchase or retirement at maturity or redemption on the date as may be determined by the commission.

(c) Pending that use, the escrowed proceeds may be invested and reinvested by the commission or its trustee in obligations of, or guaranteed by, the United States of America, or in certificates of deposit or time deposits secured by obligations of, or guaranteed by, the United States of America, maturing at a time or times appropriate to ensure the prompt payment of principal, interest, and redemption premium, if any, of the outstanding bonds to be so refunded. The interest, income, and profits, if any, earned or realized on the investment may also be applied to the payment of the outstanding bonds to be so refunded. After the terms of the escrow have been fully satisfied and carried out, any balance of the proceeds and interest, income, and profits, if any, earned or realized on the investment thereof may be returned to the commission for use by it in any lawful manner.

(d) The provisions of this article for the issuance and sale of bonds apply to the issuance and sale of refunding bonds.

§ 26298.44. Bond anticipation notes

26298.44. (a) The commission may borrow money in anticipation of the sale of bonds which have been authorized pursuant to this article, but which have not been sold and delivered, and may issue negotiable bond anticipation notes therefor and may renew the bond anticipation notes from time to time, but the maximum
maturity of any bond anticipation notes, including the renewals thereof, shall not exceed five years from the date of delivery of the original bond anticipation notes.

(b) The bond anticipation notes, and the interest thereon, may be paid from any moneys of the commission available therefor, including the revenues from the retail transactions and use taxes imposed pursuant to this article. If not previously otherwise paid, the bond anticipation notes, or any portion thereof, or the interest thereon, shall be paid from the proceeds of the next sale of the bonds of the commission in anticipation of which the notes were issued.

(c) The bond anticipation notes shall not be issued in any amount in excess of the aggregate amount of bonds which the commission has been authorized to issue, less the amount of any bonds of the authorized issued previously sold, and also less the amount of other bond anticipation notes therefor issued and then outstanding. The bond anticipation notes shall be issued and sold in the same manner as the bonds.

(d) The bond anticipation notes and the resolution or resolution authorizing them may contain provisions, conditions, or limitations which a resolution of the commission authorizing the issuance of bonds may contain.

§ 26298.46. Bonds constitute legal investment

26298.46. Any bonds issued under provisions of this article shall be legal investment for all trust funds, for the funds of insurance companies, commercial and savings banks, and trust companies, and for state school funds. Whenever any money or funds may, by any law now or hereafter enacted, be invested in bonds of cities, cities and counties, counties, school districts, or other districts within the state, those moneys or funds may be invested in the bonds issued under this article. Whenever bonds of cities, cities and counties, counties, school districts, or other districts within this state may, by any law now or hereafter enacted, be used as security for the performance of any act or the deposit of any public moneys, the bonds issued under this article may be so used. This article shall be in addition to all other laws relating to legal investments and shall be controlling as the latest expression of the Legislature with respect thereto.

§ 26298.48. Tax exemptions

26298.48. Notwithstanding any other provision of law:

(a) The commission and its revenues are exempt from all taxes on, or measured by, income.

(b) Bonds issued by the commission are exempt from all property taxation, and the interest on the bonds is exempt from all taxes on income.

(c) All property owned by the commission is exempt from property taxes, assessments, and other public charges secured by liens.
§ 26298.50. Bonds constitute liability of commission only, not any other public agency

26298.50. (a) Bonds issued under this chapter do not constitute a debt or liability of the state or of any other public agency, other than the commission, or a pledge of the faith and credit of the state or of any other public agency, other than the commission, but shall be payable solely from the funds provided therefor. All the bonds shall contain on the face thereof a statement to the following effect:

“Neither the faith and credit nor the taxing power of the State of California or any public agency, other than the Orange County Regional Justice Facilities Commission, is pledged to the payment of the principal of, or interest on, this bond.”

(b) The issuance of bonds under this chapter does not in any manner obligate the state or any other public agency thereof to levy, or to pledge any form of, taxation therefor or to make any appropriation for their payment.

§ 26298.52. No personal liability

26298.52. Neither the members of the board of directors of the commission, nor any person executing the bonds, are liable personally on the bonds, or are subject to any personal liability or accountability by reason of the issuance thereof.

§ 26298.54. Contest procedure

26298.54. Any action or proceeding wherein the validity of the adoption of the retail transactions and use tax ordinance provided for in this article or the issuance of any bonds thereunder or any of the proceedings in relation thereto is contested, questioned, or denied, shall be commenced pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure, and shall be commenced within six months from the date of the election at which the ordinance is approved; otherwise, the bonds and all proceedings in relation thereto, including the adoption and approval of the ordinance and the retail transactions and use tax provided for therein, shall be held to be valid and in every respect legal and incontestable.

§ 26298.56. Contribution to commission from county or city within county

26298.56. The county and each city within the county are authorized to contribute to the commission such amounts as the county and each city, in their discretion, deem appropriate. These amounts may be used by the commission for any lawful purpose. The commission may commit to repay any portion or all of the amounts contributed, together with interest thereon at a rate not exceeding the interest rate specified from time to time in Section 53531 or the Government Code, from any lawful source, including, but not limited to, revenues derived from the retail transactions and use tax ordinance adopted pursuant to this chapter.
§ 26298.58. Severability

26298.58. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.
COUNTY REGIONAL JUSTICE FACILITIES FINANCING ACT  
(GOV’T CODE §§ 26299.000-26299.083)


§ 26299.000. Title of act
26299.000. This chapter shall be known and may be cited as the County Regional Justice Facilities Financing Act.

§ 26299.001. Legislative findings and declarations
26299.001. The Legislature hereby finds and declares that the existing state of overcrowding in jail facilities in counties is so great as to significantly impede the administration of justice and create a situation wherein persons who are a danger to society may be required to be released into that society for lack of adequate facilities to house them.

The Legislature further finds and declares that it is in the public interest to create county regional justice facilities financing agencies so that regional adult and juvenile detention facilities, countywide law enforcement facilities, court facilities, and prevention program needs may be addressed in an expeditious and appropriate fashion.

The Legislature further finds and declares that it is in the public interest to allow the voters in each county the opportunity to approve a general tax for the general governmental purposes of county regional justice facilities financing agencies.

§ 26299.002. Definitions generally govern construction of chapter
26299.002. Unless the provision or context otherwise requires, the definitions contained in this article govern the construction of this chapter. The definition of a word applies to any of that word’s variants.

§ 26299.003. “Agency”
26299.003. “Agency” means a county regional justice facilities financing agency.

§ 26299.004. “Board of directors”
26299.004. “Board of directors” means the board of directors of a county regional justice facilities financing agency established pursuant to this chapter.

§ 26299.005. “Board of supervisors”
26299.005. “Board of supervisors” means the board of supervisors of a county.
§ 26299.006. “Bonds”
26299.006. “Bonds” means indebtedness and securities of any kind or class, including bonds, notes, bond anticipation notes, and commercial paper.

§ 26299.007. “County”
26299.007. “County” means Humboldt, Los Angeles, Riverside, San Bernardino, Stanislaus, and Ventura Counties.

§ 26299.008. “Court facilities”
26299.008. “Court facilities” means the municipal and superior courts of the county, as well as any other facilities used for adult or juvenile court matters, criminal prosecutions, handling inmates, or a combination thereof.

§ 26299.009. “Master plan”
26299.009. “Master plan” means the plan for construction and acquisition of juvenile and adult detention facilities, countywide law enforcement facilities, court facilities, and other structures necessary or convenient thereto. The plan shall be developed and approved, and may be amended from time to time, by the board of supervisors. The master plan may include, but is not limited to, the following:
(a) The number of adult and juvenile detention facilities, countywide law enforcement facilities, court facilities, and other structures necessary or convenient thereto to be constructed, furnished, or acquired.
(b) The geographic areas in which the facilities referenced in subdivision (a) shall be sited.
(c) The time schedule according to which the facilities referenced in subdivision (a) shall be constructed, furnished, or acquired.
(d) Construction and design standards which shall apply to facilities constructed, furnished, or acquired pursuant to this chapter.
(e) Those other requirements as the board of supervisors, in carrying out its responsibility for the provision of regional detention services, deems necessary and appropriate.

§ 26299.010. “Outstanding”
26299.010. “Outstanding,” when used as of any particular time with reference to bonds issued by the agency, means all bonds theretofore and thereupon being authenticated and delivered by an authenticating agent duly appointed by the agency or its authorized designee except:
(a) Bonds theretofore canceled by an authenticating agent or surrendered to such authenticating agent for cancellation.
(b) Bonds that are owned or held by or for the account of the agency or any other obligor on the bonds, or any person directly or indirectly controlling or controlled by, or under direct or indirect common control with, the agency or any other obligor on the bonds.
(c) Bonds for the transfer or exchange of or in lieu of or in substitution for which other bonds shall have been authenticated and delivered.

(d) Refunding bonds issued pursuant to Section 26299.073, except to the extent that the principal amount of the refunding bonds exceeds the principal amount of the bonds to be refunded with the proceeds of those refunding bonds.

§ 26299.011. “Prevention program”

26299.011. “Prevention program” means a program designed to decrease the number of inmates incarcerated in county juvenile and adult detention facilities by providing alternatives to incarceration, or by providing counseling diversion, or intervention [sic] programs, work furlough programs, halfway houses, and own recognizance services. Counseling, diversion, or intervention programs, include, but are not limited to, drug and alcohol counseling, probation counseling, pretrial screening, and community programs intended to reduce or prevent juvenile criminal activity.

§ 26299.013. “Qualifying facilities”

26299.013. “Qualifying facilities” means any of the adult and juvenile detention facilities, countywide law enforcement facilities, court facilities, and other structures necessary or convenient thereto, which may be constructed, furnished, or acquired pursuant to this chapter.

§ 26299.014. Construction to effectuate purposes of chapter

26299.014. This chapter shall be liberally construed in order to effectuate its purposes. No inadvertent error, irregularity, informality, or the inadvertent neglect or omission of any officer, in any procedure taken under this division, other than fraud, shall void or invalidate that proceeding or any levy imposed to finance regional justice facilities needs or improvements.

Article 2. Creation of the Agency, Powers and Duties, Membership

§ 26299.020. Establishment of county regional justice facilities financing agency

26299.020. (a) A county regional justice facilities financing agency may be established in any county, as defined in Section 26299.007, with membership and terms determined as provided in Section 26299.021, upon a finding of the board of supervisors that it is in the public interest to do so. Any such finding shall be adopted by resolution of the board of supervisors.

(b) A resolution adopted pursuant to subdivision (a), shall specify the number, membership, and terms of office of members of the board of directors of the agency as determined pursuant to Section 26299.021.
§ 26299.021. Board of directors

26299.021. The number, membership, and terms of office of the board of directors of a county regional justice facilities financing agency established pursuant to Section 26299.020, shall be determined by one of the following means:

(a) (1) The board of supervisors may establish the number, membership, and terms of office of the board of directors of the agency with the concurrence of the city councils representing both a majority of the cities in the county and a majority of the population in the incorporated area of the county.

(2) Notwithstanding the provisions of paragraph (1), the term of office of members of the board of directors shall be staggered, and shall not exceed four years.

(b) The board of supervisors may establish a board of directors of the agency comprised of five members, as follows:

(1) The county sheriff.

(2) Four other members, appointed by, and serving at the pleasure of, the board of supervisors, who shall have significant experience in detention, corrections, law enforcement, probation, or the judiciary. Not more than two of these four members may be members of the board of supervisors or other elected or appointed officers of the county.

(c) The board of supervisors may establish a board of directors of the agency comprised of seven members, as follows:

(1) The sheriff.

(2) The district attorney.

(3) Two members appointed by, and serving at the pleasure of, the city selection committee created pursuant to Article 1.1 (commencing with Section 50270) of Chapter 1 of Part 1 of Division 1 of Title 5, each of whom shall be either a member of the city council or the mayor of a city in the county. These two members may not represent the same city.

(4) Two members of the board of supervisors.

(5) One member appointed by, and serving at the pleasure of, the presiding judge of the superior court, who shall have significant experience in detention, corrections, law enforcement, probation, or the judiciary.

§ 26299.022. Term of member serving on board by virtue of office

26299.022. The term of any member serving on the board of directors by virtue of holding another public office shall terminate when that member ceases holding the other public office and a new member has been properly seated. The new member of the agency shall hold office for the remainder of the term of the member who was replaced by the new member.
§ 26299.023. Filling vacancy on board
26299.023. Vacancies occurring on the board of directors shall be filled by the
appointing authority for the unexpired term.

§ 26299.024. Chairperson and vice chairperson
26299.024. The board of supervisors shall call the first meeting of the board of
directors and shall designate one of the members of the board of directors to serve
as the chairperson at that meeting. Thereafter, a chairperson and vice chairperson
of the board of directors shall be elected annually by vote of a majority of the
members of the board of directors of the agency and shall serve for a period of one
calendar year. The chairperson shall preside at all meetings, and the vice
chairperson shall preside in the absence of the chairperson.

In the event of the absence or inability to act of both the chairperson and vice
chairperson, the members present, by an order entered in the minutes, shall select
one of their members to act as chairperson pro tempore who, while so acting, shall
have all of the authority of the chairperson.

§ 26299.025. Quorum
26299.025. A majority of the members of the agency shall constitute a quorum
for the transaction of business, and all official acts of the agency shall require the
affirmative vote of a majority of its members constituting a quorum, unless a two-
thirds vote is required by this chapter.

§ 26299.026. Acts of agency
26299.026. The acts of the agency shall be expressed by motion, resolution, or
ordinance.

§ 26299.027. Rules and procedures
26299.027. The board of directors shall adopt those rules and procedures,
consistent with the laws of the state, as it deems necessary to conduct its business.

§ 26299.028. Compliance with Ralph M. Brown Act
26299.028. All meetings of the agency shall be conducted in the manner
prescribed by the Ralph M. Brown Act, Chapter 9 (commencing with Section
54950) of Part 1 of Division 2 of Title 5.

§ 26299.029. Authorized acts
26299.029. In carrying out its purposes and powers, the agency may:
(a) Adopt a seal and alter it at its pleasure.
(b) Sue and be sued, except as otherwise provided by law, in all actions and
proceedings, in all courts and tribunals of competent jurisdiction.
All claims for money or damages against the agency are governed by Division 3.6 (commencing with Section 810) of Title 1, except as provided therein or by other statutes or regulations expressly applicable thereto.

(c) Subject to the limitations provided for in Section 26299.035, compensate the members of its board of directors for all reasonable and necessary expenses incurred in the course of performing their duties.

(d) Appoint and employ an executive officer and clerical staff as may be necessary for the administration of the affairs of the agency. All other reasonably necessary staff may be hired by the agency or may be provided by the county. The county shall be reimbursed by the agency for the costs of any staff services provided to the agency by the county in accordance with an agreement entered into between the agency and the county.

(e) Enter into contracts. The agency may employ attorneys and consultants as necessary or convenient to carrying out its purpose and powers.

(f) Appoint policy committees as deemed necessary.

(Added by Stats. 1989, Ch. 1335, Sec. 1.5.)

§ 26299.030. Duties of agency

26299.030. The agency shall do all of the following:

(a) Adopt an annual budget.

(b) Adopt an administrative code, by ordinance, which prescribes the powers and duties of agency officers, the method of appointment of agency employees, and methods, procedures, and systems of operation and management of the agency.

(c) Cause a postaudit of the financial transactions of the agency to be made at least annually by a certified public accountant.

(d) Do any and all things necessary to carry out the purposes of this chapter.

§ 26299.031. Powers of agency

26299.031. In carrying out the purposes of this chapter the agency shall have the power to do all of the following:

(a) Administer this chapter.

(b) Finance the construction, acquisition, and furnishing of adult and juvenile detention facilities, countywide law enforcement facilities, court facilities, and other structures necessary or convenient thereto, in compliance with a master plan developed and approved, as amended from time to time, by the board of supervisors for that purpose.

(c) Finance the acquisition of necessary lands, easements, and rights-of-way, including reimbursement to the county for any costs incurred by the county in acquiring such lands, easements, and rights-of-way, at sites designated or approved by the board of supervisors, for the general governmental purposes of the agency set forth in this section.
(d) Hold title as necessary or convenient to land or facilities constructed or acquired pursuant to this chapter, and convey title to such land or facilities to the county.

(e) Finance the operation and maintenance of any qualifying facilities constructed, acquired, or financed, in whole or in part, pursuant to this chapter or any adult and juvenile detention facilities, countywide law enforcement facilities, court facilities, and other structures necessary or convenient thereto which may become operational after the effective date of any transactions and use tax approved pursuant to this chapter.

(f) Reimburse costs incurred by the county in the operation of any qualifying facilities constructed or acquired pursuant to this chapter, provided the board of supervisors certifies to the agency that progress toward completion of qualifying facilities has advanced substantially in accordance with the master plan, and reimburse costs incurred by the county in implementing the master plan.

(g) Retire all or a portion of any capital debt previously incurred for any adult or juvenile detention facilities, countywide law enforcement facilities, court facilities, or other structures necessary or convenient thereto which exist on the date the election is held for voter approval of the retail transactions and use tax ordinance authorized by this chapter.

(h) Finance all or part of the cost of any prevention program, as defined in Section 26299.011.

§ 26299.032. Construction, acquisition, and furnishing of other county or city criminal justice and law enforcement facilities

26299.032. In carrying out the purposes of this chapter the agency may finance the construction, acquisition, and furnishing of other county or city criminal justice and law enforcement facilities, provided the board of supervisors certifies to the agency that all current master plan requirements have been met.

§ 26299.033. No power to determine geographic locations

26299.033. Notwithstanding any other provision of this chapter to the contrary, the board of directors of an agency shall have no power to determine the geographic locations at which any of the qualifying facilities specified in this chapter shall be sited.

§ 26299.034. Procedure for adoption of annual budget

26299.034. Notice of the time and place for the public hearing for the adoption of the annual budget shall be published one time in a newspaper of general circulation not later than the 15th day prior to the date of the hearing. The proposed annual budget shall be available for public inspection at least 15 days prior to the hearing.
§ 26299.035. Compensation of members and reimbursement of their expenses

26299.035. Members of the board of directors of the agency may be compensated at a rate not exceeding one hundred dollars ($100) for any day attending to the business of the agency, but not to exceed four hundred dollars ($400) in any month, and may be reimbursed for reasonable and necessary travel and other expenses incurred in the performance of their duties, as authorized by the agency.

§ 26299.036. Retirement benefits

26299.036. (a) Except as otherwise provided in subdivisions (b) and (c), the agency shall enter into a contract with the Board of Administration of the Public Employees’ Retirement System, and the board shall enter into that contract, to include all of the employees of the agency in that retirement system, and the employees shall be entitled to substantially similar health benefits as are state employees pursuant to Part 5 (commencing with Section 22750) of Division 5 of Title 2.

(b) For purposes of providing retirement benefits, the agency may contract with the retirement system of which the employees of the county are members, in lieu of contracting with the board.

(c) Notwithstanding subdivision (a) or (b), to the extent that the agency contracts with the county or other agencies to utilize employees of the county or other agencies as employees of the agency, the agency need not establish any retirement benefits program for those employees.

§ 26299.037. Transactions and use tax ordinance and ballot proposition

26299.037. At the initial meeting of the agency, or at any subsequent meeting, the agency may approve a transactions and use tax ordinance and ballot proposition, and may call an election in accordance with Article 3 (commencing with Section 26299.040).

Article 3. Transactions and Use Tax

§ 26299.040. Supplementation of existing local revenues

26299.040. The Legislature, by the enactment of this chapter, intends that the additional funds provided governmental agencies by this chapter shall supplement existing local revenues being used for the development and operation of regional justice facilities, and that local agencies maintain their existing commitment of local funds for regional justice facilities purposes.

§ 26299.041. Retail transactions and use tax ordinance

26299.041. (a) A retail transactions and use tax ordinance applicable in the incorporated and unincorporated territory of a county may be imposed by the agency in accordance with this chapter and Part 1.6 (commencing with Section
7251) of Division 2 of the Revenue and Taxation Code, if the tax ordinance is adopted by a two-thirds vote of the agency and imposition of the tax is subsequently approved by two-thirds of the electors voting on the measure at a special election called for that purpose by the board of supervisors, at the request of the agency, and a county regional justice facilities master plan is adopted pursuant to Section 26299.009.

(b) In addition to the authorization of subdivision (a), a retail transactions and use tax ordinance applicable in the incorporated and unincorporated territory of a county may be imposed by the agency in accordance with the requirements of subdivision (a), except that, at the option of the agency, the ordinance may be required to be approved by two-thirds of the electors voting on the measure.

(c) A retail transactions and use tax approved by the electors pursuant to this chapter shall remain in effect for not longer than 30 years, or any lesser period of time specified in the tax ordinance. The tax may be continued in effect, or reimposed, by a tax ordinance adopted by a two-thirds vote of the agency and the reimposition of the tax is approved by either a majority or two-thirds of the electors, whichever was required for the initial approval.

(d) The special elections required by subdivisions (a), (b), and (c) for the initial imposition and reimposition, respectively, of a retail transactions and use tax may be consolidated, if the agency so determines, with a regular election.

§ 26299.042. Effective date and collection of transactions and use tax

26299.041. A tax ordinance adopted pursuant to Section 26299.041 shall take effect at the close of the polls on the day of the election at which the proposition is adopted. The initial collection of the transactions and use tax shall take place in accordance with Section 26299.049.

§ 26299.043. Content of ordinance and proposition

27300.043. The agency, in the ordinance adopted pursuant to Section 26299.041, shall state the nature of the tax to be imposed, the tax rate, the period during which the tax will be imposed, which of the financing activities enumerated in Section 26299.031 the agency proposes to exercise, and the specific activities and purposes, if any, for which the agency proposes to allocate any fixed portion of the tax proceeds. The purposes for which the tax may be imposed are the general governmental purposes of the agency as set forth in Section 26299.031.

The proposition shall include an appropriations limit for the agency pursuant to Section 4 of Article XIII B of the California Constitution.

§ 26299.044. Election

26299.044. (a) The county shall conduct a special election called by the agency for the purpose of approving a transactions and use tax ordinance adopted by the agency. The election shall be held within the incorporated and unincorporated areas of the county.
(b) The election shall be called and conducted in the same manner as provided by law for the conduct of special elections by a county.

(c) If the measure is approved by the voters, the cost incurred by the county in conducting the special election shall be reimbursed by the agency from proceeds of the retail transactions and use tax.

§ 26299.045. Permissible tax rate

26299.045. The agency by two-thirds vote of its board of directors, subject to the approval of the voters, may impose a tax rate of one-half of 1 percent under this chapter and Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code. Neither this chapter nor the ordinance shall affect any tax otherwise authorized.

§ 26299.046. Allocation of tax revenues

26299.046. The revenues from the tax imposed pursuant to this chapter may be allocated by the agency for the following purposes:

(a) To administer this chapter.

(b) To pay the costs of the financing, construction, acquisition, furnishing, maintenance, and operation of adult and juvenile detention facilities, countywide law enforcement facilities, court facilities, and other structures necessary or convenient thereto, in compliance with the adopted master plan.

(c) To finance all or any portion of the cost of any prevention program, as defined in Section 26299.011.

(d) To pay the costs of the financing and acquisition of necessary lands, easements, and rights-of-way at sites designated or approved by the agency, including any costs incurred by the agency in acquiring lands, easements, and rights-of-way.

(e) To hold title as necessary to land or facilities.

(f) To retire all or a portion of any capital debt previously incurred for any adult or juvenile detention facilities, countywide law enforcement facilities, court facilities, and other structures necessary or convenient thereto which exists on the date the election is held for voter approval of the retail transactions and use tax.

(g) To pay all debt service and any other related costs and expenses of any bonds issued pursuant to this chapter.

§ 26299.047. Priorities in annual budget

26299.047. When adopting its annual budget pursuant to Section 26299.030, the agency shall provide that the lawfully available moneys of the agency shall be used first for the payment of debt service on all outstanding limited tax bonds of the agency unless otherwise provided in the resolution providing for the issuance of such bonds, and, unless otherwise provided in an allocation or funding agreement, for the payment of all allocations required to be made pursuant to allocation or funding agreements between the agency and the county or any city in
the county prior to the payment of operating costs and expenses and any other
lawful costs and expenses of the agency.

§ 26299.048. Annual report on implementation of master plan
26299.048. If a retail transactions and use tax is adopted pursuant to this chapter,
the agency shall prepare and submit a report to the board of supervisors and to the
city council of each city in the county on or before January 1 of the year following
the end of the first full fiscal year after that date that the taxes are imposed
pursuant to this chapter and annually thereafter. The report shall evaluate, and
report progress made in, the implementation of the adopted master plan in the
preceding fiscal year.

§ 26299.049. Operative date
26299.049. (a) Any transactions and use tax ordinance adopted pursuant to this
chapter shall become operative as provided in Section 7265 of the Revenue and
Taxation Code, or its successor.
(b) Prior to the operative date of the ordinance, the agency shall contract with
the State Board of Equalization to perform all functions incidental to the
administration and operation of the ordinance.

§ 26299.050. Combined rate of taxes
26299.050. (a) The combined rate of any transactions and use tax imposed in a
county pursuant to this chapter and all other transactions and use taxes imposed in
that county pursuant to the Transactions and Use Tax Law (Part 1.6 (commencing
with Section 7251) of Division 2 of the Revenue and Taxation Code), or any other
provision of law shall not exceed 1 percent.
(b) No tax shall be considered in a county in accordance with this part if, upon
adoption, the combined rate of transactions and use taxes in the county will exceed
1 percent.

Article 4. Bonds

§ 26299.060. Authority to issue bonds
26299.060. (a) As part of the ballot proposition to approve the imposition of a
retail transactions and use tax pursuant to this chapter, authorization may be
sought to issue bonds payable from the proceeds of the tax to finance capital
outlay expenditures as may be provided for in the master plan for county regional
justice facilities adopted pursuant to Section 26299.009.
(b) Limited tax bonds may not be issued unless the estimated proceeds of the
retail transactions and use tax for a period of 30 years after issuance of the bonds
shall at least equal the aggregate principal and interest payable with respect to all
limited tax bonds then outstanding plus the limited tax bonds proposed to be
issued. For purposes of determining the principal amount of limited tax bonds
outstanding, limited tax bonds shall be assumed to be paid at par either at their respective maturities or pursuant to mandatory sinking fund installments with respect thereto. For purposes of determining the aggregate interest payable with respect to any issue of limited tax bonds, bonds that bear interest at variable interest rates shall be assumed to bear interest for the terms thereof equal to the interest rate in effect on the date the bonds are issued or, in the case of limited tax bonds already outstanding, equal to the interest rate in effect on the date that the determination is made. For purposes of determining the estimated proceeds of the retail transactions and use tax for a period of 30 years, a finding made by the agency, incidental to any prospective issuance of bonds, regarding the amount of the estimated proceeds shall be binding and conclusive for all purposes.

§ 26299.061. Limited tax bonds
26299.061. (a) The bonds authorized by the voters concurrently with the approval of the retail transactions and use tax may be issued by the agency at any time, and from time to time, payable from the proceeds of the tax. The bonds shall be referred to as “limited tax bonds.”
(b) The pledge of the retail transactions and use tax revenues for the limited tax bonds authorized under this chapter shall have priority over the use of any of the tax revenues for “pay-as-you-go” financing, or any other purposes except to the extent that that priority is expressly restricted in the resolution authorizing the issuance of the bonds.

§ 26299.062. Permissible uses of limited tax bonds
26299.062. Limited tax bonds issued under this chapter may be used only for the following purposes:
(a) To finance the capital outlay expenditures for those qualifying facilities which the agency is authorized to construct, acquire, or furnish pursuant to Section 26299.032.
(b) To pay costs incurred in the issuance of the limited tax bonds.
(c) To fund a reserve fund for the limited tax bonds.

§ 26299.063. Issuance of limited tax bonds
26299.063. Limited tax bonds shall be issued pursuant to a resolution adopted at any time, and from time to time, by a two-thirds vote of the board of directors of the agency. Each resolution shall provide for the issuance of bonds in the amounts as may be necessary, until the full amount of bonds authorized have been issued. The full amount of bonds may be divided into two or more series and different dates of payment fixed for the bonds of each series. A bond need not mature on its anniversary date.
§ 26299.064. Content of resolution for issuance of bonds

26299.064. (a) A resolution providing for the issuance of bonds pursuant to this chapter shall state all of the following:

(1) The purposes for which the proposed debt is to be incurred, which may include all costs and estimated costs incidental to, or connected with, the accomplishment of those purposes, including without limitation, engineering, inspection, legal, fiscal agents, financial consultant and other fees, bond and other reserve funds, working capital, bond interest estimated to accrue during the construction period and for a period not to exceed three years thereafter, and expenses of all proceedings for the authorization, issuance, and sale of the bonds.

(2) The estimated cost of accomplishing those purposes.

(3) The amount of the principal of the indebtedness.

(4) The maximum term the bonds proposed to be issued shall run before maturity, which shall not be beyond the date of termination of the imposition of the retail transactions and use tax.

(5) The maximum rate of interest to be paid, which shall not exceed the maximum rate allowed by Section 53531 of the Government Code, payable at intervals determined by the agency.

(6) The denomination or denominations of the bonds, which shall not be less than five thousand dollars ($5,000).

(7) The form of the bonds, including, without limitation, registered bonds and coupon bonds, to the extent permitted by federal law, and the form of any coupons to be attached thereto, the registration, conversion, and exchange privileges, if any, pertaining thereto, and the time when all, or any part, of the principal becomes due and payable.

(b) The resolution may also contain any other matters authorized by this chapter or any other law.

§ 26299.065. Interest on limited tax bonds

26299.065. The agency may provide for the limited tax bonds to bear a variable or fixed interest rate, for the manner and intervals in which the rate shall vary, and for the dates on which the interest shall be payable.

§ 26299.066. Call and redemption of bonds

26299.066. (a) In the resolution authorizing the issuance of the bonds, the agency may also provide for the call and redemption of the bonds prior to maturity at the times and prices and upon other terms as specified.

(b) Notwithstanding the provisions [sic] of subdivision (a), no bond is subject to call or redemption prior to maturity, unless it contains a recital to that effect or unless a statement to that effect is printed therein.
§ 26299.067. Places of payment of principal and interest on bonds
26299.067. The principal of and interest on the bonds shall be payable in lawful
money of the United States at the office of the treasurer of the agency, or at such
other places as may be designated, or at both the office and other places at the
option of the holders of the bonds.

§ 26299.068. Features of bonds
26299.068. (a) The bonds, or each series thereof, shall be dated and numbered
consecutively and shall be signed by the chairperson or vicechairperson of the
agency at the treasurer of the agency, and the official seal, if any, of the agency
shall be attached.
(b) The interest coupons, if any, of the bonds shall be signed by the treasurer of
the agency. All of the signatures and the seal may be printed, lithographed, or
mechanically reproduced. However, the bonds shall not be valid or become
obligatory for any purpose until manually signed by an authenticating agent duly
appointed by the agency or its authorized designee.
(c) If any officer whose signature appears on the bonds or coupons ceases to be
that officer before the delivery of the bonds, the officer’s signature is as effective
as if the officer had remained in office.

§ 26299.069. Bond sales
26299.069. The bonds may be sold as the agency determines by resolution. The
agency may sell the bonds at a price below par, whether by negotiated or public
sale.

§ 26299.070. Delivery of bonds
26299.070. Delivery of any bonds issued pursuant to this chapter may be made
at any place either inside or outside the state, and the purchase price may be
received in cash or bank credits.

§ 26299.071. Use of bond sale proceeds
26299.071. All accrued interest and premiums received on the sale of the bonds
shall be placed in the fund to be used for the payment of the principal of and
interest on the bonds, and the remainder of the proceeds of the bonds shall be
placed in the treasury of the agency and applied to secure the bonds or for the
purposes for which the debt was incurred. However, when the purposes have been
accomplished, any money remaining shall be either (a) transferred to the fund to
be used for the payment of principal of and interest on the bonds, or (b) placed in a
fund to be used for the purchase of the outstanding bonds in the open market at
prices and in the manner, either at public or private sale or otherwise, as
determined by the agency. Bonds so purchased shall be cancelled immediately.
§ 26299.072. Refunding bonds

26299.072. (a) The agency may provide for the issuance, sale, or exchange of refunding bonds to redeem or retire any bonds issued by the agency upon the terms, at the times and in the manner which it determines.

(b) The proceeds of any bonds issued for the purpose of refunding outstanding bonds may, in the discretion of the agency, be applied to the purchase or retirement at maturity or redemption of outstanding bonds either on their earliest or any subsequent redemption date or upon the purchase or retirement at the maturity thereof and may, pending that application, be placed in escrow to be applied to the purchase or retirement at maturity or redemption on the date as may be determined by the agency.

(c) Pending that use, the escrowed proceeds may be invested and reinvested by the agency or its trustee in obligations of, or guaranteed by, the United States of America, or in certificates of deposit or time deposits secured by obligations of, or guaranteed by, the United States of America, maturing at a time or times appropriate to ensure the prompt payment of principal, interest, and redemption premium, if any, of the outstanding bonds to be so refunded. The interest, income, and profits, if any, earned or realized on the investment may also be applied to the payment of the outstanding bonds to be so refunded. After the terms of the escrow have been fully satisfied and carried out, any balance of the proceeds and interest, income, and profits, if any, earned or realized on the investment thereof may be returned to the agency for use by it in any lawful manner.

(d) The provisions of this chapter for the issuance and sale of bonds apply to the issuance and sale or [sic] refunding bonds.

§ 26299.073. Principal amount of refunding bonds

26299.073. Refunding bonds may be issued in a principal amount sufficient to pay all, or any part of, the principal of the outstanding bonds, the premiums, if any, due upon call and redemption thereof prior to maturity, all expenses of the refunding, and either of the following:

(a) The interest upon the refunding bonds from the date of sale thereof to the date of payment of the bonds to be refunded out of the proceeds of the sale of the refunding bonds or to the date upon which the bonds to be refunded will be paid pursuant to call or agreement with the holder of the bonds.

(b) The interest upon the bonds to be refunded from the date of sale of the refunding bonds to the date of payment of the bonds to be refunded or to the date upon which the bonds to be refunded will be paid pursuant to call or agreement with the holder of the bonds.

§ 26299.074. Bond anticipation notes

26299.074. (a) The agency may borrow money in anticipation of the sale of bonds which have been authorized pursuant to this chapter, but which have not been sold or delivered, and may issue negotiable bond anticipation notes therefor.
and may renew the bond anticipation notes from time to time, provided that the
maximum maturity of any bond anticipation notes, including the renewals thereof,
shall not exceed five years from the date of delivery of the original bond
anticipation notes.

(b) The bond anticipation notes, and the interest thereon, may be paid from any
money of the agency available therefor, including the revenues from the retail
transactions and use tax which may be imposed pursuant to this chapter. If not
previously otherwise paid, the bond anticipation notes, or any portion thereof, or
the interest thereon, shall be paid from the proceeds of the next sale of the bonds
of the agency in anticipation of which the notes were issued.

(c) The bond anticipation notes shall not be issued in any amount in excess of
the aggregate amount of the bonds which the agency has been authorized to issue,
less the amount of any bonds therefor issued and then outstanding. The bond
anticipation notes shall be issued and sold in the same manner as the bonds.

(d) The bond anticipation notes and the resolutions authorizing them may
contain any provisions, conditions, or limitations which a resolution of the agency
authorizing the issuance of bonds may contain.

§ 26299.075. Bonds constitute legal investment

26299.075. Any limited tax bonds issued pursuant to this chapter are a legal
investment for all trust funds; for the funds of insurance companies, commercial
and savings banks, and trust companies; and for state school funds. Whenever any
money or funds may, by any law now or hereafter enacted, be invested in bonds of
cities, cities and counties, counties, school districts, or other districts within the
state, that money or funds may be invested in the bonds issued pursuant to this
chapter. Whenever bonds of cities, cities and counties, counties, school districts, or
other districts within this state may, by any law now or hereafter enacted, be used
as security for the performance of any act or the deposit of any public moneys, the
bonds issued pursuant to this chapter may be so used. The provisions of this
chapter are in addition to all other laws relating to legal investments and shall be
controlling as the latest expression of the Legislature with respect thereto.

§ 26299.076. Tax exemptions

26299.076. Notwithstanding any other provision of law:
(a) The agency and its revenues are exempt from all taxes on, or measured by,
income.
(b) Bonds issued by the agency are exempt from all property taxation, and the
interest on the bonds is exempt from all taxes on income.
(c) All property owned by the agency is exempt from property taxes,
assessments, and other public charges secured by liens.
§ 26299.077. Bonds constitute liability of issuing agency only, not any other public agency

26299.077. (a) Bonds issued pursuant to this chapter do not constitute a debt or liability of the state or of any other public agency, other than the county regional justice facilities financing agency issuing the bonds, or a pledge of the faith and credit of the state or of any other public agency, other than the issuing agency, but shall be payable solely from the funds provided therefor. All of the bonds shall contain on the face thereof a statement to the following effect:

“Neither the faith and credit nor the taxing power of the State of California or any public agency, other than the _____ County Regional Justice Facilities Financing Agency, is pledged to the payment of the principal of or interest on this bond.”

(b) The issuance of bonds pursuant to this chapter does not in any manner obligate the state or any other public agency thereof to levy, or to pledge, any form of taxation therefor or to make any appropriation for their payment.

§ 26299.078. No personal liability

26299.078. Neither the members of the board of directors of the agency, nor any person executing the bonds, are liable personally on the bonds, or are subject to any personal liability or accountability by reason of the issuance thereof.

§ 26299.079. Contest procedure

26299.079. Any action or proceeding wherein the validity of the adoption of the retail transactions and use tax ordinance provided for in this chapter or the issuance of any bonds thereunder or any of the proceedings in relation thereto is contested, questioned, or denied, shall be commenced pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure within six months from the date of the election at which the ordinance is approved. Otherwise, the bonds and all proceedings in relation thereto, including the adoption and approval of the ordinance and the retail transactions and use tax provided for therein, shall be held to be valid and in every respect legal and incontestable.

§ 26299.080. Contribution to agency from county or city within county

26299.080. The county and each city within the county is authorized to contribute to the agency such amounts as the county and each city, in their discretion, deem appropriate. These amounts may be used by the agency for any lawful purpose. The agency may commit to repay all or any portion of the amounts contributed, together with interest thereon at a rate not exceeding the interest rate specified from time to time in Section 53531 of the Government Code, from any lawful source, including, but not limited to, revenues derived from the retail transactions and use tax which may be imposed pursuant to this chapter.
§ 26299.081. No power to impose any other tax
26299.081. The agency has no power to impose any tax other than the transactions and use tax imposed upon approval of the voters in accordance with this chapter.

§ 26299.082. Legislative intent regarding funding
26299.082. It is the intent of the Legislature in enacting this chapter to ensure that counties are not deprived of state funds which might be made available to finance needed regional justice facilities, including adult and juvenile detention facilities, countywide law enforcement facilities, court facilities, other structures necessary or convenient thereto, and prevention programs subsequent to the enactment of this chapter, whether those funds be provided by statute or constitutional amendment.

§ 26299.083. Severability
26299.083. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.