

## Memorandum 2019-52

**Trial Court Restructuring Clean-Up: Regional Justice Facilities Acts  
(Draft of Discussion Draft)**

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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.<sup>1</sup>

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

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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](http://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.



# CALIFORNIA LAW REVISION COMMISSION

**STAFF DRAFT**

DISCUSSION DRAFT

## Trial Court Restructuring Clean-Up: Regional Justice Facilities Acts

September 2019

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**.**

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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](mailto: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

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

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 Those statutes appear to contain material that is obsolete due to  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

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

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

### 26 **Trial Court Restructuring and the Commission’s Role**

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

#### 29 *Former Structure*

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

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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

1 cases).<sup>2</sup> Both types were county-operated, received county funding, and were  
2 largely staffed with county employees.<sup>3</sup> Trial court facilities were owned,  
3 constructed, and maintained by the counties.<sup>4</sup>

#### 4 ***Key Structural Changes***

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

- 6 • *Lockyer-Isenberg Trial Court Funding Act*. Under this 1997 legislation,<sup>5</sup> the  
7 state assumed full responsibility for funding trial court operations.<sup>6</sup> The goal  
8 was to eliminate disparities in funding from county to county, helping to  
9 ensure equal service in courts across the state.<sup>7</sup>
- 10 • *Trial court unification*. In 1998, the voters approved a measure that  
11 permitted trial court unification on a county-by-county basis: On a vote of a  
12 majority of the municipal court judges and a majority of the superior court  
13 judges in a county, the municipal and superior courts in that county could  
14 unify their operations in the superior court.<sup>8</sup> By early 2001, the trial courts in  
15 all of California’s 58 counties had unified.<sup>9</sup> Each county now has a unified  
16 superior court, which handles all trial court operations in that county.
- 17 • *Enactment of the Trial Court Employment Protection and Governance Act*  
18 (*“TCEPGA”*). This legislation was enacted in 2000.<sup>10</sup> It established a new  
19 personnel system for trial court employees, in which they are employed by  
20 the superior court itself (not by the county or the state).<sup>11</sup>

#### 21 ***Follow-Up Legislation on Court Facilities***

22 The reforms described above did not directly resolve the fate of trial court  
23 facilities. Instead, the Trial Court Funding Act created a task force “to review and

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2. See former Cal. Const. art. VI, §§ 4, 5, 10, which are reproduced in *Trial Court Unification: Constitutional Revision (SCA 3)*, 24 Cal. L. Revision Comm’n Reports 1, 21 (1994) (hereafter, “*TCU: Constitutional Revision*”). California also had justice courts until the mid-1990’s, when they were eliminated statewide pursuant to a ballot measure approved by the voters. See 1994 Cal. Stat. res. ch. 113 (SCA 7 (Dills)) (Prop. 191, approved Nov. 8, 1994).

3. See, e.g., Senate Committee on Judiciary Analysis of AB 233 (June 10, 1997); *Trial Court Unification: Revision of Codes*, 28 Cal. L. Revision Comm’n Reports 51, 76-79 (1998) (hereafter, “*TCU: Revision of Codes*”); J. Clark Kelso, Analysis of Existing Court Staffing Statutes (DRAFT: Jan. 24, 2000) (on file with Commission).

4. See, e.g., *Statutes Made Obsolete by Trial Court Restructuring: Part 2* (hereafter, “*TCR: Part 2*”), 33 Cal. L. Revision Commission Reports 169, 177 (2003) (“Court facilities have historically been county structures.”).

5. 1997 Cal. Stat. ch. 850; see generally Sections 77000-77655.

6. See Section 77200.

7. See Section 77100(c)-(d).

8. See 1996 Cal. Stat. res. ch. 36 (SCA 4 (Lockyer)) (Prop. 220, approved June 2, 1998).

9. See <https://www.courts.ca.gov/documents/unidate.pdf>.

10. 2000 Cal. Stat. ch. 1010; see generally Sections 71600-71675.

11. See, e.g., Senate Committee on Judiciary Analysis of SB 2140 (May 9, 2000).



1 report the status of court facilities throughout the state, and to make  
2 recommendations for specific funding responsibilities among the entities of  
3 government (i.e., state and/or county) with regards to court facilities maintenance  
4 and construction.”<sup>12</sup>

5 The task force visited court facilities throughout the state and submitted its final  
6 report to the Legislature in 2001.<sup>13</sup> Its overarching recommendation was that  
7 “responsibility for trial court facilities funding and operation be shifted from the  
8 counties to the state.”<sup>14</sup>

9 The task force gave four main reasons for that recommendation, which the  
10 Legislature endorsed in the Trial Court Facilities Act, enacted in 2002.<sup>15</sup> A key  
11 theme was that *the judiciary* should control both court operations and court  
12 facilities:

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

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

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

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

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

29 Of particular importance, the Trial Court Facilities Act set a deadline for each  
30 county to negotiate agreements transferring its court facilities (and responsibility  
31 for maintaining those facilities) to the state.<sup>18</sup> The court facility transfers took  
32 longer than expected, but were essentially completed by the end of 2009.<sup>19</sup>

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12. Senate Committee on Judiciary Analysis of SB 1732 (April 16, 2002), p. 1.

13. See Section 77654; Senate Committee on Judiciary Analysis of SB 1732 (April 16, 2002), p. 2.

14. 2002 Cal. Stat. ch. 1082, § 1 (legislative findings for Trial Court Facilities Act).

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.

18. See former Section 70321 (2002 Cal. Stat. ch. 1082, § 4).

19. See, e.g., Section 70321.

1 ***Role of the Law Revision Commission in Trial Court Restructuring***

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

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

12 Since then, the Commission has continued to review the codes and periodically  
13 recommend revisions to reflect trial court unification, enactment of the Trial Court  
14 Funding Act, and enactment of the TCEPGA.<sup>23</sup> Virtually all of the Commission's  
15 proposed legislation on trial court restructuring has become law.<sup>24</sup>

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

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20. See *TCU: Constitutional Revision*, *supra* note 2; see also 1993 Cal. Stat. res. ch. 96; *Trial Court Unification: Transitional Provisions for SCA 3*, 24 Cal. L. Revision Comm'n Reports 627 (1994).

21. See *TCU: Revision of Codes*, *supra* note 3; see also 1997 Cal. Stat. res. ch. 102; 1998 Cal. Stat. res. ch. 91; *Report of the California Law Revision Commission on Chapter 344 of the Statutes of 1999 (Senate Bill 210)*, 29 Cal. L. Revision Comm'n Reports 657 (1999).

22. See *Statutes Made Obsolete by Trial Court Restructuring: Part 1*, 32 Cal. L. Revision Comm'n Reports 1 (2002) (hereafter, "*TCR: Part 1*").

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

1 Because court facilities issues were unsettled, the Commission did not address  
2 such issues in its 2001 report or shortly thereafter.<sup>26</sup> Recently, however, the  
3 Commission turned to those issues and finalized a recommendation on how to  
4 update various court facility provisions to reflect the trial court restructuring  
5 reforms, including the enactment and implementation of the Trial Court Facilities  
6 Act.<sup>27</sup>

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

#### 10 **Regional Justice Facilities Acts**

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

- 13 • The San Joaquin County Regional Justice Facility Financing Act (Sections  
14 26290-26293.4) (reproduced at pages 17-24) (hereafter, the “San Joaquin  
15 County Act”).
- 16 • The Orange County Regional Justice Facilities Act (Sections 26295-  
17 26298.58) (reproduced at pp. 25-42) (hereafter, the “Orange County Act”).
- 18 • The County Regional Justice Facilities Financing Act (Sections 26299.000-  
19 26299.083) (reproduced at 43-60) (hereafter, the “Multi-County Act”). This  
20 Act pertains to Humboldt, Los Angeles, Riverside, San Bernardino,  
21 Stanislaus, and Ventura Counties.<sup>28</sup>

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

#### 24 *Description of the Acts*

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

- 27 (1) Address overcrowding of local jails and court facilities.

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disparity of treatment between a party appearing in municipal court and a similarly situated party appearing in superior court as a result of unification of the municipal and superior courts in the county.”); 2000 Cal. Stat. ch. 1010, § 14 (enacting Section 71674, which only directed Commission to “determine whether any provisions of law are obsolete as a result of the enactment of [the TCEPGA], the enactment of the Lockyer-Isenberg Trial Court Funding Act of 1997 ..., or the implementation of trial court unification, and ... recommend to the Legislature any amendments to remove those obsolete provisions.”); 2002 Cal. Stat. ch. 784, § 360 (amending Section 71674 to continue Commission’s authority to “determine whether any provisions of law are obsolete as a result of the enactment of [the TCEPGA], the enactment of the Lockyer-Isenberg Trial Court Funding Act of 1997 ..., or the implementation of trial court unification, and ... recommend to the Legislature any amendments to remove those obsolete provisions.”).

26. See *TCR: Part 1*, *supra* note 22, at 21; *TCR: Part 2*, *supra* note 4, at 176-77.

27. See Court Facilities Pre-Print, *supra* note 23.

28. See Section 26299.007.

- 1 (2) Create, or authorize the creation of, a new governmental entity with  
2 responsibilities relating to regional justice facilities.
- 3 (3) Allow voters to decide whether to impose a countywide tax to fund regional  
4 justice facilities.

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

6 26295.2. The Legislature hereby finds and declares that the existing state of  
7 overcrowding in jails and court facilities in Orange County is so great as to  
8 significantly impede the administration of justice and create a situation wherein  
9 persons who are a danger to society are required to be released into that society  
10 for lack of adequate facilities to house them. The Legislature further finds and  
11 declares that it is in the public interest to create the Orange County Regional  
12 Justice Facilities Commission so that regional justice facility needs may be  
13 addressed in an expeditious and appropriate fashion on a countywide basis. The  
14 Legislature further finds and declares that it is in the public interest to allow the  
15 voters to approve a general tax for the general governmental purposes of the  
16 Orange County Regional Justice Facilities Commission.<sup>29</sup>

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

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

- 28 (a) The adult detention facilities to be constructed, furnished, acquired,  
29 maintained or operated throughout the county.
- 30 (b) The juvenile detention facilities to be constructed, furnished, acquired,  
31 maintained, or operated throughout the county.
- 32 (c) The *courthouse facilities* to be constructed, furnished, acquired, maintained,  
33 or operated throughout the county.
- 34 (d) The time schedule according to which the facilities referenced in  
35 subdivisions (a), (b), and (c) shall be constructed, furnished, or acquired.
- 36 (e) Projections of revenues, including revenues expected to be derived from the  
37 tax provided for in this chapter, together with other federal, state, and local funds,  
38 and funds from the sale of bonds under this chapter, and expenditures for capital,

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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.

1 maintenance, and operations purposes for adult and juvenile detention facilities  
2 and *courthouse facilities* purposes.

3 (f) Those other requirements as the commission, in carrying out its  
4 responsibility for the provision of detention and *court facilities and services*,  
5 deems necessary and appropriate.<sup>32</sup>

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

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

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

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

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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.

1 structures necessary or convenient thereto,<sup>42</sup> but the master plan is to be developed  
2 and approved by the board of supervisors.<sup>43</sup> The master plan may include, but is  
3 not limited to, the following:

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

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

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

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

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

14 (f) Those other requirements as the board of supervisors, in carrying out its  
15 responsibility for the provision of regional detention services, deems necessary  
16 and appropriate.<sup>44</sup>

17 The corresponding provision in the Multi-County Act is closely similar, but it  
18 refers simply to “court facilities,” not “functionally related court facilities.”  
19 Further, the Multi-County Act does not actually create any new governmental  
20 entity. Rather, it authorizes each county covered by the Act (Humboldt, Los  
21 Angeles, Riverside, San Bernardino, Stanislaus, and Ventura Counties) to create a  
22 “county regional justice facilities financing agency” if the local board of  
23 supervisors finds that it is in the public interest to do so.<sup>45</sup> The rules regarding  
24 composition of the board of a county regional justice facilities financing agency  
25 are different from, and more complicated than, the corresponding rules under the  
26 San Joaquin Act and the Orange County Act.<sup>46</sup> There are also various other  
27 distinctions between the three Acts, but this description should suffice for present  
28 purposes.

### 29 *Constitutional Challenges*

30 Soon after enactment of the Orange County Act and the Multi-County Act, the  
31 Howard Jarvis Taxpayers’ Association challenged those Acts as “unconstitutional  
32 and invalid as in conflict with article XIII A, section 4 of the California  
33 Constitution (Proposition 13).”<sup>47</sup> 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.

47. *Howard Jarvis v. Taxpayers’ Ass’n v. Board of Equalization*, 20 Cal. App. 4th 1598, 1601, 25 Cal. Rptr. 2d 330 (1993).

1 majority vote (not a 2/3 vote) on the tax for each county. The trial court held that  
2 unconstitutional and the defendants appealed.

3 While the *Howard Jarvis* appeal was pending, the Legislature amended the Acts  
4 to provide an *option* of requiring a 2/3 vote instead of a majority vote.<sup>48</sup> In  
5 addition, Los Angeles County (with permission from the court of appeal)  
6 conducted a vote on a justice facilities tax. The voters rejected the proposed tax by  
7 an almost two-to-one margin.<sup>49</sup> Orange County held a similar election and the  
8 voters rejected the proposed justice facilities tax by an almost three-to-one  
9 margin.<sup>50</sup>

10 The court of appeal issued its decision in *Howard Jarvis* in late 1993. Because  
11 the Legislature had amended the Acts to include an option for a 2/3 vote, the court  
12 of appeal declined to declare the Acts altogether void. Instead, it ruled that any tax  
13 ordinance under the Acts “is invalid *if* it is not approved by at least two-thirds of  
14 the county’s voters, as required by Proposition 13.”<sup>51</sup>

15 In reaching that conclusion, the court of appeal relied on the California Supreme  
16 Court’s 1991 decision in *Rider v. County of San Diego*,<sup>52</sup> which held that a similar  
17 tax under the San Diego Regional Justice Facility Financing Act (hereafter, “the  
18 San Diego Act”) violated Proposition 13.<sup>53</sup> Unlike the versions of the Orange  
19 County Act and Multi-County Act in the *Howard Jarvis* appeal, the San Diego Act  
20 did not include an option for a 2/3 vote.<sup>54</sup> The Legislature repealed the invalidated  
21 San Diego Act in 1993.<sup>55</sup>

22 In contrast, the Legislature did not make any changes to the Orange County Act  
23 or the Multi-County Act shortly after the *Howard Jarvis* decision. Fourteen years  
24 later, however, it amended those Acts to *require* a 2/3 vote.<sup>56</sup> The same 2007 bill  
25 also amended the San Joaquin Act and ten other statutes (unrelated to court  
26 facilities) in a similar manner, because they appeared potentially vulnerable on the

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48. 1990 Cal. Stat. ch. 527, §§ 1, 2, 3.

49. *Howard Jarvis*, 20 Cal. App. 4th at 1602 n.2.

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).

55. See 1993 Cal. Stat. ch. 1060, § 1 (SB 263 (Melo & Killea)), repealing former Gov’t Code §§ 26250-26285).

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.

1 same constitutional grounds.<sup>57</sup> In addition, the bill (the Local Government  
2 Omnibus Act of 2007) made numerous other uncontroversial reforms relating to  
3 local government.<sup>58</sup>

4 The legislative history of that omnibus bill gives no indication that the  
5 Legislature evaluated the continuing utility of the Orange County Act, the Multi-  
6 County Act, or the San Joaquin Act.<sup>59</sup> To the best of the Commission’s  
7 knowledge, none of those Acts has ever been implemented for its intended  
8 purposes.

## 9 Analysis

10 The Commission’s role in this study is to determine whether any provisions of  
11 law are obsolete as a result of the implementation of trial court unification, the  
12 enactment of the TCEPGA, or the enactment of the Trial Court Funding Act of  
13 1997.<sup>60</sup> The Commission “shall recommend to the Legislature any amendments to  
14 remove those obsolete provisions.”<sup>61</sup>

15 The Trial Court Facilities Act<sup>62</sup> followed from, and is closely linked to, the Trial  
16 Court Funding Act.<sup>63</sup> The Commission’s role logically includes identifying and  
17 recommending removal of material that became obsolete due to enactment of the  
18 Trial Court Facilities Act.

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

22 26299.008. “Court facilities” means the *municipal* and superior courts of the  
23 county, as well as any other facilities used for adult or juvenile court matters,  
24 criminal prosecutions, handling inmates, or a combination thereof.<sup>64</sup>

25 The Commission flagged that municipal court reference in its 2001 tentative  
26 recommendation on trial court restructuring,<sup>65</sup> but ultimately left the section alone  
27 because court facilities issues were still unsettled.<sup>66</sup>

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

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57. See 2007 Cal. Stat. ch. 343, §§ 9.1.

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.

65. Tentative Recommendation on *Statutes Made Obsolete by Trial Court Restructuring* (Nov. 2001) (hereafter, “2001 TR”), p. 163.

66. See *TCR: Part 1*, *supra* note 22, at 21.



1 Judicial Council and the individual superior courts have key roles with regard to  
2 court facilities, but other entities are also involved to some extent. For instance,  
3 Section 70391 provides:

4       70391. *The Judicial Council*, as the policymaking body for the judicial branch,  
5 shall have the following responsibilities and authorities with regard to court  
6 facilities, in addition to any other responsibilities or authorities established by  
7 law:

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

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

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

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

23       (2) *The Judicial Council shall consult with the county concerning the*  
24 *disposition of the facility.* Notwithstanding any other law, including Section  
25 11011, when requested by the transferring county, a surplus facility shall be  
26 offered to that county at fair market value prior to being offered to another state  
27 agency or local government agency.

28       (3) The Judicial Council shall consider whether the potential new or planned  
29 use of the facility:

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

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

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

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

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

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

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

46       (6) *Submission of a plan to the Legislature for the disposition of court facilities*  
47 *transferred to the state, prior to, or as part of, any budget submission to fund a*

1 *new courthouse that will replace the existing court facilities transferred to the*  
2 *state.*

3 (d) Conduct audits of all of the following:

4 (1) The collection of fees by the local courts.

5 (2) The moneys in local courthouse construction funds established pursuant to  
6 Section 76100.

7 (3) The collection of moneys to be transmitted to the Controller for deposit in  
8 the Immediate and Critical Needs Account of the State Court Facilities  
9 Construction Fund, established in Section 70371.5.

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

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

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

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

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

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

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

29 (l) Provide for capital outlay projects that may be built with funds appropriated  
30 or otherwise available for these purposes as follows:

31 (1) *Approve five-year and master plans for each district.*

32 (2) Establish priorities for construction.

33 (3) *Recommend to the Governor and the Legislature the projects to be funded*  
34 *by the State Court Facilities Construction Fund.*

35 (4) Submit the cost of projects proposed to be funded to the Department of  
36 Finance for inclusion in the Governor's Budget.

37 (m) *In carrying out its responsibilities and authority under this section, the*  
38 *Judicial Council shall consult with the local court for:*

39 (1) Selecting and contracting with facility consultants.

40 (2) Preparing and reviewing architectural programs and designs for court  
41 facilities.

42 (3) *Preparing strategic master and five-year capital facilities plans.*

43 (4) Major maintenance of a facility.<sup>67</sup>

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

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67. Emphasis added.

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

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

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

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

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

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

#### 36 **Request for Public Comment**

37 The Commission seeks public comment on the issues raised in this discussion  
38 draft. Comments can be in any format and can be emailed to [bgaal@clrc.ca.gov](mailto:bgaal@clrc.ca.gov).

39 The Commission also welcomes comments on other statutes that require  
40 revisions to reflect trial court restructuring, regardless of whether they relate to

- 1 marshals. Comments from knowledgeable persons are invaluable in the
- 2 Commission's study process.

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SAN JOAQUIN COUNTY REGIONAL JUSTICE FACILITY  
FINANCING ACT (GOV'T CODE §§ 26290-26293.4)

1 Article 1. General Provisions, Findings, and Definitions

2 § 26290. Title of act

3 26290. This chapter shall be known and may be cited as the San Joaquin County  
4 Regional Justice Facility Financing Act.

5 § 26290.1. Legislative findings and declarations

6 26290.1. The Legislature hereby finds and declares that the existing state of  
7 overcrowding in the jails, sheriff, and court facilities in San Joaquin County is so  
8 great as to significantly impede the administration of justice and create a situation  
9 wherein persons who are a danger to society are required to be released into that  
10 society for lack of adequate facilities to house them. The Legislature further finds  
11 and declares that it is in the public interest to create the San Joaquin County  
12 Regional Justice Facility Financing Agency so that regional justice facility and  
13 prevention program needs may be addressed in an expeditious and appropriate  
14 fashion. The Legislature further finds and declares that it is in the public interest to  
15 allow the voters to approve a general tax for the general governmental purposes of  
16 the San Joaquin County Regional Justice Facility Financing Agency.

17 § 26290.2. "Bonds"

18 26290.2. "Bonds" means indebtedness and securities of any kind or class,  
19 including bonds, notes, bond anticipation notes, and commercial paper.

20 § 26290.3. "Agency"

21 26290.3. "Agency" means the San Joaquin County Regional Justice Facility  
22 Financing Agency.

23 § 26290.4. "County"

24 26290.4. "County" means the County of San Joaquin.

25 § 26290.5. "Board of supervisors"

26 26290.5. "Board of supervisors" means the Board of Supervisors of the County  
27 of San Joaquin.

28 § 26290.6. "Master plan"

29 26290.6. "Master plan" means the plan for construction and acquisition of adult  
30 detention facilities, sheriff facilities, functionally related court facilities, and  
31 structures necessary or convenient thereto. The plan shall be developed and

1 approved, and may be amended from time to time, by the board of supervisors.  
2 The master plan may include, but is not limited to, the following:

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

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

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

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

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

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

16 **§ 26290.7. “Prevention program”**

17 26290.7. “Prevention program” means a program, administered by the county,  
18 designed to decrease the number of inmates incarcerated in county adult detention  
19 facilities by providing alternatives to incarceration, or by providing counseling,  
20 diversion, or intervention programs, or by providing both. Alternatives to  
21 incarceration, include, but are not limited to, alternative work programs, work  
22 furlough programs, half-way houses, and own recognizance services. Counseling,  
23 diversion, or intervention programs, include, but are not limited to, drug and  
24 alcohol counseling, parole counseling, and pretrial screening.

25 **§ 26290.8. “Functionally related court facility”**

26 26290.8. “Functionally related court facility” means a court facility that is used  
27 solely for criminal prosecutions and handling inmates.  
28



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

2 **§ 26291. San Joaquin County Regional Justice Facility Financing Agency**

3 26291. There is hereby created the San Joaquin County Regional Justice Facility  
4 Financing Agency in the county.

5 **§ 26291.1. Board of directors**

6 26291.1. (a) The board of directors of the agency shall be comprised of five  
7 members, as follows:

8 (1) Two members of the board of supervisors who shall be appointed by, and  
9 serve at the pleasure of, the board of supervisors.

10 (2) Two public members who shall be appointed by, and serve at the pleasure of,  
11 the board of supervisors.

12 (3) The Sheriff of San Joaquin County.

13 (b) The senior member of the two appointed members of the board of  
14 supervisors shall serve as the chairperson of the board of directors of the agency  
15 through December 31, 1990. Thereafter, the chairperson of the board of directors  
16 of the agency shall be elected by vote of a majority of the members of the board of  
17 directors of the agency and shall serve for a period of one calendar year.

18 (c) The board of directors shall adopt those rules and procedures as it deems  
19 necessary to conduct its business.

20 **§ 26291.2. Seal**

21 26291.2. The agency may adopt a seal and alter it at its pleasure.

22 **§ 26291.3. Lawsuits and claims**

23 26291.3. The agency may sue and be sued, except as otherwise provided by law,  
24 in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

25 All claims for money or damages against the agency are governed by Division  
26 3.6 (commencing with Section 810) of Title 1, except as provided therein, or by  
27 other statutes or regulations expressly applicable thereto.

28 **§ 26291.4. Compensation for reasonable and necessary expenses**

29 26291.4. The agency may compensate the members of its board of directors for  
30 all reasonable and necessary expenses incurred in the course of performing their  
31 duties.

32 **§ 26291.5. Staff**

33 26291.5. All reasonably necessary staff shall be provided by the county or hired  
34 by the agency. The county shall be reimbursed by the agency for the costs of any  
35 staff services provided to the agency by the county in accordance with an  
36 agreement entered into between the agency and county.

1    **§ 26291.6. Authority to enter into contracts and employ attorneys and consultants**

2    26291.6. The agency may enter into contracts. The agency may employ  
3 attorneys and consultants as necessary or convenient to carrying out its purposes  
4 and powers.

5    **§ 26291.7. Powers of agency**

6    26291.7. The agency shall have the power to do all of the following:

7    (a) Administer this chapter.

8    (b) Finance the construction, acquisition, and furnishing of adult detention  
9 facilities, sheriff facilities, functionally related court facilities, and structures  
10 necessary or convenient thereto, in compliance with a master plan.

11   (c) Exercise the power of eminent domain for acquisition, and finance the  
12 acquisition of, the lands, easements, and rights-of-way necessary for the general  
13 governmental purposes of the agency set forth in this section.

14   (d) Hold title as necessary to land or facilities and convey title to such land or  
15 facilities to the county.

16   (e) Retire all or a portion of any capital debt previously incurred for any adult  
17 detention facilities, sheriff facilities, or functionally related court facilities which  
18 exists on the date the election is held for voter approval of the retail transactions  
19 and use tax ordinance authorized by this chapter.

20   (f) Finance all or part of the cost of any prevention program.

21   (g) Reimburse costs incurred by the county in implementing the master plan,  
22 reimburse costs incurred by the county in the operation of any facility constructed  
23 or acquired pursuant to this chapter, or reimburse costs incurred by prevention  
24 programs provided the board of supervisors certifies to the agency that progress  
25 toward completion of adult detention facilities, sheriff facilities, and functionally  
26 related court facilities has progressed substantially in accordance with the master  
27 plan.

28   (h) Construct, furnish, and acquire adult detention facilities, sheriff facilities,  
29 functionally related court facilities, and structures necessary or convenient thereto,  
30 in accordance with the master plan.

31    **§ 26291.8. Authority to achieve purposes of chapter**

32    26291.8. The agency may do all things necessary or convenient to carry out the  
33 purposes of this chapter.

34    **§ 26291.9. Transactions and use tax ordinance and ballot proposition**

35    26291.9. The initial meeting of the agency shall be held in the county when  
36 called by the board of supervisors. At that meeting, or at any subsequent meeting  
37 of the agency called by the board of supervisors for the purposes of approving the  
38 transactions and use tax ordinance and ballot proposition, the agency may approve  
39 a transactions and use tax ordinance and may call an election in accordance with  
40 Article 3 (commencing with Section 26292) which election, notwithstanding any

1 other provision of law, may be held within 60 days of the calling of the election.  
2 The board of supervisors or the agency may file written arguments, including  
3 rebuttal arguments, in favor of the ballot proposition. No arguments shall exceed  
4 500 words in length.

5 Article 3. Transactions and Use Tax

6 **§ 26292. Supplementation of existing local revenues**

7 26292. The Legislature, by the enactment of this article, intends the additional  
8 funds provided by this article to supplement existing local revenues being used for  
9 the development of regional justice facilities. Government agencies are  
10 encouraged to maintain their existing commitment of local funds for regional  
11 justice facility purposes.

12 **§ 26292.1. Retail transactions and use tax ordinance**

13 26292.1. A retail transactions and use tax ordinance applicable in the  
14 incorporated and unincorporated territory of the county may be adopted by the  
15 agency in accordance with Section 26292.5 and Part 1.6 (commencing with  
16 Section 7251) of Division 2 of the Revenue and Taxation Code, if the ordinance is  
17 adopted by a two-thirds vote of the board of directors of the agency and if two-  
18 thirds of the electors voting on the measure vote to approve its imposition at a  
19 special election called for that purpose by the agency. The tax ordinance shall take  
20 effect at the close of the polls on the day of the election at which the proposition is  
21 adopted. The initial collection of the transactions and use tax shall take place in  
22 accordance with Section 26292.4.

23 **§ 26292.2. Tax rate, term, and purposes**

24 26292.2. The ordinance shall state the tax rate and may state a term during  
25 which the tax will be imposed. The purposes for which the tax may be imposed are  
26 the general governmental purposes of the agency as set forth in Section 26291.7.  
27

28 **§ 26292.3. Election**

29 26292.3. (a) The county shall conduct an election called by the agency. The  
30 election shall be held within the incorporated and unincorporated areas of the  
31 county.

32 (b) The election shall be called and conducted in the same manner as provided  
33 by law for the conduct of elections by a county.

34 (c) The cost incurred by the county in conducting the election shall be  
35 reimbursed by the agency from proceeds of the transactions and use tax.

1    **§ 26292.4. Operative date**

2       26292.4. (a) Any transactions and use tax ordinance adopted pursuant to this  
3 article shall become operative on the first day of the first calendar quarter  
4 commencing more than 110 days after adoption of the ordinance.

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

8    **§ 26292.5. Permissible tax rate**

9       26292.5. The agency, subject to the approval of the voters, may impose a tax  
10 rate of one-half of 1 percent under this chapter and Part 1.6 (commencing with  
11 Section 7251) of Division 2 of the Revenue and Taxation Code. Neither this  
12 chapter nor the ordinance shall affect any tax otherwise authorized.

13   **§ 26292.6. Combined rate of taxes**

14       26292.6. The combined rate of tax imposed in San Joaquin County by any entity  
15 pursuant to Part 1.5 (commencing with Section 7200) or Part 1.6 (commencing  
16 with Section 7251) of Division 2 of the Revenue and Taxation Code, this chapter,  
17 and any other provision of law authorizing the imposition of local sales or  
18 transactions and use taxes shall not exceed 2.25 percent. Neither this chapter nor  
19 any ordinance or resolution approved pursuant to this chapter shall affect any tax  
20 otherwise authorized.

21   **§ 26292.7. Authority to issue bonds**

22       26292.7. (a) The agency, as part of the ballot proposition to approve the  
23 imposition of a retail transactions and use tax, may seek authorization to issue  
24 bonds payable from the proceeds of the tax and establish the appropriation limit of  
25 the agency for purposes of Article XIII B of the California Constitution.

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

31   **§ 26292.8. Limited tax bonds**

32       26292.8. (a) The bonds authorized by the voters concurrently with the approval  
33 of the retail transactions and use tax may be issued by the agency at any time, and  
34 from time to time, payable from the proceeds of the tax. The bonds shall be  
35 referred to as “limited tax bonds.” The bonds may be secured by a pledge of  
36 revenues from the proceeds of the tax.

37       (b) The pledge of the transactions and use tax revenues for the limited tax bonds  
38 authorized under this article shall have priority over the use of any of the revenues

1 for other purposes except to the extent that the priority is expressly restricted in the  
2 resolution authorizing the issuance of the bonds.

3 (c) The proceeds of the bonds may be used for the following purposes:

4 (1) To finance the activities set forth in paragraphs (2), (3), (5), and (8) of  
5 subdivision (a) of Section 26291.7.

6 (2) To pay the costs incurred for the issuance of the bonds.

7 (3) To fund a reserve fund for the bonds.

8 **§ 26292.9. Interest**

9 26292.9. The agency may provide for the bonds to bear a variable or fixed  
10 interest rate, for the manner and intervals in which the rate shall vary, and for the  
11 dates on which the interest shall be payable.

12 **§ 26293. Issuance of limited tax bonds**

13 26293. Limited tax bonds shall be issued pursuant to a resolution adopted at any  
14 time, and from time to time, by vote of the board of directors of the agency.

15 **§ 26293.1. Bonds constitute legal investment**

16 26293.1. Any bonds issued pursuant to this article are a legal investment for all  
17 trust funds; for the funds of insurance companies, commercial [sic] savings banks,  
18 and trust companies; and for state school funds. Whenever any money or funds  
19 may, by any law now or hereafter enacted, be invested in bonds of cities, counties,  
20 school districts, or other districts within the state, those funds may be invested in  
21 the bonds issued pursuant to this article, and whenever bonds of cities, counties,  
22 school districts, or other districts within this state may, by any law now or  
23 hereafter enacted, be used as security for the performance of any act or the deposit  
24 of any public money, the bonds issued pursuant to this article may be so used. The  
25 provisions of this article are in addition to all other laws relating to legal  
26 investments and shall be controlling as the latest expression of the Legislature with  
27 respect thereto.

28 **§ 26293.2. Contest procedure**

29 26293.2. Any action or proceeding wherein the validity of the adoption of the  
30 retail transactions and use tax ordinance provided for in this article or the issuance  
31 of any bonds thereunder or any of the proceedings in relation thereto is contested,  
32 questioned, or denied, shall be commenced pursuant to Chapter 9 (commencing  
33 with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. Otherwise,  
34 the bonds and all proceedings in relation thereto, including the adoption and  
35 approval of the ordinance, shall be held to be valid and in every respect legal and  
36 incontestable.

1    **§ 26293.3. No power to impose any other tax**

2       26293.3. The agency has no power to impose any tax other than the transactions  
3       and use tax imposed upon approval of the voters in accordance with this chapter.

4    **§ 26293.4. Severability**

5       26293.4. If any provision of this chapter or the application thereof to any person  
6       or circumstance is held invalid, that invalidity shall not affect other provisions or  
7       applications of the chapter which can be given effect without the invalid provision  
8       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

2 § 26295. Title of act

3 26295. This chapter shall be known and may be cited as the Orange County  
4 Regional Justice Facilities Act.

5 § 26295.2. Legislative findings and declarations

6 26295.2. The Legislature hereby finds and declares that the existing state of  
7 overcrowding in jails and court facilities in Orange County is so great as to  
8 significantly impede the administration of justice and create a situation wherein  
9 persons who are a danger to society are required to be released into that society for  
10 lack of adequate facilities to house them. The Legislature further finds and  
11 declares that it is in the public interest to create the Orange County Regional  
12 Justice Facilities Commission so that regional justice facility needs may be  
13 addressed in an expeditious and appropriate fashion on a countywide basis. The  
14 Legislature further finds and declares that it is in the public interest to allow the  
15 voters to approve a general tax for the general governmental purposes of the  
16 Orange County Regional Justice Facilities Commission.

17 § 26295.4. "Commission"

18 26295.4. As used in this chapter, "commission" means the Orange County  
19 Regional Justice Facilities Commission created pursuant to Article 2 (commencing  
20 with Section 26296).

21 § 26295.6. "Bonds"

22 26295.6. As used in this chapter, "bonds" means indebtedness and securities of  
23 any kind or class, including bonds, notes, bond anticipation notes, and commercial  
24 paper.

25 § 26295.8. "County"

26 26295.8. As used in this chapter, "county" means the County of Orange.

27 § 26295.10. "Board of supervisors"

28 26295.10. As used in this chapter, "board of supervisors" means the Board of  
29 Supervisors of the County of Orange.

30 § 26295.12. "Master plan"

31 26295.12. As used in this chapter, "master plan" means the plan for  
32 construction, furnishing, acquisition, maintenance, and operation of adult and

1 juvenile detention facilities and courthouse facilities, and structures necessary or  
2 convenient to those facilities. The master plan shall be developed and approved,  
3 and may be amended from time to time, by the commission. Subject to the  
4 limitations on the commission's powers, as set forth in subdivision (c) of Section  
5 26296.14, the master plan may include, but is not limited to, all of the following:

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

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

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

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

14 (e) Projections of revenues, including revenues expected to be derived from the  
15 tax provided for in this chapter, together with other federal, state, and local funds,  
16 and funds from the sale of bonds under this chapter, and expenditures for capital,  
17 maintenance, and operations purposes for adult and juvenile detention facilities  
18 and courthouse facilities purposes.

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

22 **§ 26295.14. "Outstanding"**

23 26295.14. As used in this chapter, "outstanding," when used as of any particular  
24 time with reference to bonds issued by the commission, means all bonds  
25 theretofore and thereupon being authenticated and delivered by an authenticating  
26 agent duly appointed by the commission or its authorized designee except:

27 (a) Bonds theretofore canceled by an authenticating agent or surrendered to such  
28 authenticating agent for cancellation.

29 (b) Bonds that are owned or held by or for the account of the commission or any  
30 other obligor on the bonds, or any person directly or indirectly controlling or  
31 controlled by, or under direct or indirect common control with, the commission or  
32 any other obligor on the bonds.

33 (c) Bonds for the transfer or exchange of or in lieu of or in substitution for which  
34 other bonds shall have been authenticated and delivered.

35 (d) Refunding bonds issued pursuant to Section 26298.42, except to the extent  
36 that the principal amount of the refunding bonds exceeds the principal amount of  
37 the bonds to be refunded with the proceeds of such refunding bonds.



1 Article 2. Creation of Commission, Powers and Duties, Membership

2 **§ 26296. Orange County Regional Justice Facilities Commission**

3 26296. There is hereby created the Orange County Regional Justice Facilities  
4 Commission in the county.

5 **§ 26296.2. Commission members and terms**

6 26296.2. (a) The commission shall be comprised of five members, as follows:

7 (1) Two members of the board of supervisors who shall be appointed by, and  
8 serve at the pleasure of, the board of supervisors.

9 (2) One member of the city council of a city in the county, who shall be  
10 appointed by, and serve at the pleasure of, the county city selection committee  
11 created pursuant to Article 11 (commencing with Section 50270) of Chapter 1 of  
12 Part 1 of Division 1 of Title 5.

13 (3) One member of the city council of a city in the county, other than the city  
14 specified in paragraph (2), who shall be appointed by, and serve at the pleasure of,  
15 the county city selection committee specified in paragraph (2).

16 (4) One citizen, who shall be appointed by a majority vote of the other four  
17 members of the commission.

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

21 (c)(1) Except as provided in paragraph (2), all members of the commission shall  
22 be appointed for terms of four years and until their successors are appointed and  
23 qualified.

24 (2) For the initial members of the commission, two shall serve for terms of two  
25 years, two shall serve for terms of three years, and one shall serve for a term of  
26 four years. The respective terms of each of the initial members shall be determined  
27 by the members of the commission by lot. Thereafter, persons appointed as  
28 members of the commission shall be appointed for terms of four years.

29 (3) The term of any member serving on the commission as a result of holding  
30 another public office shall terminate when that member ceases holding the other  
31 public office and a new member has been properly seated. The new member of the  
32 commission shall hold office for the remainder of the term of the member who  
33 was replaced by the new member.

34 (4) Vacancies occurring shall be filled by the appointing authority for the  
35 unexpired term.

36 **§ 26296.4. Chairperson and vice chairperson**

37 26296.4. The commission at its first meeting, and thereafter annually at the first  
38 meeting held on a date as the commission may determine, shall elect a chairperson  
39 from its members, who shall preside at all meetings, and a vice chairperson, who  
40 shall preside in the chairperson's absence. In the event of the absence or inability

1 to act of both the chairperson and vice chairperson, the members present, by an  
2 order entered in the minutes, shall select one of their members to act as  
3 chairperson pro tempore who, while so acting, shall have all of the authority of the  
4 chairperson.

5 **§ 26296.6. Rules for commission proceedings**

6 26296.6. The commission shall establish rules for its proceedings consistent  
7 with the law of the State of California.

8 **§ 26296.8. Quorum**

9 26296.8. A majority of the members of the commission shall constitute a  
10 quorum for the transaction of business, and all official acts of the commission  
11 shall require the affirmative vote of a majority of its members constituting a  
12 quorum.

13 **§ 26296.10. Acts of commission**

14 26296.10. The acts of the commission shall be expressed by motion, resolution,  
15 or ordinance.

16 **§ 26296.12. Compliance with Ralph M. Brown Act**

17 26296.12. All meetings of the commission shall be conducted in the manner  
18 prescribed by the Ralph M. Brown Act, Chapter 9 (commencing with Section  
19 54950) of Part 1 of Division 2 of Title 5.

20 **§ 26296.14. Powers and duties of commission**

21 26296.14. (a) The commission shall do all of the following:

22 (1) Adopt an annual budget.

23 (2) Cause a postaudit of the financial transactions and records of the commission  
24 to be made at least annually by a certified public accountant.

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

26 (1) Adopt an administrative code, by ordinance, which shall prescribe the  
27 powers and duties of commission officers, the method of appointment of  
28 commission employees, and methods, procedures, and systems of operation and  
29 management of the commission.

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

31 (c) Notwithstanding subdivision (a) or (b), the commission shall have no power  
32 to determine the geographic locations at which any of the detention or court  
33 facilities specified in this chapter shall be sited or the design or construction  
34 standards which shall apply to those detention or court facilities.

35 **§ 26296.16. Procedure for adoption of annual budget**

36 26296.16. Notice of time and place of the public hearing for the adoption of the  
37 annual budget shall be published one time in a newspaper of general circulation

1 not later than the 15th day prior to the date of the hearing. The proposed annual  
2 budget shall be available for public inspection at least 15 days prior to the hearing.

3 **§ 26296.18. Executive director and other officers**

4 26298.18. The commission shall appoint an executive director who shall act for  
5 the commission under its direction. The commission may appoint other officers as  
6 it deems necessary to carry out its duties and functions.

7 **§ 26296.20. Compensation of members and reimbursement of their expenses**

8 26296.20. Members of the commission may be compensated at a rate not  
9 exceeding one hundred dollars (\$100) for any day attending to the business of the  
10 commission, but not to exceed four hundred dollars (\$400) in any month, and may  
11 be reimbursed for necessary travel and other expenses incurred in the performance  
12 of their duties, as authorized by the commission.

13 **§ 26296.22. Retirement benefits**

14 26296.22. (a) Except as otherwise provided in subdivisions (b) and (c), the  
15 commission shall enter into a contract with the Board of Administration of the  
16 Public Employees' Retirement System, and the board shall enter into that contract,  
17 to include all of the employees of the commission in that retirement system, and  
18 the employees shall be entitled to substantially similar health benefits as are state  
19 employees pursuant to Part 5 (commencing with Section 22750) of Division 5 of  
20 Title 2.

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

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

28 **§ 26296.24. Perpetual succession and seal**

29 26296.24. The commission has perpetual succession and may adopt a seal and  
30 alter it at its pleasure.

31 **§ 26296.26. Lawsuits**

32 26296.26. The commission may sue and be sued, except as otherwise provided  
33 by law, in all actions and proceedings, in all courts and tribunals of competent  
34 jurisdiction.

1    **§ 26296.28. Claims against commission for money or damages**

2       26296.28. All claims for money or damages against the commission are  
3 governed by Division 3.6 (commencing with Section 810) of Title 1, except as  
4 provided therein, or by other statutes or regulations expressly applicable thereto.

5    **§ 26296.30. Authority to enter into contracts and stipulations**

6       26296.30. The commission may make contracts and enter into stipulations of  
7 any nature whatsoever, including, but not limited to, contracts and stipulations to  
8 indemnify and save harmless, to employ labor, and to do all acts necessary and  
9 convenient for the full exercise of the powers granted in this chapter. The  
10 commission may contract with any department or agency of the United States of  
11 America, with any public agency, or with any person upon terms and conditions as  
12 the commission finds is in its best interest including, but not limited to, contracts  
13 for alcohol detoxification diversion programs. The commission may employ  
14 attorneys and consultants necessary and convenient to carrying out its purposes  
15 and powers.

16   **§ 26296.34. Contract procedure**

17       26296.34. The purchase of all supplies, equipment, and materials, and the  
18 construction of all facilities and works, when the expenditure required exceeds  
19 twenty-five thousand dollars (\$25,000), shall be by contract let to the lowest  
20 responsible bidder. Notice requesting bids shall be published at least once in a  
21 newspaper of general circulation. The publication shall be made at least 10 days  
22 before the date for the receipt of the bids. The commission, at its discretion, may  
23 reject any and all bids and readvertise.

24   **§ 26296.36. Purchase of supplies, equipment, or materials in open market**

25       26296.36. If, after rejecting bids received under Section 26296.34 the  
26 commission determines and declares, by a two-thirds vote of all of its members,  
27 that the supplies, equipment, or materials may be purchased at a lower price in the  
28 open market, the commission may proceed to purchase those supplies, equipment,  
29 or materials in the open market without further observance of the provisions of  
30 this article regarding contracts, bids, advertisement, or notice.

31   **§ 26296.38. Single source of procurement**

32       26296.38. Notwithstanding Section 26296.34, the commission may direct the  
33 purchase of any supply, equipment, or material without observance of any  
34 provision in this article regarding contracts, bids, advertisement, or notice upon a  
35 finding by two-thirds of all members of the commission that there is only a single  
36 source of procurement therefor and that the purchase is for the sole purpose of  
37 duplicating or replacing supply, equipment, or material already in use.

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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.

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

7 **§ 26298.4. Content of ordinance and proposition**

8 26298.4. The ordinance shall state the nature of the tax to be imposed, the tax  
9 rate, the purposes for which the revenue derived from the tax will be used, and the  
10 term during which the tax shall be imposed. The proposition shall include an  
11 appropriations limit for the agency pursuant to Section 4 of Article XIII B of the  
12 California Constitution.

13 **§ 26298.6. Election**

14 26298.6. (a) The county shall conduct the election, as called by the commission,  
15 regarding the imposition of a retail transactions and use tax ordinance. The  
16 commission shall reimburse the county for its cost in conducting that portion of  
17 the regular election directly related to the commission measure or in conducting  
18 the special election, as applicable.

19 (b) Any special election shall be called and conducted in the same manner as  
20 provided by law for the conduct of special elections by a county.

21 **§ 26298.8. Permissible tax rate**

22 26298.8. The commission, subject to the approval of the voters, may impose a  
23 tax rate of one-half of 1 percent under this chapter and Part 1.6 (commencing with  
24 Section 7251) of Division 2 of the Revenue and Taxation Code. Neither this  
25 chapter nor the ordinance shall affect any tax otherwise authorized.

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

27 **§ 26298.10. Wording of proposition**

28 26298.10. (a) The actual wording of the proposition on any short form of ballot  
29 card, label, or other device, regardless of the system of voting used, shall read as  
30 follows:

<p>“ADULT AND JUVENILE DETENTION FACILITIES AND COURTHOUSE FACILITIES—ORANGE COUNTY REGIONAL JUSTICE FACILITIES COMMISSION</p>	<p>YES</p>	
<p>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.</p>	<p>NO</p>	

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

4 **§ 26298.12. Authority to issue bonds**

5 26298.12. (a) The commission may, as part of the same ballot proposition to  
 6 approve the imposition of a retail transactions and use tax, seek authorization to  
 7 issue bonds payable solely from the proceeds of the retail transactions and use tax.

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

<p>“ADULT AND JUVENILE DETENTION FACILITIES AND COURTHOUSE FACILITIES—ORANGE COUNTY REGIONAL JUSTICE FACILITIES COMMISSION</p>	<p>YES</p>	
<p>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.</p>	<p>NO</p>	

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

4 **§ 26298.16. Operative date**

5 26298.16. (a) Any transactions and use tax ordinance adopted pursuant to this  
6 article shall become operative as provided in Section 7265 of the Revenue and  
7 Taxation Code.

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

11 **§ 26298.17. Combined rate of taxes**

12 26298.17. The combined rate of any transactions and use tax imposed pursuant  
13 to this chapter and all other transactions and use taxes imposed pursuant to the  
14 Transactions and Use Tax Law (Part 1.6 (commencing with Section 7251) of the  
15 Revenue and Taxation Code) or any other provision of law shall not exceed 1  
16 percent. No tax shall be considered in accordance with this part if, upon its  
17 adoption, the combined rate will exceed 1 percent.

18 **§ 26298.18. Permissible purposes for allocation of tax revenues**

19 26298.18. The revenues from the taxes imposed pursuant to this article may be  
20 allocated by the commission for the following purposes:

21 (a) To administer this chapter.

22 (b) To pay the costs of the financing, construction, acquisition, furnishing,  
23 maintenance, and operation of adult and juvenile detention facilities, courthouse  
24 facilities, and structures necessary or convenient thereto, in compliance with the  
25 master plan and pursuant to allocation or funding agreements described in Section  
26 26298.20.

27 (c) To pay the costs of the financing and acquisition of necessary lands,  
28 easements, and rights-of-way at sites designated or approved by the commission,  
29 including any costs incurred by the commission in acquiring the lands, easements,  
30 and rights-of-way.

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

32 (e) To retire all or a portion of any capital debt previously incurred for any adult  
33 or juvenile detention facilities or courthouse facilities which exists on the date the  
34 election is held for voter approval of the retail transactions and use tax ordinance  
35 authorized by this chapter.

36 (f) To pay all debt service and any other related costs and expenses of any bonds  
37 issued under this chapter.



1    **§ 26298.20. Allocation of tax revenues**

2       26298.20. (a) The commission shall establish a procedure for reviewing and  
3 evaluating requests by the county and the cities in the county for revenues of the  
4 commission to be used for the adult and juvenile detention facilities and  
5 courthouse facilities purposes specified in Section 26298.18, and shall review and  
6 evaluate, from time to time, those requests. After approving such a request of the  
7 county or any city in the county, the commission may allocate to the county or city  
8 any lawfully available moneys of the commission, including, but not limited to,  
9 the revenues from the taxes imposed pursuant to this article and the proceeds of  
10 any limited tax bonds authorized by the voters pursuant to Section 26298.12, in  
11 amounts as the commission shall determine, to fund, in whole or in part, those  
12 detention or courthouse facilities purposes.

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

29    **§ 26298.22. Modification, amendment, or rescission of allocation or funding agreement**

30       26298.22. (a) No modification, amendment, or rescission of any allocation or  
31 funding agreement between the commission and the county shall become effective  
32 unless the board of supervisors, by resolution, first approves the modification,  
33 amendment, or rescission.

34       (b) No modification, amendment, or rescission of any allocation or funding  
35 agreement between the commission and any city within the county shall become  
36 effective unless the city council of the city, by resolution, first approves the  
37 modification, amendment, or rescission.

38

1    **§ 26298.24. Priorities in annual budget**

2       26298.24. When adopting its annual budget pursuant to Section 26296.14, the  
3 commission shall provide that the lawfully available moneys of the commission  
4 shall be used first for the payment of debt service on all outstanding limited tax  
5 bonds of the commission (unless otherwise provided in the resolution providing  
6 for the issuance of such bonds) and (unless otherwise provided in an allocation or  
7 funding agreement) for the payment of all allocations required to be made  
8 pursuant to allocation or funding agreements between the commission and the  
9 county or any city in the county prior to the payment of operating costs and  
10 expenses and any other lawful costs and expenses of the commission.

11    **§ 26298.28. Annual report on implementation of master plan**

12       26298.28. If a retail transactions and use tax is adopted pursuant to this article,  
13 the commission shall prepare and submit a report to the board of supervisors and  
14 to the city council of each city in the county on or before January 1 of the year  
15 following the end of the first full fiscal year after that date that the taxes are  
16 imposed pursuant to this article and annually thereafter. The report shall evaluate,  
17 and report the progress made in, the implementation of the master plan in the  
18 preceding fiscal year.

19    **§ 26298.30. Limited tax bonds**

20       26298.30. (a) The bonds authorized by the voters concurrently with the approval  
21 of the retail transactions and use tax may be issued by the commission at any time,  
22 and from time to time, payable solely from the proceeds of the tax. The bonds  
23 shall be referred to as “limited tax bonds.”

24       (b) Limited tax bonds may not be issued unless the estimated proceeds of the  
25 retail transactions and use tax for a period of 30 years after issuance of the bonds  
26 shall at least equal the aggregate principal and interest payable with respect to all  
27 limited tax bonds then outstanding plus the limited tax bonds proposed to be  
28 issued. For purposes of determining the principal amount of limited tax bonds  
29 outstanding, limited tax bonds shall be assumed to be paid at par either at their  
30 respective maturities or pursuant to mandatory sinking fund installments with  
31 respect thereto. For purposes of determining the aggregate interest payable with  
32 respect to any issue of limited tax bonds, bonds that bear interest at variable  
33 interest rates shall be assumed to bear interest for the terms thereof equal to the  
34 interest rate in effect on the date the bonds are issued or, in the case of limited tax  
35 bonds already outstanding, equal to the interest rate in effect on the date that the  
36 determination is made. For purposes of determining the estimated proceeds of the  
37 retail transactions and use tax for a period of 30 years, a finding made by the  
38 commission, incidental to any prospective issuance of bonds, regarding the  
39 amount of the estimated proceeds shall be binding and conclusive for all purposes.

1 (c) The pledge of retail transactions and use taxes to the limited tax bonds  
2 authorized under this article shall have priority over the use of any of the funds for  
3 “pay-as-you-go” financing except to the extent that priority is expressly restricted  
4 in the resolution providing for the issuance of the bonds.

5 **§ 26298.32. Issuance of limited tax bonds**

6 26298.32. (a) Limited tax bonds shall be issued pursuant to a resolution adopted  
7 at any time, and from time to time, by the commission by a two-thirds vote of all  
8 members of the commission. Each resolution shall provide for the issuance of  
9 bonds in amounts as the necessity therefor may appear, until the full amount of the  
10 bonds authorized shall have been issued. The full amount of bonds may be divided  
11 into two or more series and different dates of payment fixed for the bonds of each  
12 series. A bond need not mature on its anniversary date.

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

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

22 (2) The estimated cost of accomplishing the purposes.

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

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

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

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

32 (7) A pledge of retail transactions and use taxes to the limited tax bonds, either  
33 before or after giving effect to the payment of maintenance and operations  
34 expenses as defined by the commission in the resolution, and a statement that the  
35 bonds shall have priority over the use of any of the funds for “pay-as-you-go”  
36 financing except to the extent that the priority is expressly restricted in the  
37 resolution. However, the resolution shall not provide for the pledge of retail  
38 transactions and use taxes that have been allocated to the county or any city  
39 therein pursuant to Section 26298.20, except to the extent that the proceeds of any  
40 limited tax bonds are to be so allocated in lieu of those retail transactions and use  
41 taxes.

1 (8) The form of the bonds, including, without limitation, registered bonds and  
2 coupon bonds, to the extent permitted by federal law, and the form of any coupons  
3 to be attached thereto, the registration, conversion, and exchange privileges, if any,  
4 pertaining thereto, and the time when the whole or any part of the principal shall  
5 become due and payable.

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

8 **§ 26298.34. Interest rate and other features of bonds**

9 26298.34. (a) The commission may provide for the bonds to bear interest at a  
10 variable or fixed interest rate, for the manner and intervals, in which the rate shall  
11 vary, and for the dates on which the interest shall be payable.

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

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

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

33 **§ 26298.36. Bond sales**

34 26298.36. The bonds may be sold as the commission determines by resolution.  
35 The commission may sell the bonds at a price below par, but the discount on any  
36 bonds so sold shall not exceed 5 percent of the par value thereof.

37 **§ 26298.38. Delivery of bonds**

38 26298.38. Delivery of any bonds issued pursuant to this chapter may be made at  
39 any place either inside or outside the state, and the purchase price may be received  
40 in cash or bank credits.

1    **§ 26298.40. Use of bond sale proceeds**

2       26298.40. All accrued interest and premiums received on the sale of bonds shall  
3 be placed in the fund to be used for the payment of principal of and interest on the  
4 bonds and the remainder of the proceeds of the bonds shall be placed in the  
5 treasury of the commission and applied to secure the bonds or for the purposes for  
6 which the debt was incurred. However, when those purposes have been  
7 accomplished, any moneys remaining shall be either (a) transferred to the fund to  
8 be used for the payment of principal of and interest on the bonds or (b) placed in a  
9 fund to be used for the purchase of outstanding bonds of the commission from  
10 time to time in the open market at those prices and in that manner, either at public  
11 or private sale or otherwise, as the commission may determine. Bonds so  
12 purchased shall be canceled immediately.

13    **§ 26298.42. Refunding bonds**

14       26298.42. (a) The commission may provide for the issuance, sale, or exchange  
15 of refunding bonds to redeem or retire any bonds issued by the commission upon  
16 the terms, at the times and in the manner which it determines.

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

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

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

37    **§ 26298.44. Bond anticipation notes**

38       26298.44. (a) The commission may borrow money in anticipation of the sale of  
39 bonds which have been authorized pursuant to this article, but which have not  
40 been sold and delivered, and may issue negotiable bond anticipation notes therefor  
41 and may renew the bond anticipation notes from time to time, but the maximum

1 maturity of any bond anticipation notes, including the renewals thereof, shall not  
2 exceed five years from the date of delivery of the original bond anticipation notes.

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

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

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

18 **§ 26298.46. Bonds constitute legal investment**

19 26298.46. Any bonds issued under provisions of this article shall be legal  
20 investment for all trust funds, for the funds of insurance companies, commercial  
21 and savings banks, and trust companies, and for state school funds. Whenever any  
22 money or funds may, by any law now or hereafter enacted, be invested in bonds of  
23 cities, cities and counties, counties, school districts, or other districts within the  
24 state, those moneys or funds may be invested in the bonds issued under this article.  
25 Whenever bonds of cities, cities and counties, counties, school districts, or other  
26 districts within this state may, by any law now or hereafter enacted, be used as  
27 security for the performance of any act or the deposit of any public moneys, the  
28 bonds issued under this article may be so used. This article shall be in addition to  
29 all other laws relating to legal investments and shall be controlling as the latest  
30 expression of the Legislature with respect thereto.

31 **§ 26298.48. Tax exemptions**

32 26298.48. Notwithstanding any other provision of law:

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

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

37 (c) All property owned by the commission is exempt from property taxes,  
38 assessments, and other public charges secured by liens.

1    **§ 26298.50. Bonds constitute liability of commission only, not any other public agency**

2       26298.50. (a) Bonds issued under this chapter do not constitute a debt or liability  
3 of the state or of any other public agency, other than the commission, or a pledge  
4 of the faith and credit of the state or of any other public agency, other than the  
5 commission, but shall be payable solely from the funds provided therefor. All the  
6 bonds shall contain on the face thereof a statement to the following effect:

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

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

14    **§ 26298.52. No personal liability**

15       26298.52. Neither the members of the board of directors of the commission, nor  
16 any person executing the bonds, are liable personally on the bonds, or are subject  
17 to any personal liability or accountability by reason of the issuance thereof.

18    **§ 26298.54. Contest procedure**

19       26298.54. Any action or proceeding wherein the validity of the adoption of the  
20 retail transactions and use tax ordinance provided for in this article or the issuance  
21 of any bonds thereunder or any of the proceedings in relation thereto is contested,  
22 questioned, or denied, shall be commenced pursuant to Chapter 9 (commencing  
23 with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure, and shall be  
24 commenced within six months from the date of the election at which the ordinance  
25 is approved; otherwise, the bonds and all proceedings in relation thereto, including  
26 the adoption and approval of the ordinance and the retail transactions and use tax  
27 provided for therein, shall be held to be valid and in every respect legal and  
28 incontestable.

29    **§ 26298.56. Contribution to commission from county or city within county**

30       26298.56. The county and each city within the county are authorized to  
31 contribute to the commission such amounts as the county and each city, in their  
32 discretion, deem appropriate. These amounts may be used by the commission for  
33 any lawful purpose. The commission may commit to repay any portion or all of  
34 the amounts contributed, together with interest thereon at a rate not exceeding the  
35 interest rate specified from time to time in Section 53531 or the Government  
36 Code, from any lawful source, including, but not limited to, revenues derived from  
37 the retail transactions and use tax ordinance adopted pursuant to this chapter.

1    **§ 26298.58. Severability**

2       26298.58. If any provision of this chapter or the application thereof to any  
3 person or circumstance is held invalid, the invalidity shall not affect other  
4 provisions or applications of this chapter which can be given effect without the  
5 invalid provision or application, and to this end the provisions of this chapter are  
6 severable.



COUNTY REGIONAL JUSTICE FACILITIES FINANCING ACT  
(GOV'T CODE §§ 26299.000-26299.083)

1 Article 1. General Provisions

2 § 26299.000. Title of act

3 26299.000. This chapter shall be known and may be cited as the County  
4 Regional Justice Facilities Financing Act.

5 § 26299.001. Legislative findings and declarations

6 26299.001. The Legislature hereby finds and declares that the existing state of  
7 overcrowding in jail facilities in counties is so great as to significantly impede the  
8 administration of justice and create a situation wherein persons who are a danger  
9 to society may be required to be released into that society for lack of adequate  
10 facilities to house them.

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

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

19 § 26299.002. Definitions generally govern construction of chapter

20 26299.002. Unless the provision or context otherwise requires, the definitions  
21 contained in this article govern the construction of this chapter. The definition of a  
22 word applies to any of that word's variants.

23 § 26299.003. "Agency"

24 26299.003. "Agency" means a county regional justice facilities financing  
25 agency.

26 § 26299.004. "Board of directors"

27 26299.004. "Board of directors" means the board of directors of a county  
28 regional justice facilities financing agency established pursuant to this chapter.

29 § 26299.005. "Board of supervisors"

30 26299.005. "Board of supervisors" means the board of supervisors of a county.

1    **§ 26299.006. “Bonds”**

2       26299.006. “Bonds” means indebtedness and securities of any kind or class,  
3 including bonds, notes, bond anticipation notes, and commercial paper.

4    **§ 26299.007. “County”**

5       26299.007. “County” means Humboldt, Los Angeles, Riverside, San  
6 Bernardino, Stanislaus, and Ventura Counties.

7    **§ 26299.008. “Court facilities”**

8       26299.008. “Court facilities” means the municipal and superior courts of the  
9 county, as well as any other facilities used for adult or juvenile court matters,  
10 criminal prosecutions, handling inmates, or a combination thereof.

11   **§ 26299.009. “Master plan”**

12       26299.009. “Master plan” means the plan for construction and acquisition of  
13 juvenile and adult detention facilities, countywide law enforcement facilities, court  
14 facilities, and other structures necessary or convenient thereto. The plan shall be  
15 developed and approved, and may be amended from time to time, by the board of  
16 supervisors. The master plan may include, but is not limited to, the following:

17       (a) The number of adult and juvenile detention facilities, countywide law  
18 enforcement facilities, court facilities, and other structures necessary or convenient  
19 thereto to be constructed, furnished, or acquired.

20       (b) The geographic areas in which the facilities referenced in subdivision (a)  
21 shall be sited.

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

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

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

29   **§ 26299.010. “Outstanding”**

30       26299.010. “Outstanding,” when used as of any particular time with reference to  
31 bonds issued by the agency, means all bonds theretofore and thereupon being  
32 authenticated and delivered by an authenticating agent duly appointed by the  
33 agency or its authorized designee except:

34       (a) Bonds theretofore canceled by an authenticating agent or surrendered to such  
35 authenticating agent for cancellation.

36       (b) Bonds that are owned or held by or for the account of the agency or any  
37 other obligor on the bonds, or any person directly or indirectly controlling or  
38 controlled by, or under direct or indirect common control with, the agency or any  
39 other obligor on the bonds.

1 (c) Bonds for the transfer or exchange of or in lieu of or in substitution for which  
2 other bonds shall have been authenticated and delivered.

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

6 **§ 26299.011. “Prevention program”**

7 26299.011. “Prevention program” means a program designed to decrease the  
8 number of inmates incarcerated in county juvenile and adult detention facilities by  
9 providing alternatives to incarceration, or by providing counseling diversion, or  
10 interversion [sic] programs, work furlough programs, halfway houses, and own  
11 recognizance services. Counseling, diversion, or intervention programs, include,  
12 but are not limited to, drug and alcohol counseling, probation counseling, pretrial  
13 screening, and community programs intended to reduce or prevent juvenile  
14 criminal activity.

15 **§ 26299.013. “Qualifying facilities”**

16 26299.013. “Qualifying facilities” means any of the adult and juvenile detention  
17 facilities, countywide law enforcement facilities, court facilities, and other  
18 structures necessary or convenient thereto, which may be constructed, furnished,  
19 or acquired pursuant to this chapter.

20 **§ 26299.014. Construction to effectuate purposes of chapter**

21 26299.014. This chapter shall be liberally construed in order to effectuate its  
22 purposes. No inadvertent error, irregularity, informality, or the inadvertent neglect  
23 or omission of any officer, in any procedure taken under this division, other than  
24 fraud, shall void or invalidate that proceeding or any levy imposed to finance  
25 regional justice facilities needs or improvements.

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

27 **§ 26299.020. Establishment of county regional justice facilities financing agency**

28 26299.020. (a) A county regional justice facilities financing agency may be  
29 established in any county, as defined in Section 26299.007, with membership and  
30 terms determined as provided in Section 26299.021, upon a finding of the board of  
31 supervisors that it is in the public interest to do so. Any such finding shall be  
32 adopted by resolution of the board of supervisors.

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

1 **§ 26299.021. Board of directors**

2 26299.021. The number, membership, and terms of office of the board of  
3 directors of a county regional justice facilities financing agency established  
4 pursuant to Section 26299.020, shall be determined by one of the following  
5 means:

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

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

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

15 (1) The county sheriff.

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

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

23 (1) The sheriff.

24 (2) The district attorney.

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

30 (4) Two members of the board of supervisors.

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

34 **§ 26299.022. Term of member serving on board by virtue of office**

35 26299.022. The term of any member serving on the board of directors by virtue  
36 of holding another public office shall terminate when that member ceases holding  
37 the other public office and a new member has been properly seated. The new  
38 member of the agency shall hold office for the remainder of the term of the  
39 member who was replaced by the new member.

1    **§ 26299.023. Filling vacancy on board**

2       26299.023. Vacancies occurring on the board of directors shall be filled by the  
3       appointing authority for the unexpired term.

4    **§ 26299.024. Chairperson and vice chairperson**

5       26299.024. The board of supervisors shall call the first meeting of the board of  
6       directors and shall designate one of the members of the board of directors to serve  
7       as the chairperson at that meeting. Thereafter, a chairperson and vice chairperson  
8       of the board of directors shall be elected annually by vote of a majority of the  
9       members of the board of directors of the agency and shall serve for a period of one  
10      calendar year. The chairperson shall preside at all meetings, and the vice  
11      chairperson shall preside in the absence of the chairperson.

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

16   **§ 26299.025. Quorum**

17      26299.025. A majority of the members of the agency shall constitute a quorum  
18      for the transaction of business, and all official acts of the agency shall require the  
19      affirmative vote of a majority of its members constituting a quorum, unless a two-  
20      thirds vote is required by this chapter.

21   **§ 26299.026. Acts of agency**

22      26299.026. The acts of the agency shall be expressed by motion, resolution, or  
23      ordinance.

24   **§ 26299.027. Rules and procedures**

25      26299.027. The board of directors shall adopt those rules and procedures,  
26      consistent with the laws of the state, as it deems necessary to conduct its business.

27   **§ 26299.028. Compliance with Ralph M. Brown Act**

28      26299.028. All meetings of the agency shall be conducted in the manner  
29      prescribed by the Ralph M. Brown Act, Chapter 9 (commencing with Section  
30      54950) of Part 1 of Division 2 of Title 5.

31   **§ 26299.029. Authorized acts**

32      26299.029. In carrying out its purposes and powers, the agency may:  
33      (a) Adopt a seal and alter it at its pleasure.  
34      (b) Sue and be sued, except as otherwise provided by law, in all actions and  
35      proceedings, in all courts and tribunals of competent jurisdiction.

1 All claims for money or damages against the agency are governed by Division  
2 3.6 (commencing with Section 810) of Title 1, except as provided therein or by  
3 other statutes or regulations expressly applicable thereto.

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

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

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

15 (f) Appoint policy committees as deemed necessary.

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

17 **§ 26299.030. Duties of agency**

18 26299.030. The agency shall do all of the following:

19 (a) Adopt an annual budget.

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

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

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

27 **§ 26299.031. Powers of agency**

28 26299.031. In carrying out the purposes of this chapter the agency shall have the  
29 power to do all of the following:

30 (a) Administer this chapter.

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

36 (c) Finance the acquisition of necessary lands, easements, and rights-of-way,  
37 including reimbursement to the county for any costs incurred by the county in  
38 acquiring such lands, easements, and rights-of-way, at sites designated or  
39 approved by the board of supervisors, for the general governmental purposes of  
40 the agency set forth in this section.

1 (d) Hold title as necessary or convenient to land or facilities constructed or  
2 acquired pursuant to this chapter, and convey title to such land or facilities to the  
3 county.

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

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

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

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

22 **§ 26299.032. Construction, acquisition, and furnishing of other county or city criminal**  
23 **justice and law enforcement facilities**

24 26299.032. In carrying out the purposes of this chapter the agency may finance  
25 the construction, acquisition, and furnishing of other county or city criminal  
26 justice and law enforcement facilities, provided the board of supervisors certifies  
27 to the agency that all current master plan requirements have been met.

28 **§ 26299.033. No power to determine geographic locations**

29 26299.033. Notwithstanding any other provision of this chapter to the contrary,  
30 the board of directors of an agency shall have no power to determine the  
31 geographic locations at which any of the qualifying facilities specified in this  
32 chapter shall be sited.

33 **§ 26299.034. Procedure for adoption of annual budget**

34 26299.034. Notice of the time and place for the public hearing for the adoption  
35 of the annual budget shall be published one time in a newspaper of general  
36 circulation not later than the 15th day prior to the date of the hearing. The  
37 proposed annual budget shall be available for public inspection at least 15 days  
38 prior to the hearing.





1 7251) of Division 2 of the Revenue and Taxation Code, if the tax ordinance is  
2 adopted by a two-thirds vote of the agency and imposition of the tax is  
3 subsequently approved by two-thirds of the electors voting on the measure at a  
4 special election called for that purpose by the board of supervisors, at the request  
5 of the agency, and a county regional justice facilities master plan is adopted  
6 pursuant to Section 26299.009.

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

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

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

21 **§ 26299.042. Effective date and collection of transactions and use tax**

22 26299.041. A tax ordinance adopted pursuant to Section 26299.041 shall take  
23 effect at the close of the polls on the day of the election at which the proposition is  
24 adopted. The initial collection of the transactions and use tax shall take place in  
25 accordance with Section 26299.049.

26 **§ 26299.043. Content of ordinance and proposition**

27 27300.043. The agency, in the ordinance adopted pursuant to Section  
28 26299.041, shall state the nature of the tax to be imposed, the tax rate, the period  
29 during which the tax will be imposed, which of the financing activities enumerated  
30 in Section 26299.031 the agency proposes to exercise, and the specific activities  
31 and purposes, if any, for which the agency proposes to allocate any fixed portion  
32 of the tax proceeds. The purposes for which the tax may be imposed are the  
33 general governmental purposes of the agency as set forth in Section 26299.031.

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

36 **§ 26299.044. Election**

37 26299.044. (a) The county shall conduct a special election called by the agency  
38 for the purpose of approving a transactions and use tax ordinance adopted by the  
39 agency. The election shall be held within the incorporated and unincorporated  
40 areas of the county.

1 (b) The election shall be called and conducted in the same manner as provided  
2 by law for the conduct of special elections by a county.

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

6 **§ 26299.045. Permissible tax rate**

7 26299.045. The agency by two-thirds vote of its board of directors, subject to  
8 the approval of the voters, may impose a tax rate of one-half of 1 percent under  
9 this chapter and Part 1.6 (commencing with Section 7251) of Division 2 of the  
10 Revenue and Taxation Code. Neither this chapter nor the ordinance shall affect  
11 any tax otherwise authorized.

12 **§ 26299.046. Allocation of tax revenues**

13 26299.046. The revenues from the tax imposed pursuant to this chapter may be  
14 allocated by the agency for the following purposes:

15 (a) To administer this chapter.

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

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

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

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

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

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

33 **§ 26299.047. Priorities in annual budget**

34 26299.047. When adopting its annual budget pursuant to Section 26299.030, the  
35 agency shall provide that the lawfully available moneys of the agency shall be  
36 used first for the payment of debt service on all outstanding limited tax bonds of  
37 the agency unless otherwise provided in the resolution providing for the issuance  
38 of such bonds, and, unless otherwise provided in an allocation or funding  
39 agreement, for the payment of all allocations required to be made pursuant to  
40 allocation or funding agreements between the agency and the county or any city in

1 the county prior to the payment of operating costs and expenses and any other  
2 lawful costs and expenses of the agency.

3 **§ 26299.048. Annual report on implementation of master plan**

4 26299.048. If a retail transactions and use tax is adopted pursuant to this chapter,  
5 the agency shall prepare and submit a report to the board of supervisors and to the  
6 city council of each city in the county on or before January 1 of the year following  
7 the end of the first full fiscal year after that date that the taxes are imposed  
8 pursuant to this chapter and annually thereafter. The report shall evaluate, and  
9 report progress made in, the implementation of the adopted master plan in the  
10 preceding fiscal year.

11 **§ 26299.049. Operative date**

12 26299.049. (a) Any transactions and use tax ordinance adopted pursuant to this  
13 chapter shall become operative as provided in Section 7265 of the Revenue and  
14 Taxation Code, or its successor.

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

18 **§ 26299.050. Combined rate of taxes**

19 26299.050. (a) The combined rate of any transactions and use tax imposed in a  
20 county pursuant to this chapter and all other transactions and use taxes imposed in  
21 that county pursuant to the Transactions and Use Tax Law (Part 1.6 (commencing  
22 with Section 7251) of Division 2 of the Revenue and Taxation Code), or any other  
23 provision of law shall not exceed 1 percent.

24 (b) No tax shall be considered in a county in accordance with this part if, upon  
25 adoption, the combined rate of transactions and use taxes in the county will exceed  
26 1 percent.

27 **Article 4. Bonds**

28 **§ 26299.060. Authority to issue bonds**

29 26299.060. (a) As part of the ballot proposition to approve the imposition of a  
30 retail transactions and use tax pursuant to this chapter, authorization may be  
31 sought to issue bonds payable from the proceeds of the tax to finance capital  
32 outlay expenditures as may be provided for in the master plan for county regional  
33 justice facilities adopted pursuant to Section 26299.009.

34 (b) Limited tax bonds may not be issued unless the estimated proceeds of the  
35 retail transactions and use tax for a period of 30 years after issuance of the bonds  
36 shall at least equal the aggregate principal and interest payable with respect to all  
37 limited tax bonds then outstanding plus the limited tax bonds proposed to be  
38 issued. For purposes of determining the principal amount of limited tax bonds

1 outstanding, limited tax bonds shall be assumed to be paid at par either at their  
2 respective maturities or pursuant to mandatory sinking fund installments with  
3 respect thereto. For purposes of determining the aggregate interest payable with  
4 respect to any issue of limited tax bonds, bonds that bear interest at variable  
5 interest rates shall be assumed to bear interest for the terms thereof equal to the  
6 interest rate in effect on the date the bonds are issued or, in the case of limited tax  
7 bonds already outstanding, equal to the interest rate in effect on the date that the  
8 determination is made. For purposes of determining the estimated proceeds of the  
9 retail transactions and use tax for a period of 30 years, a finding made by the  
10 agency, incidental to any prospective issuance of bonds, regarding the amount of  
11 the estimated proceeds shall be binding and conclusive for all purposes.

12 **§ 26299.061. Limited tax bonds**

13 26299.061. (a) The bonds authorized by the voters concurrently with the  
14 approval of the retail transactions and use tax may be issued by the agency at any  
15 time, and from time to time, payable from the proceeds of the tax. The bonds shall  
16 be referred to as “limited tax bonds.”

17 (b) The pledge of the retail transactions and use tax revenues for the limited tax  
18 bonds authorized under this chapter shall have priority over the use of any of the  
19 tax revenues for “pay-as-you-go” financing, or any other purposes except to the  
20 extent that that priority is expressly restricted in the resolution authorizing the  
21 issuance of the bonds.

22 **§ 26299.062. Permissible uses of limited tax bonds**

23 26299.062. Limited tax bonds issued under this chapter may be used only for the  
24 following purposes:

25 (a) To finance the capital outlay expenditures for those qualifying facilities  
26 which the agency is authorized to construct, acquire, or furnish pursuant to Section  
27 26299.032.

28 (b) To pay costs incurred in the issuance of the limited tax bonds.

29 (c) To fund a reserve fund for the limited tax bonds.

30 **§ 26299.063. Issuance of limited tax bonds**

31 26299.063. Limited tax bonds shall be issued pursuant to a resolution adopted at  
32 any time, and from time to time, by a two-thirds vote of the board of directors of  
33 the agency. Each resolution shall provide for the issuance of bonds in the amounts  
34 as may be necessary, until the full amount of bonds authorized have been issued.  
35 The full amount of bonds may be divided into two or more series and different  
36 dates of payment fixed for the bonds of each series. A bond need not mature on its  
37 anniversary date.

1    **§ 26299.064. Content of resolution for issuance of bonds**

2       26299.064. (a) A resolution providing for the issuance of bonds pursuant to this  
3 chapter shall state all of the following:

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

11       (2) The estimated cost of accomplishing those purposes.

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

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

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

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

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

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

28    **§ 26299.065. Interest on limited tax bonds**

29       26299.065. The agency may provide for the limited tax bonds to bear a variable  
30 or fixed interest rate, for the manner and intervals in which the rate shall vary, and  
31 for the dates on which the interest shall be payable.

32    **§ 26299.066. Call and redemption of bonds**

33       26299.066. (a) In the resolution authorizing the issuance of the bonds, the  
34 agency may also provide for the call and redemption of the bonds prior to maturity  
35 at the times and prices and upon other terms as specified.

36       (b) Notwithstanding the provisons [sic] of subdivision (a), no bond is subject to  
37 call or redemption prior to maturity, unless it contains a recital to that effect or  
38 unless a statement to that effect is printed therein.

1    **§ 26299.067. Places of payment of principal and interest on bonds**

2       26299.067. The principal of and interest on the bonds shall be payable in lawful  
3 money of the United States at the office of the treasurer of the agency, or at such  
4 other places as may be designated, or at both the office and other places at the  
5 option of the holders of the bonds.

6    **§ 26299.068. Features of bonds**

7       26299.068. (a) The bonds, or each series thereof, shall be dated and numbered  
8 consecutively and shall be signed by the chairperson or vicechairperson of the  
9 agency at the treasurer of the agency, and the official seal, if any, of the agency  
10 shall be attached.

11       (b) The interest coupons, if any, of the bonds shall be signed by the treasurer of  
12 the agency. All of the signatures and the seal may be printed, lithographed, or  
13 mechanically reproduced. However, the bonds shall not be valid or become  
14 obligatory for any purpose until manually signed by an authenticating agent duly  
15 appointed by the agency or its authorized designee.

16       (c) If any officer whose signature appears on the bonds or coupons ceases to be  
17 that officer before the delivery of the bonds, the officer's signature is as effective  
18 as if the officer had remained in office.

19    **§ 26299.069. Bond sales**

20       26299.069. The bonds may be sold as the agency determines by resolution. The  
21 agency may sell the bonds at a price below par, whether by negotiated or public  
22 sale.

23    **§ 26299.070. Delivery of bonds**

24       26299.070. Delivery of any bonds issued pursuant to this chapter may be made  
25 at any place either inside or outside the state, and the purchase price may be  
26 received in cash or bank credits.

27    **§ 26299.071. Use of bond sale proceeds**

28       26299.071. All accrued interest and premiums received on the sale of the bonds  
29 shall be placed in the fund to be used for the payment of the principal of and  
30 interest on the bonds, and the remainder of the proceeds of the bonds shall be  
31 placed in the treasury of the agency and applied to secure the bonds or for the  
32 purposes for which the debt was incurred. However, when the purposes have been  
33 accomplished, any money remaining shall be either (a) transferred to the fund to  
34 be used for the payment of principal of and interest on the bonds, or (b) placed in a  
35 fund to be used for the purchase of the outstanding bonds in the open market at  
36 prices and in the manner, either at public or private sale or otherwise, as  
37 determined by the agency. Bonds so purchased shall be cancelled immediately.

1    **§ 26299.072. Refunding bonds**

2       26299.072. (a) The agency may provide for the issuance, sale, or exchange of  
3    refunding bonds to redeem or retire any bonds issued by the agency upon the  
4    terms, at the times and in the manner which it determines.

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

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

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

25    **§ 26299.073. Principal amount of refunding bonds**

26       26299.073. Refunding bonds may be issued in a principal amount sufficient to  
27   pay all, or any part of, the principal of the outstanding bonds, the premiums, if  
28   any, due upon call and redemption thereof prior to maturity, all expenses of the  
29   refunding, and either of the following:

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

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

38    **§ 26299.074. Bond anticipation notes**

39       26299.074. (a) The agency may borrow money in anticipation of the sale of  
40   bonds which have been authorized pursuant to this chapter, but which have not  
41   been sold or delivered, and may issue negotiable bond anticipation notes therefor

1 and may renew the bond anticipation notes from time to time, provided that the  
2 maximum maturity of any bond anticipation notes, including the renewals thereof,  
3 shall not exceed five years from the date of delivery of the original bond  
4 anticipation notes.

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

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

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

18 **§ 26299.075. Bonds constitute legal investment**

19 26299.075. Any limited tax bonds issued pursuant to this chapter are a legal  
20 investment for all trust funds; for the funds of insurance companies, commercial  
21 and savings banks, and trust companies; and for state school funds. Whenever any  
22 money or funds may, by any law now or hereafter enacted, be invested in bonds of  
23 cities, cities and counties, counties, school districts, or other districts within the  
24 state, that money or funds may be invested in the bonds issued pursuant to this  
25 chapter. Whenever bonds of cities, cities and counties, counties, school districts, or  
26 other districts within this state may, by any law now or hereafter enacted, be used  
27 as security for the performance of any act or the deposit of any public moneys, the  
28 bonds issued pursuant to this chapter may be so used. The provisions of this  
29 chapter are in addition to all other laws relating to legal investments and shall be  
30 controlling as the latest expression of the Legislature with respect thereto.

31 **§ 26299.076. Tax exemptions**

32 26299.076. Notwithstanding any other provision of law:

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

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

37 (c) All property owned by the agency is exempt from property taxes,  
38 assessments, and other public charges secured by liens.



1    **§ 26299.077. Bonds constitute liability of issuing agency only, not any other public agency**

2       26299.077. (a) Bonds issued pursuant to this chapter do not constitute a debt or  
3 liability of the state or of any other public agency, other than the county regional  
4 justice facilities financing agency issuing the bonds, or a pledge of the faith and  
5 credit of the state or of any other public agency, other than the issuing agency, but  
6 shall be payable solely from the funds provided therefor. All of the bonds shall  
7 contain on the face thereof a statement to the following effect:

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

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

15    **§ 26299.078. No personal liability**

16       26299.078. Neither the members of the board of directors of the agency, nor any  
17 person executing the bonds, are liable personally on the bonds, or are subject to  
18 any personal liability or accountability by reason of the issuance thereof.

19    **§ 26299.079. Contest procedure**

20       26299.079. Any action or proceeding wherein the validity of the adoption of the  
21 retail transactions and use tax ordinance provided for in this chapter or the  
22 issuance of any bonds thereunder or any of the proceedings in relation thereto is  
23 contested, questioned, or denied, shall be commenced pursuant to Chapter 9  
24 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil  
25 Procedure within six months from the date of the election at which the ordinance  
26 is approved. Otherwise, the bonds and all proceedings in relation thereto,  
27 including the adoption and approval of the ordinance and the retail transactions  
28 and use tax provided for therein, shall be held to be valid and in every respect  
29 legal and incontestable.

30    **§ 26299.080. Contribution to agency from county or city within county**

31       26299.080. The county and each city within the county is authorized to  
32 contribute to the agency such amounts as the county and each city, in their  
33 discretion, deem appropriate. These amounts may be used by the agency for any  
34 lawful purpose. The agency may commit to repay all or any portion of the  
35 amounts contributed, together with interest thereon at a rate not exceeding the  
36 interest rate specified from time to time in Section 53531 of the Government  
37 Code, from any lawful source, including, but not limited to, revenues derived from  
38 the retail transactions and use tax which may be imposed pursuant to this chapter.

1    **§ 26299.081. No power to impose any other tax**

2       26299.081. The agency has no power to impose any tax other than the  
3 transactions and use tax imposed upon approval of the voters in accordance with  
4 this chapter.

5    **§ 26299.082. Legislative intent regarding funding**

6       26299.082. It is the intent of the Legislature in enacting this chapter to ensure  
7 that counties are not deprived of state funds which might be made available to  
8 finance needed regional justice facilities, including adult and juvenile detention  
9 facilities, countywide law enforcement facilities, court facilities, other structures  
10 necessary or convenient thereto, and prevention programs subsequent to the  
11 enactment of this chapter, whether those funds be provided by statute or  
12 constitutional amendment.

13   **§ 26299.083. Severability**

14       26299.083. If any provision of this chapter or the application thereof to any  
15 person or circumstance is held invalid, that invalidity shall not affect other  
16 provisions or applications of the chapter which can be given effect without the  
17 invalid provision or application, and to this end the provisions of this chapter are  
18 severable.