

## Memorandum 2020-28

**Statutes Made Obsolete by Trial Court Restructuring (Part 6):  
Regional Justice Facilities Acts  
(Draft of Tentative Recommendation)**

---

At the May meeting, the Commission directed the staff to prepare a draft of a tentative recommendation that “proposes to repeal 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), and the County Regional Justice Facilities Financing Act (Gov’t Code §§ 26299-26299.083) as obsolete.”<sup>1</sup> The requested draft is attached for Commissioners and other interested persons to review.

After reviewing the attached draft and considering any input on it, the Commission needs to decide **whether to approve the draft as a tentative recommendation, to be posted to the Commission’s website and distributed for comment.** Unless the Commission otherwise directs, the staff will insert a comment deadline of September 1, 2020, which would permit consideration of any comments at the meeting scheduled for September 10. That should be sufficient, because the Commission has already circulated a discussion draft on this topic and the key stakeholders have had ample opportunities to weigh in on it.

The staff further suggests that absent input or concerns warranting discussion, the Commission **treat this matter as a consent item at the upcoming July 9 meeting.**

Respectfully submitted,

Barbara Gaal  
Chief Deputy Counsel

---

1. *Draft Minutes* (May 2020), p. 5. 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**

TENTATIVE RECOMMENDATION

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

July 2020

The purpose of this tentative recommendation is to solicit public comment on the Commission's tentative conclusions. A comment submitted to the Commission will be part of the public record. The Commission will consider the comment at a public meeting when the Commission determines what, if any, recommendation it will make to the Legislature. It is just as important to advise the Commission that you approve the tentative recommendation as it is to advise the Commission that you believe revisions should be made to it.

COMMENTS ON THIS TENTATIVE RECOMMENDATION SHOULD BE RECEIVED BY THE COMMISSION NOT LATER THAN **[insert due date]**.

The Commission will often substantially revise a proposal in response to comment it receives. Thus, this tentative recommendation is not necessarily the recommendation the Commission will submit to the Legislature.

California Law Revision Commission  
c/o UC Davis School of Law  
Davis, CA 95616  
<commission@clrc.ca.gov>



## SUMMARY OF TENTATIVE RECOMMENDATION

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. The Acts also contain legislative findings about the condition of local justice facilities from over thirty years ago, as well as other material that might be outdated.

Revising the Acts to reflect current conditions would require considerable effort and call for various policy decisions. Such an undertaking appears unnecessary, however, because outreach to the affected courts and counties revealed little interest in retaining the Regional Justice Facilities Acts, which have never been used for their intended purposes.

The Commission thus tentatively recommends that the Regional Justice Facilities Acts be repealed. They do not appear to be needed and retaining them in the codes could lead to occasional wasted efforts or confusion.

The Commission encourages comments on this tentative recommendation, in any format. They should be submitted to [bgaal@clrc.ca.gov](mailto:bgaal@clrc.ca.gov) by **[insert due date]**.

This recommendation was prepared pursuant to Government Code Section 71674 and Resolution Chapter 158 of the Statutes of 2018.



1 TRIAL COURT RESTRUCTURING CLEAN-UP:  
2 REGIONAL JUSTICE FACILITIES ACTS

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

9 This tentative recommendation focuses on three statutes in the Government  
10 Code relating to funding for regional justice facilities (hereafter, the “Regional  
11 Justice Facilities Acts”).<sup>1</sup> Those statutes appear to contain material that is obsolete  
12 due to developments stemming from trial court restructuring, particularly a shift in  
13 responsibility for court facilities.

14 Updating that material would require significant effort and entail policy  
15 decisions that might be beyond the Commission’s authority. As explained below,  
16 however, such analysis appears to be unnecessary due to an apparent lack of  
17 interest in retaining the Regional Justice Facilities Acts. The Commission thus  
18 tentatively recommends that they be repealed.

19 This tentative recommendation begins by summarizing the trial court  
20 restructuring reforms and the Commission’s role in that process. It then describes  
21 the Regional Justice Facilities Acts, as well as a few constitutional challenges to  
22 those statutes. Lastly, the Commission explains why they should be repealed as  
23 obsolete and gives instructions for submitting comments.

24 **Trial Court Restructuring and the Commission’s Role**

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

27 ***Former Structure***

28 In the late 1990’s, California had two types of trial courts: municipal courts  
29 (with limited jurisdiction) and superior courts (with jurisdiction of all other cases).<sup>2</sup>

---

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 tentative recommendation are to the Government Code

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).

Any California Law Revision Commission document referred to in this tentative recommendation can be obtained from the Commission. Recent materials can be downloaded from the Commission’s website

1 Both types were county-operated, received county funding, and were largely  
2 staffed with county employees.<sup>3</sup> Trial court facilities were owned, constructed, and  
3 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  
24 report the status of court facilities throughout the state, and to make  
25 recommendations for specific funding responsibilities among the entities of

---

(www.clrc.ca.gov). Other materials can be obtained by contacting the Commission’s staff, through the website or otherwise.

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 government (i.e., state and/or county) with regards to court facilities maintenance  
2 and construction.”<sup>12</sup>

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

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

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

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

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

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

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

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

---

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>

---

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 *Statutes Made Obsolete by Trial Court Restructuring (Part 6): Court Facilities*, 46 Cal. L. Revision Comm'n Reports 25, 34 n.26 (2019) (hereafter, "*TCR: Court Facilities*"). See also *Trial Court Restructuring Clean-Up: Obsolete "Constable" References*, 45 Cal. L. Revision Comm'n Reports 441 (2018); *Trial Court Restructuring Clean-Up: Task Force on Trial Court Employees*, 46 Cal. L. Revision Comm'n Reports 1 (2019); *Trial Court Restructuring Clean-Up: Obsolete References to Marshals*, 46 Cal. L. Revision Comm'n Reports 105 (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 2020-29.

24. For details, see *TCR: Court Facilities*, *supra* note 23, at 35, n. 27. The proposed legislation in the reports cited in note 23 *supra* is currently pending 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 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.

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 17-21) (hereafter, the “San Joaquin  
15 County Act”).
- 16 • The Orange County Regional Justice Facilities Act (Sections 26295-  
17 26298.58) (reproduced at pages 21-32) (hereafter, the “Orange County  
18 Act”).
- 19 • The County Regional Justice Facilities Financing Act (Sections 26299.000-  
20 26299.083) (reproduced at pages 32-43) (hereafter, the “Multi-County  
21 Act”). This Act pertains to Humboldt, Los Angeles, Riverside, San  
22 Bernardino, Stanislaus, and Ventura Counties.<sup>28</sup>

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

### 25 ***Description of the Acts***

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

- 28 (1) Address overcrowding of local jails and court facilities.
- 29 (2) Create, or authorize the creation of, a new governmental entity with  
30 responsibilities relating to regional justice facilities.

---

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 *TCR: Court Facilities*, *supra* note 23.

28. See Section 26299.007.

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

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

4 26295.2. The Legislature hereby finds and declares that the existing state of  
5 overcrowding in jails and court facilities in Orange County is so great as to  
6 significantly impede the administration of justice and create a situation wherein  
7 persons who are a danger to society are required to be released into that society  
8 for lack of adequate facilities to house them. The Legislature further finds and  
9 declares that it is in the public interest to create the Orange County Regional  
10 Justice Facilities Commission so that regional justice facility needs may be  
11 addressed in an expeditious and appropriate fashion on a countywide basis. The  
12 Legislature further finds and declares that it is in the public interest to allow the  
13 voters to approve a general tax for the general governmental purposes of the  
14 Orange County Regional Justice Facilities Commission.<sup>29</sup>

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

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

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

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

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

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

34 (e) Projections of revenues, including revenues expected to be derived from the  
35 tax provided for in this chapter, together with other federal, state, and local funds,  
36 and funds from the sale of bonds under this chapter, and expenditures for capital,  
37 maintenance, and operations purposes for adult and juvenile detention facilities  
38 and *courthouse facilities* purposes.

---

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

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

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

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

25 The entity created by the San Joaquin County Act is the San Joaquin County  
26 Regional Justice Facility Financing Agency, comprised of two members of the  
27 board of supervisors, two public members, and the local sheriff.<sup>41</sup> That entity has  
28 broad powers to implement the master plan for “construction and acquisition of  
29 adult detention facilities, sheriff facilities, functionally related court facilities, and  
30 structures necessary or convenient thereto,<sup>42</sup> but the master plan is to be developed

---

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.

42. See, e.g., Sections 26291.7, 26291.8.

1 and approved by the board of supervisors.<sup>43</sup> The master plan may include, but is  
2 not limited to, the following:

3 (a) The number of adult detention facilities, sheriff facilities, functionally  
4 related 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.<sup>44</sup>

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

### 28 *Constitutional Challenges*

29 Soon after enactment of the Orange County Act and the Multi-County Act, the  
30 Howard Jarvis Taxpayers’ Association challenged those Acts as “unconstitutional  
31 and invalid as in conflict with article XIII A, section 4 of the California  
32 Constitution (Proposition 13).”<sup>47</sup> As originally enacted, the Acts only required a  
33 majority vote (not a 2/3 vote) in favor of the tax for each county. The trial court  
34 held that unconstitutional and the defendants appealed.

---

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

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

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

20 In contrast, the Legislature did not make any changes to the Orange County Act  
21 or the Multi-County Act shortly after the *Howard Jarvis* decision. Fourteen years  
22 later, however, it amended those Acts to *require* a 2/3 vote.<sup>56</sup> The same 2007 bill  
23 also amended the San Joaquin Act and ten other statutes (unrelated to court  
24 facilities) in a similar manner, because they appeared potentially vulnerable on the  
25 same constitutional grounds.<sup>57</sup> In addition, the bill (the Local Government

---

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.

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

1 Omnibus Act of 2007) made numerous other uncontroversial reforms relating to  
2 local government.<sup>58</sup>

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

7 **Reexamination of the Regional Justice Facilities Acts in Light of Trial Court Restructuring**

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

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

17 **Material in the Regional Justice Facilities Acts Made Obsolete by Trial Court Restructuring**

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

21 26299.008. “Court facilities” means the *municipal* and superior courts of the  
22 county, as well as any other facilities used for adult or juvenile court matters,  
23 criminal prosecutions, handling inmates, or a combination thereof.<sup>64</sup>

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

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

---

58. See 2007 Cal. Stat. ch. 343; Senate Floor Analysis of SB 144 (June 27, 2007).

59. See, e.g., Senate Floor Analysis of SB 144 (Aug. 29, 2007), pp. 6-7.

60. Section 71674.

61. *Id.*

62. Sections 70301-70508.

63. See text accompanying notes 12-19 *supra*.

64. Emphasis added.

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.

3 Of particular note, subdivisions (a) and (b) of Section 70391 say that the Judicial  
4 Council shall:

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

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

11 Section 70391 also authorizes the Judicial Council to:

- 12 • Dispose of surplus court facilities, subject to various restrictions;<sup>67</sup>
- 13 • Establish policies, procedures, and guidelines for ensuring that the courts  
14 have adequate and sufficient facilities;<sup>68</sup>
- 15 • Establish and consult with local project advisory groups on the construction  
16 of new trial court facilities;<sup>69</sup>
- 17 • Manage court facilities in consultation with the trial courts;<sup>70</sup>
- 18 • Prepare funding requests for court facility construction, repair, and  
19 maintenance;<sup>71</sup> and
- 20 • Take various other actions with respect to court facilities.

21 In contrast to the approach taken in Section 70391 and the remainder of the Trial  
22 Court Facilities Act, the Regional Justice Facilities Acts predate the trial court  
23 restructuring reforms and were thus built on the premise that *the pertinent county*  
24 *(or counties)* bore responsibility for trial court facilities, as well as detention  
25 facilities. Unsurprisingly, those Acts allocate key roles to boards of supervisors  
26 and their members (as detailed above), and give relatively little control to the  
27 Judicial Council, trial courts, and trial court personnel. Such an approach is now  
28 outdated and the statutory provisions implementing it are obsolete.

29 ***Best Approach to the Material Made Obsolete by Trial Court Restructuring***

30 Reconciling the Regional Justice Facilities Acts with the Trial Court Facilities  
31 Act could perhaps be done, but it would require care and entail significant policy

---

67. Section 70391(c).

68. Section 70391(e). This authority includes, but is not limited to, “facilities planning, acquisition, construction, design, operation, and maintenance.”

69. Section 70391(f). The local project advisory groups may include “the trial court, the county, the local sheriff, state agencies, bar groups, including, but not limited to, the criminal defense bar, and members of the community.” *Id.*

70. Section 70391(g).

71. Section 70391(j).

1 decisions that may go beyond the Commission’s statutory clean-up role in this  
2 study. To give just a few examples:

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

13 Because the Regional Justice Facilities Acts have never actually served their  
14 intended purposes, the Commission wondered whether it would make sense for  
15 anyone to invest resources in answering these types of questions. It therefore  
16 circulated a discussion draft to all of the affected courts and counties, the Judicial  
17 Council, and other interested persons, to determine whether there was any interest  
18 in updating the Acts to remove the obsolete material.<sup>72</sup>

19 Despite extensive efforts to obtain input, not all of the entities responded and  
20 those that did were, with one exception, either neutral on updating the Acts<sup>73</sup> or  
21 affirmatively recommended repealing them.<sup>74</sup> The sole exception was Humboldt  
22 County, which recommended revising the Multi-County Act so extensively as to  
23 bear little resemblance to current law (the proposed revisions would even change  
24 the type of entity created by the Act and its purpose).<sup>75</sup> If needed, such a reform

---

72. Discussion Draft on *Trial Court Restructuring Clean-Up: Regional Justice Facilities Acts* (Jan. 2020).

73. See CLRC Staff Memorandum 2020-14, Exhibit p. 22 (Los Angeles Superior Court “does not have an opinion as to whether the County Regional Justice Facilities Act (Govt. Code §§ 26299.000-26299.083) should remain or be repealed.”); see also *id.* (Los Angeles Superior Court “has confirmed with the County of Los Angeles that it does not have an opinion on whether to amend the law or leave as is.”).

The Judicial Council did not submit a formal comment on the discussion draft, but one of its supervising attorneys discussed the matter with some of his colleagues and reported that “we don’t have an opinion as to whether [the Regional Justice Facilities Acts] should be eliminated or not — that seems to be more of a county matter.” *Id.* at Exhibit p. 20.

74. See *id.* at Exhibit p. 21 (County of San Bernardino recommends repeal of Multi-County Act as “outdated and redundant” because “counties are no longer responsible for financing court facilities and there are several other statutes upon which the County may rely to place transactions taxes on the ballot to finance jails and public safety facilities.”); *id.* at Exhibit p. 23 (San Bernardino County Superior Court suggests that “the provisions of Government Code sections 26299.000 to 26299.083 may be repealed without harm”); *id.* at Exhibit p. 24 (Ventura County Superior Court says Multi-County Act is “obsolete due to the many changes over the past 22 years to trial court funding and trial court facilities management,” so “it is a good time to remove these statutes from the books.”).

75. See *id.* at Exhibit pp. 1-19; see also *id.* at pp. 7-10 (discussing comments of Humboldt County).

1 probably could be best achieved by writing on a clean slate, rather than reinventing  
2 the Multi-County Act.

3 Because there appears to be little interest in retaining the Regional Justice  
4 Facilities Acts as originally conceived and investing the effort to update them, the  
5 simplest way to remove the material made obsolete by trial court restructuring  
6 would be to repeal the Acts outright. They appear to be unnecessary given the  
7 existence of other funding mechanisms for court facilities and detention facilities,  
8 which the state has been using for many years instead of the mechanisms  
9 contemplated by the Acts. Moreover, the legislative findings in the Acts are over  
10 thirty years old and might not accurately reflect current conditions and legislative  
11 priorities. Keeping the Acts in the codes, without updating their obsolete aspects,  
12 could also cause occasional confusion and wasted effort, as people run across them  
13 and try to assess their meaning in light of the trial court restructuring reforms.

14 For all of these reasons, **the Commission tentatively recommends that the**  
15 **San Joaquin County Regional Justice Facility Financing Act, the Orange**  
16 **County Regional Justice Facilities Act, and the County Regional Justice**  
17 **Facilities Financing Act be repealed.** That would simplify the codes for the  
18 benefit of the public, without causing any negative effects.

19 **Request for Public Comment**

20 The Commission seeks public comment on the issues raised in this tentative  
21 recommendation. Comments can be in any format and can be emailed to  
22 bgaal@clrc.ca.gov. **To receive optimal consideration, comments should be**  
23 **submitted by [insert due date].**

24 The Commission also welcomes comments on other statutes that require  
25 revisions to reflect trial court restructuring. Comments from knowledgeable  
26 persons are invaluable in the Commission's study process.



## Contents

|   |    |
|---|----|
| Gov't Code §§ 26290-26293.4 (repealed). San Joaquin County Regional Justice Facility<br>Financing Act ..... | 17 |
| Gov't Code §§ 26295-26298.58 (repealed). Orange County Regional Justice Facilities Act.....                 | 21 |
| Gov't Code §§ 26299.000-26299.083 (repealed). County Regional Justice Facilities<br>Financing Act .....     | 32 |

---



PROPOSED LEGISLATION

1 **Gov’t Code §§ 26290-26293.4 (repealed). San Joaquin County Regional Justice Facility**  
2 **Financing Act**

3 SEC. \_\_\_\_\_. Chapter 13.6 (commencing with Section 26290) of Part 2 of  
4 Division 2 of Title 3 of the Government Code is repealed.

5 **Comment.** Sections 26290-26293.4 are repealed as unnecessary and obsolete. They have  
6 never been used for their intended purpose and conditions have changed since they were enacted  
7 in 1988. For instance, counties are no longer responsible for trial court operations and facilities.  
8 That is now a state responsibility, allocated primarily to the judiciary under the Lockyer-Isenberg  
9 Trial Court Funding Act, 1997 Cal. Stat. ch. 850, and the related Trial Court Facilities Act, 2002  
10 Cal. Stat. ch. 1082. See, e.g., Sections 70311-70312 (responsibility for court operations &  
11 facilities), 70391 (Judicial Council responsibility & authority for court facilities), 77003 (“court  
12 operations” defined), 77200 (state funding of trial court operations); Cal. R. Ct. 10.810 (court  
13 operations).

14 **Note.** The text of the repealed chapter is set out below.

15 CHAPTER 13.6. SAN JOAQUIN COUNTY REGIONAL JUSTICE FACILITY FINANCING ACT

16 Article 1. General Provisions, Findings, and Definitions

17 26290. This chapter shall be known and may be cited as the San Joaquin County Regional  
18 Justice Facility Financing Act.

19 26290.1. The Legislature hereby finds and declares that the existing state of overcrowding in  
20 the jails, sheriff, and court facilities in San Joaquin County is so great as to significantly impede  
21 the administration of justice and create a situation wherein persons who are a danger to society  
22 are required to be released into that society for lack of adequate facilities to house them. The  
23 Legislature further finds and declares that it is in the public interest to create the San Joaquin  
24 County Regional Justice Facility Financing Agency so that regional justice facility and  
25 prevention program needs may be addressed in an expeditious and appropriate fashion. The  
26 Legislature further finds and declares that it is in the public interest to allow the voters to  
27 approve a general tax for the general governmental purposes of the San Joaquin County Regional  
28 Justice Facility Financing Agency.

29 26290.2. “Bonds” means indebtedness and securities of any kind or class, including bonds,  
30 notes, bond anticipation notes, and commercial paper.

31 26290.3. “Agency” means the San Joaquin County Regional Justice Facility Financing  
32 Agency.

33 26290.4. “County” means the County of San Joaquin.

34 26290.5. “Board of supervisors” means the Board of Supervisors of the County of San  
35 Joaquin.

36 26290.6. “Master plan” means the plan for construction and acquisition of adult detention  
37 facilities, sheriff facilities, functionally related court facilities, and structures necessary or  
38 convenient thereto. The plan shall be developed and approved, and may be amended from time to  
39 time, by the board of supervisors. The master plan may include, but is not limited to, the  
40 following:

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

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

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

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

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

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

11 26290.7. "Prevention program" means a program, administered by the county, designed to  
12 decrease the number of inmates incarcerated in county adult detention facilities by providing  
13 alternatives to incarceration, or by providing counseling, diversion, or intervention programs, or  
14 by providing both. Alternatives to incarceration, include, but are not limited to, alternative work  
15 programs, work furlough programs, half-way houses, and own recognizance services.  
16 Counseling, diversion, or intervention programs, include, but are not limited to, drug and alcohol  
17 counseling, parole counseling, and pretrial screening.

18 26290.8. "Functionally related court facility" means a court facility that is used solely for  
19 criminal prosecutions and handling inmates.

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

21 26291. There is hereby created the San Joaquin County Regional Justice Facility Financing  
22 Agency in the county.

23 26291.1. (a) The board of directors of the agency shall be comprised of five members, as  
24 follows:

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

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

29 (3) The Sheriff of San Joaquin County.

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

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

37 26291.2. The agency may adopt a seal and alter it at its pleasure.

38 26291.3. The agency may sue and be sued, except as otherwise provided by law, in all  
39 actions and proceedings, in all courts and tribunals of competent jurisdiction.

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

43 26291.4. The agency may compensate the members of its board of directors for all  
44 reasonable and necessary expenses incurred in the course of performing their duties.

45 26291.5. All reasonably necessary staff shall be provided by the county or hired by the  
46 agency. The county shall be reimbursed by the agency for the costs of any staff services provided  
47 to the agency by the county in accordance with an agreement entered into between the agency  
48 and county.

1 26291.6. The agency may enter into contracts. The agency may employ attorneys and  
2 consultants as necessary or convenient to carrying out its purposes and powers.

3 26291.7. The agency shall have the power to do all of the following:

4 (a) Administer this chapter.

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

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

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

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

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

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

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

27 26291.8. The agency may do all things necessary or convenient to carry out the purposes of  
28 this chapter.

29 26291.9. The initial meeting of the agency shall be held in the county when called by the  
30 board of supervisors. At that meeting, or at any subsequent meeting of the agency called by the  
31 board of supervisors for the purposes of approving the transactions and use tax ordinance and  
32 ballot proposition, the agency may approve a transactions and use tax ordinance and may call an  
33 election in accordance with Article 3 (commencing with Section 26292) which election,  
34 notwithstanding any other provision of law, may be held within 60 days of the calling of the  
35 election. The board of supervisors or the agency may file written arguments, including rebuttal  
36 arguments, in favor of the ballot proposition. No arguments shall exceed 500 words in length.

37 Article 3. Transactions and Use Tax

38 26292. The Legislature, by the enactment of this article, intends the additional funds  
39 provided by this article to supplement existing local revenues being used for the development of  
40 regional justice facilities. Government agencies are encouraged to maintain their existing  
41 commitment of local funds for regional justice facility purposes.

42 26292.1. A retail transactions and use tax ordinance applicable in the incorporated and  
43 unincorporated territory of the county may be adopted by the agency in accordance with Section  
44 26292.5 and Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and  
45 Taxation Code, if the ordinance is adopted by a two-thirds vote of the board of directors of the  
46 agency and if two-thirds of the electors voting on the measure vote to approve its imposition at a  
47 special election called for that purpose by the agency. The tax ordinance shall take effect at the  
48 close of the polls on the day of the election at which the proposition is adopted. The initial  
49 collection of the transactions and use tax shall take place in accordance with Section 26292.4.

1           26292.2. The ordinance shall state the tax rate and may state a term during which the tax will  
2 be imposed. The purposes for which the tax may be imposed are the general governmental  
3 purposes of the agency as set forth in Section 26291.7.

4           26292.3. (a) The county shall conduct an election called by the agency. The election shall be  
5 held within the incorporated and unincorporated areas of the county.

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

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

10          26292.4. (a) Any transactions and use tax ordinance adopted pursuant to this article shall  
11 become operative on the first day of the first calendar quarter commencing more than 110 days  
12 after adoption of the ordinance.

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

16          26292.5. The agency, subject to the approval of the voters, may impose a tax rate of one-half  
17 of 1 percent under this chapter and Part 1.6 (commencing with Section 7251) of Division 2 of the  
18 Revenue and Taxation Code. Neither this chapter nor the ordinance shall affect any tax otherwise  
19 authorized.

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

26          26292.7. (a) The agency, as part of the ballot proposition to approve the imposition of a retail  
27 transactions and use tax, may seek authorization to issue bonds payable from the proceeds of the  
28 tax and establish the appropriation limit of the agency for purposes of Article XIII B of the  
29 California Constitution.

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

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

38          (b) The pledge of the transactions and use tax revenues for the limited tax bonds authorized  
39 under this article shall have priority over the use of any of the revenues for other purposes except  
40 to the extent that the priority is expressly restricted in the resolution authorizing the issuance of  
41 the bonds.

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

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

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

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

47          26292.9. The agency may provide for the bonds to bear a variable or fixed interest rate, for  
48 the manner and intervals in which the rate shall vary, and for the dates on which the interest shall  
49 be payable.

1 26293. Limited tax bonds shall be issued pursuant to a resolution adopted at any time, and  
2 from time to time, by vote of the board of directors of the agency.

3 26293.1. Any bonds issued pursuant to this article are a legal investment for all trust funds;  
4 for the funds of insurance companies, commercial [sic] savings banks, and trust companies; and  
5 for state school funds. Whenever any money or funds may, by any law now or hereafter enacted,  
6 be invested in bonds of cities, counties, school districts, or other districts within the state, those  
7 funds may be invested in the bonds issued pursuant to this article, and whenever bonds of cities,  
8 counties, school districts, or other districts within this state may, by any law now or hereafter  
9 enacted, be used as security for the performance of any act or the deposit of any public money,  
10 the bonds issued pursuant to this article may be so used. The provisions of this article are in  
11 addition to all other laws relating to legal investments and shall be controlling as the latest  
12 expression of the Legislature with respect thereto.

13 26293.2. Any action or proceeding wherein the validity of the adoption of the retail  
14 transactions and use tax ordinance provided for in this article or the issuance of any bonds  
15 thereunder or any of the proceedings in relation thereto is contested, questioned, or denied, shall  
16 be commenced pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the  
17 Code of Civil Procedure. Otherwise, the bonds and all proceedings in relation thereto, including  
18 the adoption and approval of the ordinance, shall be held to be valid and in every respect legal  
19 and incontestable.

20 26293.3. The agency has no power to impose any tax other than the transactions and use tax  
21 imposed upon approval of the voters in accordance with this chapter.

22 26293.4. If any provision of this chapter or the application thereof to any person or  
23 circumstance is held invalid, that invalidity shall not affect other provisions or applications of the  
24 chapter which can be given effect without the invalid provision or application, and to this end the  
25 provisions of this chapter are severable.

26 **Gov't Code §§ 26295-26298.58 (repealed). Orange County Regional Justice Facilities Act**

27 SEC. \_\_\_\_\_. Chapter 13.7 (commencing with Section 26295) of Part 2 of  
28 Division 2 of Title 3 of the Government Code is repealed.

29 **Comment.** Sections 26295-26298.58 are repealed as unnecessary and obsolete. They have  
30 never been used for their intended purpose and conditions have changed since they were enacted  
31 in 1989. For instance, counties are no longer responsible for trial court operations and facilities.  
32 That is now a state responsibility, allocated primarily to the judiciary under the Lockyer-Isenberg  
33 Trial Court Funding Act, 1997 Cal. Stat. ch. 850, and the related Trial Court Facilities Act, 2002  
34 Cal. Stat. ch. 1082. See, e.g., Sections 70311-70312 (responsibility for court operations &  
35 facilities), 70391 (Judicial Council responsibility & authority for court facilities), 77003 (“court  
36 operations” defined), 77200 (state funding of trial court operations); Cal. R. Ct. 10.810 (court  
37 operations).

38  
39 **Note.** The text of the repealed chapter is set out below.

40 CHAPTER 13.7. ORANGE COUNTY REGIONAL JUSTICE FACILITIES ACT

41 Article 1. General Provisions, Findings, and Definitions

42 26295. This chapter shall be known and may be cited as the Orange County Regional Justice  
43 Facilities Act.

44 26295.2. The Legislature hereby finds and declares that the existing state of overcrowding in  
45 jails and court facilities in Orange County is so great as to significantly impede the

1 administration of justice and create a situation wherein persons who are a danger to society are  
2 required to be released into that society for lack of adequate facilities to house them. The  
3 Legislature further finds and declares that it is in the public interest to create the Orange County  
4 Regional Justice Facilities Commission so that regional justice facility needs may be addressed  
5 in an expeditious and appropriate fashion on a countywide basis. The Legislature further finds  
6 and declares that it is in the public interest to allow the voters to approve a general tax for the  
7 general governmental purposes of the Orange County Regional Justice Facilities Commission.

8 26295.4. As used in this chapter, “commission” means the Orange County Regional Justice  
9 Facilities Commission created pursuant to Article 2 (commencing with Section 26296).

10 26295.6. As used in this chapter, “bonds” means indebtedness and securities of any kind or  
11 class, including bonds, notes, bond anticipation notes, and commercial paper.

12 26295.8. As used in this chapter, “county” means the County of Orange.

13 26295.10. As used in this chapter, “board of supervisors” means the Board of Supervisors of  
14 the County of Orange.

15 26295.12. As used in this chapter, “master plan” means the plan for construction, furnishing,  
16 acquisition, maintenance, and operation of adult and juvenile detention facilities and courthouse  
17 facilities, and structures necessary or convenient to those facilities. The master plan shall be  
18 developed and approved, and may be amended from time to time, by the commission. Subject to  
19 the limitations on the commission’s powers, as set forth in subdivision (c) of Section 26296.14,  
20 the master plan may include, but is not limited to, all of the following:

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

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

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

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

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

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

35 26295.14. As used in this chapter, “outstanding,” when used as of any particular time with  
36 reference to bonds issued by the commission, means all bonds theretofore and thereupon being  
37 authenticated and delivered by an authenticating agent duly appointed by the commission or its  
38 authorized designee except:

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

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

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

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

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

1           26296. There is hereby created the Orange County Regional Justice Facilities Commission in  
2 the county.

3           26296.2. (a) The commission shall be comprised of five members, as follows:

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

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

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

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

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

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

19           (2) For the initial members of the commission, two shall serve for terms of two years, two  
20 shall serve for terms of three years, and one shall serve for a term of four years. The respective  
21 terms of each of the initial members shall be determined by the members of the commission by  
22 lot. Thereafter, persons appointed as members of the commission shall be appointed for terms of  
23 four years.

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

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

29           26296.4. The commission at its first meeting, and thereafter annually at the first meeting held  
30 on a date as the commission may determine, shall elect a chairperson from its members, who  
31 shall preside at all meetings, and a vice chairperson, who shall preside in the chairperson's  
32 absence. In the event of the absence or inability to act of both the chairperson and vice  
33 chairperson, the members present, by an order entered in the minutes, shall select one of their  
34 members to act as chairperson pro tempore who, while so acting, shall have all of the authority  
35 of the chairperson.

36           26296.6. The commission shall establish rules for its proceedings consistent with the law of  
37 the State of California.

38           26296.8. A majority of the members of the commission shall constitute a quorum for the  
39 transaction of business, and all official acts of the commission shall require the affirmative vote  
40 of a majority of its members constituting a quorum.

41           26296.10. The acts of the commission shall be expressed by motion, resolution, or ordinance.

42           26296.12. All meetings of the commission shall be conducted in the manner prescribed by  
43 the Ralph M. Brown Act, Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of  
44 Title 5.

45           26296.14. (a) The commission shall do all of the following:

46           (1) Adopt an annual budget.

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

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

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

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

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

9 26296.16. Notice of time and place of the public hearing for the adoption of the annual  
10 budget shall be published one time in a newspaper of general circulation not later than the 15th  
11 day prior to the date of the hearing. The proposed annual budget shall be available for public  
12 inspection at least 15 days prior to the hearing.

13 26298.18. The commission shall appoint an executive director who shall act for the  
14 commission under its direction. The commission may appoint other officers as it deems  
15 necessary to carry out its duties and functions.

16 26296.20. Members of the commission may be compensated at a rate not exceeding one  
17 hundred dollars (\$100) for any day attending to the business of the commission, but not to  
18 exceed four hundred dollars (\$400) in any month, and may be reimbursed for necessary travel  
19 and other expenses incurred in the performance of their duties, as authorized by the commission.

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

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

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

33 26296.24. The commission has perpetual succession and may adopt a seal and alter it at its  
34 pleasure.

35 26296.26. The commission may sue and be sued, except as otherwise provided by law, in all  
36 actions and proceedings, in all courts and tribunals of competent jurisdiction.

37 26296.28. All claims for money or damages against the commission are governed by  
38 Division 3.6 (commencing with Section 810) of Title 1, except as provided therein, or by other  
39 statutes or regulations expressly applicable thereto.

40 26296.30. The commission may make contracts and enter into stipulations of any nature  
41 whatsoever, including, but not limited to, contracts and stipulations to indemnify and save  
42 harmless, to employ labor, and to do all acts necessary and convenient for the full exercise of the  
43 powers granted in this chapter. The commission may contract with any department or agency of  
44 the United States of America, with any public agency, or with any person upon terms and  
45 conditions as the commission finds is in its best interest including, but not limited to, contracts  
46 for alcohol detoxification diversion programs. The commission may employ attorneys and  
47 consultants necessary and convenient to carrying out its purposes and powers.



1 at the option of the commission, the ordinance may be required to be approved by two-thirds of  
2 the electors voting on the measure.

3 26298.4. The ordinance shall state the nature of the tax to be imposed, the tax rate, the  
4 purposes for which the revenue derived from the tax will be used, and the term during which the  
5 tax shall be imposed. The proposition shall include an appropriations limit for the agency  
6 pursuant to Section 4 of Article XIII B of the California Constitution.

7 26298.6. (a) The county shall conduct the election, as called by the commission, regarding  
8 the imposition of a retail transactions and use tax ordinance. The commission shall reimburse the  
9 county for its cost in conducting that portion of the regular election directly related to the  
10 commission measure or in conducting the special election, as applicable.

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

13 26298.8. The commission, subject to the approval of the voters, may impose a tax rate of  
14 one-half of 1 percent under this chapter and Part 1.6 (commencing with Section 7251) of  
15 Division 2 of the Revenue and Taxation Code. Neither this chapter nor the ordinance shall affect  
16 any tax otherwise authorized.

17 26298.10. (a) The actual wording of the proposition on any short form of ballot card, label,  
18 or other device, regardless of the system of voting used, shall read as follows:

19  
20 "ADULT AND JUVENILE DETENTION YES \_\_\_\_  
21 FACILITIES AND COURTHOUSE  
22 FACILITIES — ORANGE COURTY REGIONAL  
23 JUSTICE FACILITIES COMMISSION

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

NO \_\_\_\_

30  
31 (b) The sample ballot to be mailed to the voters, under Section 13303 of the Elections Code,  
32 shall be the full proposition as set forth in the ordinance calling for the measure to be voted upon  
33 at an election.

34 26298.12. (a) The commission may, as part of the same ballot proposition to approve the  
35 imposition of a retail transactions and use tax, seek authorization to issue bonds payable solely  
36 from the proceeds of the retail transactions and use tax.

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

39  
40 "ADULT AND JUVENILE DETENTION YES \_\_\_\_  
41 FACILITIES AND COURTHOUSE  
42 FACILITIES — ORANGE COURTY REGIONAL  
43 JUSTICE FACILITIES COMMISSION

44 To construct, furnish, acquire, maintain, and operate adult and juvenile detention  
45 facilities and courthouse facilities in the county, this proposition authorizes the Orange  
46 County Regional Justice Facilities Commission to adopt a one-half of 1 percent sales

1 tax solely for adult and juvenile detention facilities and courthouse facilities purposes  
2 and/or to issue bonds payable from the proceeds of that sales tax.” In approving this  
3 proposition the voters are also approving an appropriations limit for the Orange County  
4 Regional Justice Facilities Commission.

NO \_\_\_\_\_

5  
6 (c) The sample ballot to be mailed to the voters, under Section 13303 of the Elections Code,  
7 shall be the full proposition as set forth in the ordinance calling for the measure to be voted upon  
8 at an election.

9 26298.16. (a) Any transactions and use tax ordinance adopted pursuant to this article shall  
10 become operative as provided in Section 7265 of the Revenue and Taxation Code.

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

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

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

21 (a) To administer this chapter.

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

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

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

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

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

35 26298.20. (a) The commission shall establish a procedure for reviewing and evaluating  
36 requests by the county and the cities in the county for revenues of the commission to be used for  
37 the adult and juvenile detention facilities and courthouse facilities purposes specified in Section  
38 26298.18, and shall review and evaluate, from time to time, those requests. After approving such  
39 a request of the county or any city in the county, the commission may allocate to the county or  
40 city any lawfully available moneys of the commission, including, but not limited to, the revenues  
41 from the taxes imposed pursuant to this article and the proceeds of any limited tax bonds  
42 authorized by the voters pursuant to Section 26298.12, in amounts as the commission shall  
43 determine, to fund, in whole or in part, those detention or courthouse facilities purposes.

44 (b) In connection with any allocation of moneys to the county or any city in the county  
45 pursuant to subdivision (a), the commission shall enter into an allocation or funding agreement  
46 with the county or city pursuant to which the commission shall commit the moneys allocated  
47 under subdivision (a) to the county or city. The moneys shall be used solely for the purposes  
48 approved by the commission under subdivision (a). Each allocation or funding agreement shall  
49 contain terms and conditions as the commission shall determine and may provide, without

1 limitation, the purpose or purposes for which the allocation may be used, that the amount to be  
2 allocated may be advanced by the commission in a lump sum or in a series of payments at a date  
3 or dates determined by the commission, which may be in one or more fiscal years of the  
4 commission, that the allocation will be in the form of a conditional or unconditional grant or  
5 contribution or as a loan or other advance against an obligation of the county or city to repay the  
6 same, and the terms and conditions relating the obligation to repay the same, including the  
7 interest rate to be paid and the date or dates that payments are to be made to the commission on  
8 account of that obligation.

9 26298.22. (a) No modification, amendment, or rescission of any allocation or funding  
10 agreement between the commission and the county shall become effective unless the board of  
11 supervisors, by resolution, first approves the modification, amendment, or rescission.

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

15 26298.24. When adopting its annual budget pursuant to Section 26296.14, the commission  
16 shall provide that the lawfully available moneys of the commission shall be used first for the  
17 payment of debt service on all outstanding limited tax bonds of the commission (unless  
18 otherwise provided in the resolution providing for the issuance of such bonds) and (unless  
19 otherwise provided in an allocation or funding agreement) for the payment of all allocations  
20 required to be made pursuant to allocation or funding agreements between the commission and  
21 the county or any city in the county prior to the payment of operating costs and expenses and any  
22 other lawful costs and expenses of the commission.

23 26298.28. If a retail transactions and use tax is adopted pursuant to this article, the  
24 commission shall prepare and submit a report to the board of supervisors and to the city council  
25 of each city in the county on or before January 1 of the year following the end of the first full  
26 fiscal year after that date that the taxes are imposed pursuant to this article and annually  
27 thereafter. The report shall evaluate, and report the progress made in, the implementation of the  
28 master plan in the preceding fiscal year.

29 26298.30. (a) The bonds authorized by the voters concurrently with the approval of the retail  
30 transactions and use tax may be issued by the commission at any time, and from time to time,  
31 payable solely from the proceeds of the tax. The bonds shall be referred to as “limited tax  
32 bonds.”

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

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

1 26298.32. (a) Limited tax bonds shall be issued pursuant to a resolution adopted at any time,  
2 and from time to time, by the commission by a two-thirds vote of all members of the  
3 commission. Each resolution shall provide for the issuance of bonds in amounts as the necessity  
4 therefor may appear, until the full amount of the bonds authorized shall have been issued. The  
5 full amount of bonds may be divided into two or more series and different dates of payment fixed  
6 for the bonds of each series. A bond need not mature on its anniversary date.

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

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

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

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

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

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

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

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

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

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

37 26298.34. (a) The commission may provide for the bonds to bear interest at a variable or  
38 fixed interest rate, for the manner and intervals, in which the rate shall vary, and for the dates on  
39 which the interest shall be payable.

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

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

48 (d) The bonds, or each series thereof, shall be dated and numbered consecutively and shall be  
49 signed by the chairperson or vice chairperson of the commission and the treasurer, or other  
50 officer of the commission performing the duties of a treasurer, of the commission, and the  
51 official seal of the commission shall be attached thereto. The interest coupons, if any, of the  
52 bonds shall be signed by the treasurer, or other officer performing the duties of a treasurer, of the

1 commission. All of the signatures and seal may be printed, lithographed, or mechanically  
2 reproduced. However, the bonds shall be valid or become obligatory for any purpose until  
3 manually signed by an authenticating agent duly appointed by the commission or its authorized  
4 designee. If any officer whose signature appears on bonds or coupons ceases to be such an  
5 officer before the delivery of the bonds, the officer's signature is as effective as if the officer had  
6 remained in office.

7 26298.36. The bonds may be sold as the commission determines by resolution. The  
8 commission may sell the bonds at a price below par, but the discount on any bonds so sold shall  
9 not exceed 5 percent of the par value thereof.

10 26298.38. Delivery of any bonds issued pursuant to this chapter may be made at any place  
11 either inside or outside the state, and the purchase price may be received in cash or bank credits.

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

21 26298.42. (a) The commission may provide for the issuance, sale, or exchange of refunding  
22 bonds to redeem or retire any bonds issued by the commission upon the terms, at the times and in  
23 the manner which it determines.

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

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

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

42 26298.44. (a) The commission may borrow money in anticipation of the sale of bonds which  
43 have been authorized pursuant to this article, but which have not been sold and delivered, and  
44 may issue negotiable bond anticipation notes therefor and may renew the bond anticipation notes  
45 from time to time, but the maximum maturity of any bond anticipation notes, including the  
46 renewals thereof, shall not exceed five years from the date of delivery of the original bond  
47 anticipation notes.

48 (b) The bond anticipation notes, and the interest thereon, may be paid from any moneys of  
49 the commission available therefor, including the revenues from the retail transactions and use  
50 taxes imposed pursuant to this article. If not previously otherwise paid, the bond anticipation

1 notes, or any portion thereof, or the interest thereon, shall be paid from the proceeds of the next  
2 sale of the bonds of the commission in anticipation of which the notes were issued.

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

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

11 26298.46. Any bonds issued under provisions of this article shall be legal investment for all  
12 trust funds, for the funds of insurance companies, commercial and savings banks, and trust  
13 companies, and for state school funds. Whenever any money or funds may, by any law now or  
14 hereafter enacted, be invested in bonds of cities, cities and counties, counties, school districts, or  
15 other districts within the state, those moneys or funds may be invested in the bonds issued under  
16 this article. Whenever bonds of cities, cities and counties, counties, school districts, or other  
17 districts within this state may, by any law now or hereafter enacted, be used as security for the  
18 performance of any act or the deposit of any public moneys, the bonds issued under this article  
19 may be so used. This article shall be in addition to all other laws relating to legal investments and  
20 shall be controlling as the latest expression of the Legislature with respect thereto.

21 26298.48. Notwithstanding any other provision of law:

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

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

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

27 26298.50. (a) Bonds issued under this chapter do not constitute a debt or liability of the state  
28 or of any other public agency, other than the commission, or a pledge of the faith and credit of  
29 the state or of any other public agency, other than the commission, but shall be payable solely  
30 from the funds provided therefor. All the bonds shall contain on the face thereof a statement to  
31 the following effect:

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

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

38 26298.52. Neither the members of the board of directors of the commission, nor any person  
39 executing the bonds, are liable personally on the bonds, or are subject to any personal liability or  
40 accountability by reason of the issuance thereof.

41 26298.54. Any action or proceeding wherein the validity of the adoption of the retail  
42 transactions and use tax ordinance provided for in this article or the issuance of any bonds  
43 thereunder or any of the proceedings in relation thereto is contested, questioned, or denied, shall  
44 be commenced pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the  
45 Code of Civil Procedure, and shall be commenced within six months from the date of the  
46 election at which the ordinance is approved; otherwise, the bonds and all proceedings in relation  
47 thereto, including the adoption and approval of the ordinance and the retail transactions and use  
48 tax provided for therein, shall be held to be valid and in every respect legal and incontestable.

1           26298.56. The county and each city within the county are authorized to contribute to the  
2 commission such amounts as the county and each city, in their discretion, deem appropriate.  
3 These amounts may be used by the commission for any lawful purpose. The commission may  
4 commit to repay any portion or all of the amounts contributed, together with interest thereon at a  
5 rate not exceeding the interest rate specified from time to time in Section 53531 or the  
6 Government Code, from any lawful source, including, but not limited to, revenues derived from  
7 the retail transactions and use tax ordinance adopted pursuant to this chapter.

8           26298.58. If any provision of this chapter or the application thereof to any person or  
9 circumstance is held invalid, the invalidity shall not affect other provisions or applications of this  
10 chapter which can be given effect without the invalid provision or application, and to this end the  
11 provisions of this chapter are severable.

12   **Gov't Code §§ 26299.000-26299.083 (repealed). County Regional Justice Facilities**  
13   **Financing Act**

14   SEC. \_\_\_\_\_. Chapter 13.8 (commencing with Section 26299.000) of Part 2 of  
15 Division 2 of Title 3 of the Government Code is repealed.

16   **Comment.** Sections 26299.000-26299.083 are repealed as unnecessary and obsolete. They  
17 have never been used for their intended purpose and conditions have changed since they were  
18 enacted in 1989. For instance, municipal courts have been eliminated through trial court  
19 unification in every county. Further, counties are no longer responsible for trial court operations  
20 and facilities. That is now a state responsibility, allocated primarily to the judiciary under the  
21 Lockyer-Isenberg Trial Court Funding Act, 1997 Cal. Stat. ch. 850, and the related Trial Court  
22 Facilities Act, 2002 Cal. Stat. ch. 1082. See, e.g., Sections 70311-70312 (responsibility for court  
23 operations & facilities), 70391 (Judicial Council responsibility & authority for court facilities),  
24 77003 (“court operations” defined), 77200 (state funding of trial court operations); Cal. R. Ct.  
25 10.810 (court operations).

26   **Note.** The text of the repealed chapter is set out below.

27                   CHAPTER 13.8. COUNTY REGIONAL JUSTICE FACILITIES FINANCING ACT

28                                   Article 1. General Provisions

29           26299.000. This chapter shall be known and may be cited as the County Regional Justice  
30 Facilities Financing Act.

31           26299.001. The Legislature hereby finds and declares that the existing state of overcrowding  
32 in jail facilities in counties is so great as to significantly impede the administration of justice and  
33 create a situation wherein persons who are a danger to society may be required to be released  
34 into that society for lack of adequate facilities to house them.

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

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

42           26299.002. Unless the provision or context otherwise requires, the definitions contained in  
43 this article govern the construction of this chapter. The definition of a word applies to any of that  
44 word’s variants.

45           26299.003. “Agency” means a county regional justice facilities financing agency.

1 26299.004. “Board of directors” means the board of directors of a county regional justice  
2 facilities financing agency established pursuant to this chapter.

3 26299.005. “Board of supervisors” means the board of supervisors of a county.

4 26299.006. “Bonds” means indebtedness and securities of any kind or class, including bonds,  
5 notes, bond anticipation notes, and commercial paper.

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

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

11 26299.009. “Master plan” means the plan for construction and acquisition of juvenile and  
12 adult detention facilities, countywide law enforcement facilities, court facilities, and other  
13 structures necessary or convenient thereto. The plan shall be developed and approved, and may  
14 be amended from time to time, by the board of supervisors. The master plan may include, but is  
15 not limited to, the following:

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

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

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

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

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

26 26299.010. “Outstanding,” when used as of any particular time with reference to bonds  
27 issued by the agency, means all bonds theretofore and thereupon being authenticated and  
28 delivered by an authenticating agent duly appointed by the agency or its authorized designee  
29 except:

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

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

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

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

40 26299.011. “Prevention program” means a program designed to decrease the number of  
41 inmates incarcerated in county juvenile and adult detention facilities by providing alternatives to  
42 incarceration, or by providing counseling diversion, or interversion [sic] programs, work  
43 furlough programs, halfway houses, and own recognizance services. Counseling, diversion, or  
44 intervention programs, include, but are not limited to, drug and alcohol counseling, probation  
45 counseling, pretrial screening, and community programs intended to reduce or prevent juvenile  
46 criminal activity.

1 26299.013. “Qualifying facilities” means any of the adult and juvenile detention facilities,  
2 countywide law enforcement facilities, court facilities, and other structures necessary or  
3 convenient thereto, which may be constructed, furnished, or acquired pursuant to this chapter.

4 26299.014. This chapter shall be liberally construed in order to effectuate its purposes. No  
5 inadvertent error, irregularity, informality, or the inadvertent neglect or omission of any officer,  
6 in any procedure taken under this division, other than fraud, shall void or invalidate that  
7 proceeding or any levy imposed to finance regional justice facilities needs or improvements.

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

9 26299.020. (a) A county regional justice facilities financing agency may be established in  
10 any county, as defined in Section 26299.007, with membership and terms determined as provided  
11 in Section 26299.021, upon a finding of the board of supervisors that it is in the public interest to  
12 do so. Any such finding shall be adopted by resolution of the board of supervisors.

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

16 26299.021. The number, membership, and terms of office of the board of directors of a  
17 county regional justice facilities financing agency established pursuant to Section 26299.020,  
18 shall be determined by one of the following means:

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

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

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

27 (1) The county sheriff.

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

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

34 (1) The sheriff.

35 (2) The district attorney.

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

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

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

44 26299.022. The term of any member serving on the board of directors by virtue of holding  
45 another public office shall terminate when that member ceases holding the other public office  
46 and a new member has been properly seated. The new member of the agency shall hold office for  
47 the remainder of the term of the member who was replaced by the new member.

48 26299.023. Vacancies occurring on the board of directors shall be filled by the appointing  
49 authority for the unexpired term.

1 26299.024. The board of supervisors shall call the first meeting of the board of directors and  
2 shall designate one of the members of the board of directors to serve as the chairperson at that  
3 meeting. Thereafter, a chairperson and vice chairperson of the board of directors shall be elected  
4 annually by vote of a majority of the members of the board of directors of the agency and shall  
5 serve for a period of one calendar year. The chairperson shall preside at all meetings, and the  
6 vice chairperson shall preside in the absence of the chairperson.

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

11 26299.025. A majority of the members of the agency shall constitute a quorum for the  
12 transaction of business, and all official acts of the agency shall require the affirmative vote of a  
13 majority of its members constituting a quorum, unless a two-thirds vote is required by this  
14 chapter.

15 26299.026. The acts of the agency shall be expressed by motion, resolution, or ordinance.

16 26299.027. The board of directors shall adopt those rules and procedures, consistent with the  
17 laws of the state, as it deems necessary to conduct its business.

18 26299.028. All meetings of the agency shall be conducted in the manner prescribed by the  
19 Ralph M. Brown Act, Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of  
20 Title 5.

21 26299.029. In carrying out its purposes and powers, the agency may:

22 (a) Adopt a seal and alter it at its pleasure.

23 (b) Sue and be sued, except as otherwise provided by law, in all actions and proceedings, in  
24 all courts and tribunals of competent jurisdiction.

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

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

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

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

38 (f) Appoint policy committees as deemed necessary.

39 26299.030. The agency shall do all of the following:

40 (a) Adopt an annual budget.

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

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

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

47 26299.031. In carrying out the purposes of this chapter the agency shall have the power to do  
48 all of the following:

49 (a) Administer this chapter.

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

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

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

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

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

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

25 (h) Finance all or part of the cost of any prevention program, as defined in Section  
26 26299.011.

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

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

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

38 26299.035. Members of the board of directors of the agency may be compensated at a rate  
39 not exceeding one hundred dollars (\$100) for any day attending to the business of the agency,  
40 but not to exceed four hundred dollars (\$400) in any month, and may be reimbursed for  
41 reasonable and necessary travel and other expenses incurred in the performance of their duties,  
42 as authorized by the agency.

43 26299.036. (a) Except as otherwise provided in subdivisions (b) and (c), the agency shall  
44 enter into a contract with the Board of Administration of the Public Employees' Retirement  
45 System, and the board shall enter into that contract, to include all of the employees of the agency  
46 in that retirement system, and the employees shall be entitled to substantially similar health  
47 benefits as are state employees pursuant to Part 5 (commencing with Section 22750) of Division  
48 5 of Title 2.

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

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

7 26299.037. At the initial meeting of the agency, or at any subsequent meeting, the agency  
8 may approve a transactions and use tax ordinance and ballot proposition, and may call an  
9 election in accordance with Article 3 (commencing with Section 26299.040).

10 Article 3. Transactions and Use Tax

11 26299.040. The Legislature, by the enactment of this chapter, intends that the additional  
12 funds provided governmental agencies by this chapter shall supplement existing local revenues  
13 being used for the development and operation of regional justice facilities, and that local  
14 agencies maintain their existing commitment of local funds for regional justice facilities  
15 purposes.

16 26299.041. (a) A retail transactions and use tax ordinance applicable in the incorporated and  
17 unincorporated territory of a county may be imposed by the agency in accordance with this  
18 chapter and Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation  
19 Code, if the tax ordinance is adopted by a two-thirds vote of the agency and imposition of the tax  
20 is subsequently approved by two-thirds of the electors voting on the measure at a special election  
21 called for that purpose by the board of supervisors, at the request of the agency, and a county  
22 regional justice facilities master plan is adopted pursuant to Section 26299.009.

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

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

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

36 26299.041. A tax ordinance adopted pursuant to Section 26299.041 shall take effect at the  
37 close of the polls on the day of the election at which the proposition is adopted. The initial  
38 collection of the transactions and use tax shall take place in accordance with Section 26299.049.

39 27300.043. The agency, in the ordinance adopted pursuant to Section 26299.041, shall state  
40 the nature of the tax to be imposed, the tax rate, the period during which the tax will be imposed,  
41 which of the financing activities enumerated in Section 26299.031 the agency proposes to  
42 exercise, and the specific activities and purposes, if any, for which the agency proposes to  
43 allocate any fixed portion of the tax proceeds. The purposes for which the tax may be imposed  
44 are the general governmental purposes of the agency as set forth in Section 26299.031.

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

47 26299.044. (a) The county shall conduct a special election called by the agency for the  
48 purpose of approving a transactions and use tax ordinance adopted by the agency. The election  
49 shall be held within the incorporated and unincorporated areas of the county.

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

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

6 26299.045. The agency by two-thirds vote of its board of directors, subject to the approval of  
7 the voters, may impose a tax rate of one-half of 1 percent under this chapter and Part 1.6  
8 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code. Neither this  
9 chapter nor the ordinance shall affect any tax otherwise authorized.

10 26299.046. The revenues from the tax imposed pursuant to this chapter may be allocated by  
11 the agency for the following purposes:

12 (a) To administer this chapter.

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

17 (c) To finance all or any portion of the cost of any prevention program, as defined in Section  
18 26299.011.

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

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

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

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

29 26299.047. When adopting its annual budget pursuant to Section 26299.030, the agency shall  
30 provide that the lawfully available moneys of the agency shall be used first for the payment of  
31 debt service on all outstanding limited tax bonds of the agency unless otherwise provided in the  
32 resolution providing for the issuance of such bonds, and, unless otherwise provided in an  
33 allocation or funding agreement, for the payment of all allocations required to be made pursuant  
34 to allocation or funding agreements between the agency and the county or any city in the county  
35 prior to the payment of operating costs and expenses and any other lawful costs and expenses of  
36 the agency.

37 26299.048. If a retail transactions and use tax is adopted pursuant to this chapter, the agency  
38 shall prepare and submit a report to the board of supervisors and to the city council of each city  
39 in the county on or before January 1 of the year following the end of the first full fiscal year after  
40 that date that the taxes are imposed pursuant to this chapter and annually thereafter. The report  
41 shall evaluate, and report progress made in, the implementation of the adopted master plan in the  
42 preceding fiscal year.

43 26299.049. (a) Any transactions and use tax ordinance adopted pursuant to this chapter shall  
44 become operative as provided in Section 7265 of the Revenue and Taxation Code, or its  
45 successor.

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

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

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

7 Article 4. Bonds

8 26299.060. (a) As part of the ballot proposition to approve the imposition of a retail  
9 transactions and use tax pursuant to this chapter, authorization may be sought to issue bonds  
10 payable from the proceeds of the tax to finance capital outlay expenditures as may be provided  
11 for in the master plan for county regional justice facilities adopted pursuant to Section  
12 26299.009.

13 (b) Limited tax bonds may not be issued unless the estimated proceeds of the retail  
14 transactions and use tax for a period of 30 years after issuance of the bonds shall at least equal  
15 the aggregate principal and interest payable with respect to all limited tax bonds then outstanding  
16 plus the limited tax bonds proposed to be issued. For purposes of determining the principal  
17 amount of limited tax bonds outstanding, limited tax bonds shall be assumed to be paid at par  
18 either at their respective maturities or pursuant to mandatory sinking fund installments with  
19 respect thereto. For purposes of determining the aggregate interest payable with respect to any  
20 issue of limited tax bonds, bonds that bear interest at variable interest rates shall be assumed to  
21 bear interest for the terms thereof equal to the interest rate in effect on the date the bonds are  
22 issued or, in the case of limited tax bonds already outstanding, equal to the interest rate in effect  
23 on the date that the determination is made. For purposes of determining the estimated proceeds  
24 of the retail transactions and use tax for a period of 30 years, a finding made by the agency,  
25 incidental to any prospective issuance of bonds, regarding the amount of the estimated proceeds  
26 shall be binding and conclusive for all purposes.

27 26299.061. (a) The bonds authorized by the voters concurrently with the approval of the  
28 retail transactions and use tax may be issued by the agency at any time, and from time to time,  
29 payable from the proceeds of the tax. The bonds shall be referred to as “limited tax bonds.”

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

34 26299.062. Limited tax bonds issued under this chapter may be used only for the following  
35 purposes:

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

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

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

40 26299.063. Limited tax bonds shall be issued pursuant to a resolution adopted at any time,  
41 and from time to time, by a two-thirds vote of the board of directors of the agency. Each  
42 resolution shall provide for the issuance of bonds in the amounts as may be necessary, until the  
43 full amount of bonds authorized have been issued. The full amount of bonds may be divided into  
44 two or more series and different dates of payment fixed for the bonds of each series. A bond  
45 need not mature on its anniversary date.

46 26299.064. (a) A resolution providing for the issuance of bonds pursuant to this chapter shall  
47 state all of the following:

48 (1) The purposes for which the proposed debt is to be incurred, which may include all costs  
49 and estimated costs incidental to, or connected with, the accomplishment of those purposes,

1 including without limitation, engineering, inspection, legal, fiscal agents, financial consultant  
2 and other fees, bond and other reserve funds, working capital, bond interest estimated to accrue  
3 during the construction period and for a period not to exceed three years thereafter, and expenses  
4 of all proceedings for the authorization, issuance, and sale of the bonds.

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

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

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

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

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

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

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

21 26299.065. The agency may provide for the limited tax bonds to bear a variable or fixed  
22 interest rate, for the manner and intervals in which the rate shall vary, and for the dates on which  
23 the interest shall be payable.

24 26299.066. (a) In the resolution authorizing the issuance of the bonds, the agency may also  
25 provide for the call and redemption of the bonds prior to maturity at the times and prices and  
26 upon other terms as specified.

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

30 26299.067. The principal of and interest on the bonds shall be payable in lawful money of  
31 the United States at the office of the treasurer of the agency, or at such other places as may be  
32 designated, or at both the office and other places at the option of the holders of the bonds.

33 26299.068. (a) The bonds, or each series thereof, shall be dated and numbered consecutively  
34 and shall be signed by the chairperson or vicechairperson of the agency at the treasurer of the  
35 agency, and the official seal, if any, of the agency shall be attached.

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

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

43 26299.069. The bonds may be sold as the agency determines by resolution. The agency may  
44 sell the bonds at a price below par, whether by negotiated or public sale.

45 26299.070. Delivery of any bonds issued pursuant to this chapter may be made at any place  
46 either inside or outside the state, and the purchase price may be received in cash or bank credits.

47 26299.071. All accrued interest and premiums received on the sale of the bonds shall be  
48 placed in the fund to be used for the payment of the principal of and interest on the bonds, and  
49 the remainder of the proceeds of the bonds shall be placed in the treasury of the agency and

1 applied to secure the bonds or for the purposes for which the debt was incurred. However, when  
2 the purposes have been accomplished, any money remaining shall be either (a) transferred to the  
3 fund to be used for the payment of principal of and interest on the bonds, or (b) placed in a fund  
4 to be used for the purchase of the outstanding bonds in the open market at prices and in the  
5 manner, either at public or private sale or otherwise, as determined by the agency. Bonds so  
6 purchased shall be cancelled immediately.

7 26299.072. (a) The agency may provide for the issuance, sale, or exchange of refunding  
8 bonds to redeem or retire any bonds issued by the agency upon the terms, at the times and in the  
9 manner which it determines.

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

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

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

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

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

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

38 26299.074. (a) The agency may borrow money in anticipation of the sale of bonds which  
39 have been authorized pursuant to this chapter, but which have not been sold or delivered, and  
40 may issue negotiable bond anticipation notes therefor and may renew the bond anticipation notes  
41 from time to time, provided that the maximum maturity of any bond anticipation notes, including  
42 the renewals thereof, shall not exceed five years from the date of delivery of the original bond  
43 anticipation notes.

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

49 (c) The bond anticipation notes shall not be issued in any amount in excess of the aggregate  
50 amount of the bonds which the agency has been authorized to issue, less the amount of any

1 bonds therefor issued and then outstanding. The bond anticipation notes shall be issued and sold  
2 in the same manner as the bonds.

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

6 26299.075. Any limited tax bonds issued pursuant to this chapter are a legal investment for  
7 all trust funds; for the funds of insurance companies, commercial and savings banks, and trust  
8 companies; and for state school funds. Whenever any money or funds may, by any law now or  
9 hereafter enacted, be invested in bonds of cities, cities and counties, counties, school districts, or  
10 other districts within the state, that money or funds may be invested in the bonds issued pursuant  
11 to this chapter. Whenever bonds of cities, cities and counties, counties, school districts, or other  
12 districts within this state may, by any law now or hereafter enacted, be used as security for the  
13 performance of any act or the deposit of any public moneys, the bonds issued pursuant to this  
14 chapter may be so used. The provisions of this chapter are in addition to all other laws relating to  
15 legal investments and shall be controlling as the latest expression of the Legislature with respect  
16 thereto.

17 26299.076. Notwithstanding any other provision of law:

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

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

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

23 26299.077. (a) Bonds issued pursuant to this chapter do not constitute a debt or liability of  
24 the state or of any other public agency, other than the county regional justice facilities financing  
25 agency issuing the bonds, or a pledge of the faith and credit of the state or of any other public  
26 agency, other than the issuing agency, but shall be payable solely from the funds provided  
27 therefor. All of the bonds shall contain on the face thereof a statement to the following effect:

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

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

34 26299.078. Neither the members of the board of directors of the agency, nor any person  
35 executing the bonds, are liable personally on the bonds, or are subject to any personal liability or  
36 accountability by reason of the issuance thereof.

37 26299.079. Any action or proceeding wherein the validity of the adoption of the retail  
38 transactions and use tax ordinance provided for in this chapter or the issuance of any bonds  
39 thereunder or any of the proceedings in relation thereto is contested, questioned, or denied, shall  
40 be commenced pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the  
41 Code of Civil Procedure within six months from the date of the election at which the ordinance is  
42 approved. Otherwise, the bonds and all proceedings in relation thereto, including the adoption  
43 and approval of the ordinance and the retail transactions and use tax provided for therein, shall  
44 be held to be valid and in every respect legal and incontestable.

45 26299.080. The county and each city within the county is authorized to contribute to the  
46 agency such amounts as the county and each city, in their discretion, deem appropriate. These  
47 amounts may be used by the agency for any lawful purpose. The agency may commit to repay all  
48 or any portion of the amounts contributed, together with interest thereon at a rate not exceeding

1 the interest rate specified from time to time in Section 53531 of the Government Code, from any  
2 lawful source, including, but not limited to, revenues derived from the retail transactions and use  
3 tax which may be imposed pursuant to this chapter.

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

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

12       26299.083. If any provision of this chapter or the application thereof to any person or  
13 circumstance is held invalid, that invalidity shall not affect other provisions or applications of the  
14 chapter which can be given effect without the invalid provision or application, and to this end the  
15 provisions of this chapter are severable.