

#J-1405.4

STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION

DISCUSSION DRAFT

Trial Court Restructuring Clean-Up: Regional Justice Facilities Acts

January 2020

The purpose of this discussion draft is to solicit public comment on the issues raised. A comment submitted to the Commission will be part of the public record. The Commission will consider the comment at a public meeting and determine how to proceed in this study.

COMMENTS ON THIS DISCUSSION DRAFT SHOULD BE RECEIVED BY THE COMMISSION NOT LATER THAN March 1, 2020.

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SUMMARY OF DISCUSSION DRAFT

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

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

Among other things, the codes include the following Acts:

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

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

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

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

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

This discussion draft was prepared pursuant to Government Code Sections 8298 and 71674 and Resolution Chapter 158 of the Statutes of 2018.

TRIAL COURT RESTRUCTURING CLEAN-UP: REGIONAL JUSTICE FACILITIES ACTS

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

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

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

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

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

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

29 *Former Structure*

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

1. Gov’t Code §§ 26290-26293.4 (San Joaquin County Regional Justice Facility Financing Act), 26295-26298.58 (Orange County Regional Justice Facilities Act), 26299.000-26299.083 (County Regional Justice Facilities Financing Act). Unless otherwise indicated, all further statutory references in this discussion draft are to the Government Code

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

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,⁵ the
7 state assumed full responsibility for funding trial court operations.⁶ The goal
8 was to eliminate disparities in funding from county to county, helping to
9 ensure equal service in courts across the state.⁷
- 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.⁸ By early 2001, the trial courts in
15 all of California’s 58 counties had unified.⁹ 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 2000.¹⁰ 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).¹¹

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

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

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

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

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

6. See Section 77200.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.²⁰
5 It later drafted the extensive statutory revisions necessary to accommodate county-
6 by-county unification.²¹

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.²²

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.²³ Virtually all of the Commission's
15 proposed legislation on trial court restructuring has become law.²⁴

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.²⁵

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 I*").

23. For a list of the Commission's recommendations on trial court restructuring, see Pre-Print Recommendation on *Statutes Made Obsolete by Trial Court Restructuring (Part 6): Court Facilities* (May 2019), p. 34, n. 26 (<http://clrc.ca.gov/pub/Printed-Reports/Pub241-J1405.pdf>) (hereafter, "*Court Facilities Pre-Print*"). See also *Trial Court Restructuring Clean-Up: Obsolete "Constable" References*, 45 Cal. L. Revision Comm'n Reports 441 (2018) (<http://clrc.ca.gov/pub/Printed-Reports/Pub240-J1405.1.pdf>); Pre-Print Recommendation on *Trial Court Restructuring Clean-Up: Task Force on Trial Court Employees* (Feb. 2019); Pre-Print Recommendation on *Trial Court Restructuring Clean-Up: Obsolete References to Marshals* (Sept. 2019).

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

24. For details, see *Court Facilities Pre-Print*, *supra* note 22, at 35, n. 27. The proposed legislation in the published report and three pre-print recommendations cited in note 22 *supra* has not yet been introduced in the Legislature.

25. See *TCU: Constitutional Revision*, *supra* note 2, at 13 ("The Commission has not been authorized to report to the Legislature concerning the wisdom or desirability of trial court unification, and has not considered the question."); *TCU: Revision of Codes*, *supra* note 3, at 60 ("[T]he Commission has narrowly limited its recommendations to generally preserve existing procedures in the context of unification. The objective of the proposed revisions is to preserve existing rights and procedures despite unification, with no

1 Because court facilities issues were unsettled, the Commission did not address
2 such issues in its 2001 report or shortly thereafter.²⁶ 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.²⁷

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

10 **Regional Justice Facilities Acts**

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

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

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

24 *Description of the Acts*

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

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

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

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

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

28. See Section 26299.007.

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

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

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

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

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

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

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

30. See Section 26296.2.

31. See Section 26297.1.

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

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

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

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

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

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

32. Section 26295.12 (emphasis added).

33. Section 26295.14(c).

34. Section 26297 (emphasis added).

35. Section 26298.

36. *Id.*

37. See Sections 26298.2-26298.10.

38. Section 26298.12.

39. Section 26290.6 (emphasis added).

40. Sections 26290.8.

41. See Sections 26291, 26291.1.

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

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

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

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

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

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

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

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

29 *Constitutional Challenges*

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

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

43. Section 26290.6.

44. *Id.*

45. See Section 26299.020.

46. See Section 26299.021.

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

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

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

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

15 In reaching that conclusion, the court of appeal relied on the California Supreme
16 Court’s 1991 decision in *Rider v. County of San Diego*,⁵² which held that a similar
17 tax under the San Diego Regional Justice Facility Financing Act (hereafter, “the
18 San Diego Act”) violated Proposition 13.⁵³ Unlike the versions of the Orange
19 County Act and Multi-County Act in the *Howard Jarvis* appeal, the San Diego Act
20 did not include an option for a 2/3 vote.⁵⁴ The Legislature repealed the invalidated
21 San Diego Act in 1993.⁵⁵

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

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

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

50. *Id.*

51. *Id.* at 1605-06 (emphasis added). The court of appeal recognized one exception to the 2/3 vote requirement: It did not apply to any prevention program under the Multi-County Act. See *id.* at 1606.

52. 1 Cal. 4th 1, 820 P.2d 1000, 2 Cal. Rptr. 2d 490 (1991).

53. See *id.* at 4 (retail transaction and use tax imposed for purpose of financing construction and operation of criminal detention and/or courthouse facilities in San Diego County “is invalid because it was not approved by at least two-thirds of the County’s voters, as required by section 4”).

54. See *Rider v. County of San Diego*, 1 Cal. 4th 1, 820 P.2d 1000, 2 Cal. Rptr. 2d 490 (1991).

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

56. See 2007 Cal. Stat. ch. 343, §§ 9.2, 9.3 (SB 144 (Committee on Local Government)). This bill made a 2/3 vote mandatory, but it did not delete Sections 26298.2(b) and 26299.041(b)-(d), which permit a 2/3 vote as an alternative procedure. That appears to have been an oversight.

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

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

9 **Analysis**

10 The Commission’s role in this study is to determine whether any provisions of
11 law are obsolete as a result of the implementation of trial court unification, the
12 enactment of the TCEPGA, or the enactment of the Trial Court Funding Act of
13 1997.⁶⁰ The Commission “shall recommend to the Legislature any amendments to
14 remove those obsolete provisions.”⁶¹

15 The Trial Court Facilities Act⁶² followed from, and is closely linked to, the Trial
16 Court Funding Act.⁶³ The Commission’s role logically includes identifying and
17 recommending removal of material that became obsolete due to enactment of the
18 Trial Court Facilities Act.

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

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

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

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

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

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

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

60. Section 71674.

61. *Id.*

62. Sections 70301-70508.

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

64. Emphasis added.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (2) Establish priorities for construction.

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

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

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

39 (1) Selecting and contracting with facility consultants.

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

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

43 (4) Major maintenance of a facility.⁶⁷

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

67. Emphasis added.

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

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

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

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

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

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

36 **Request for Public Comment**

37 The Commission seeks public comment on the issues raised in this discussion
38 draft. Comments can be in any format and can be emailed to bgaal@clrc.ca.gov.
39 **To receive optimal consideration, comments should be submitted by March 1,**
40 **2020.**

1 The Commission also welcomes comments on other statutes that require
2 revisions to reflect trial court restructuring, regardless of whether they relate to
3 marshals. Comments from knowledgeable persons are invaluable in the
4 Commission's study process.

Contents

SAN JOAQUIN COUNTY REGIONAL JUSTICE FACILITY FINANCING ACT (GOV'T CODE §§ 26290-26293.4).....	17
ORANGE COUNTY REGIONAL JUSTICE FACILITIES ACT (GOV'T CODE §§ 26295- 26298.58).....	25
COUNTY REGIONAL JUSTICE FACILITIES FINANCING ACT (GOV'T CODE §§ 26299.000-26299.083).....	43

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

1 Article 1. General Provisions, Findings, and Definitions

2 § 26290. Title of act

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

5 § 26290.1. Legislative findings and declarations

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

17 § 26290.2. “Bonds”

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

20 § 26290.3. “Agency”

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

23 § 26290.4. “County”

24 26290.4. “County” means the County of San Joaquin.

25 § 26290.5. “Board of supervisors”

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

28 § 26290.6. “Master plan”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 **§ 26291.1. Board of directors**

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

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

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

12 (3) The Sheriff of San Joaquin County.

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

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

20 **§ 26291.2. Seal**

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

22 **§ 26291.3. Lawsuits and claims**

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

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

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

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

32 **§ 26291.5. Staff**

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

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

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

5 **§ 26291.7. Powers of agency**

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

7 (a) Administer this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

5 Article 3. Transactions and Use Tax

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

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

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

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

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

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

28 **§ 26292.3. Election**

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

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

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

1 **§ 26292.4. Operative date**

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

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

8 **§ 26292.5. Permissible tax rate**

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

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

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

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

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

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

31 **§ 26292.8. Limited tax bonds**

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

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

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

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

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

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

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

8 **§ 26292.9. Interest**

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

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

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

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

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

28 **§ 26293.2. Contest procedure**

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

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

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

4 **§ 26293.4. Severability**

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

ORANGE COUNTY REGIONAL JUSTICE FACILITIES ACT (GOV'T
CODE §§ 26295-26298.58)

1 Article 1. General Provisions, Findings, and Definitions

2 § 26295. Title of act

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

5 § 26295.2. Legislative findings and declarations

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

17 § 26295.4. "Commission"

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

21 § 26295.6. "Bonds"

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

25 § 26295.8. "County"

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

27 § 26295.10. "Board of supervisors"

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

30 § 26295.12. "Master plan"

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

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

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

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

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

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

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

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

22 **§ 26295.14. "Outstanding"**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 **§ 26296.8. Quorum**

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

13 **§ 26296.10. Acts of commission**

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

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

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

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

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

22 (1) Adopt an annual budget.

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

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

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

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

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

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

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

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

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

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

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

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

13 **§ 26296.22. Retirement benefits**

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

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

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

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

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

31 **§ 26296.26. Lawsuits**

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

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

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

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

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

16 **§ 26296.34. Contract procedure**

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

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

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

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

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

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Article 3. Detention and Courthouse Facilities

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

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

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

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

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

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

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

§ 26298. Supplementation of existing local revenues

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

§ 26298.2. Retail transactions and use tax ordinance

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

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

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

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

13 **§ 26298.6. Election**

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

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

21 **§ 26298.8. Permissible tax rate**

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

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

27 **§ 26298.10. Wording of proposition**

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

<p>“ADULT AND JUVENILE DETENTION FACILITIES AND COURTHOUSE FACILITIES—ORANGE COUNTY REGIONAL JUSTICE FACILITIES COMMISSION</p> <p>To construct, furnish, acquire, maintain, and operate adult and juvenile detention facilities and courthouse facilities in the county, this proposition authorizes the Orange County Regional Justice Facilities Commission to adopt a one-half of 1 percent sales tax solely for adult and juvenile detention facilities and courthouse facilities purposes.” In approving this proposition the voters are also approving an appropriations limit for the Orange County Regional Justice Facilities Commission.</p>	YES	
	NO	

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

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

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

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

<p>“ADULT AND JUVENILE DETENTION FACILITIES AND COURTHOUSE FACILITIES—ORANGE COUNTY REGIONAL JUSTICE FACILITIES COMMISSION</p> <p>To construct, furnish, acquire, maintain, and operate adult and juvenile detention facilities and courthouse facilities in the county, this proposition authorizes the Orange County Regional Justice Facilities Commission to adopt a one-half of 1 percent sales tax solely for adult and juvenile detention facilities and courthouse facilities purposes and/or to issue bonds payable from the proceeds of that sales tax.” In approving this proposition the voters are also approving an appropriations limit for the Orange County Regional Justice Facilities Commission.</p>	YES	
	NO	

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

4 **§ 26298.16. Operative date**

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

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

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

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

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

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

21 (a) To administer this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 **§ 26298.30. Limited tax bonds**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 **§ 26298.36. Bond sales**

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

37 **§ 26298.38. Delivery of bonds**

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

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

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

13 **§ 26298.42. Refunding bonds**

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

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

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

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

37 **§ 26298.44. Bond anticipation notes**

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

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

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

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

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

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

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

31 **§ 26298.48. Tax exemptions**

32 26298.48. Notwithstanding any other provision of law:

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

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

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

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

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

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

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

14 **§ 26298.52. No personal liability**

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

18 **§ 26298.54. Contest procedure**

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

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

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

1 **§ 26298.58. Severability**

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

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

1 Article 1. General Provisions

2 § 26299.000. Title of act

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

5 § 26299.001. Legislative findings and declarations

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

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

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

19 § 26299.002. Definitions generally govern construction of chapter

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

23 § 26299.003. "Agency"

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

26 § 26299.004. "Board of directors"

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

29 § 26299.005. "Board of supervisors"

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

1 **§ 26299.006. “Bonds”**

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

4 **§ 26299.007. “County”**

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

7 **§ 26299.008. “Court facilities”**

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

11 **§ 26299.009. “Master plan”**

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

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

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

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

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

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

29 **§ 26299.010. “Outstanding”**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **§ 26299.021. Board of directors**

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

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

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

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

15 (1) The county sheriff.

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

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

23 (1) The sheriff.

24 (2) The district attorney.

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

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

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

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

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

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

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

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

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

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

16 **§ 26299.025. Quorum**

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

21 **§ 26299.026. Acts of agency**

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

24 **§ 26299.027. Rules and procedures**

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

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

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

31 **§ 26299.029. Authorized acts**

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

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

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

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

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

15 (f) Appoint policy committees as deemed necessary.

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

17 **§ 26299.030. Duties of agency**

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

19 (a) Adopt an annual budget.

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

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

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

27 **§ 26299.031. Powers of agency**

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

30 (a) Administer this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 **§ 26299.044. Election**

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

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

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

6 **§ 26299.045. Permissible tax rate**

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

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

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

15 (a) To administer this chapter.

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

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

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

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

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

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

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

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

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

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

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

11 **§ 26299.049. Operative date**

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

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

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

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

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

27 **Article 4. Bonds**

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

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

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

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

12 **§ 26299.061. Limited tax bonds**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 **§ 26299.068. Features of bonds**

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

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

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

19 **§ 26299.069. Bond sales**

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

23 **§ 26299.070. Delivery of bonds**

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

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

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

1 **§ 26299.072. Refunding bonds**

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

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

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

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

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

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

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

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

38 **§ 26299.074. Bond anticipation notes**

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

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

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

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

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

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

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

31 **§ 26299.076. Tax exemptions**

32 26299.076. Notwithstanding any other provision of law:

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

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

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

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

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

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

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

15 **§ 26299.078. No personal liability**

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

19 **§ 26299.079. Contest procedure**

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

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

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

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

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

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

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

13 **§ 26299.083. Severability**

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