

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject: Authorize Letters of Support for Assembly Bills 229 and 1080

Meeting Date: May 10, 2013

Agenda Number: 6f

ACTION

RECOMMENDATION:

Authorize sending letters of support for Assembly Bills 229 and 1080.

BACKGROUND/DISCUSSION:

AB 229, introduced by Assemblymember John Perez, would authorize military base reuse authorities to form an Infrastructure Financing and Revitalization District (IFRD). AB 229 is intended to provide an alternative method of funding infrastructure and related public facilities in order to clean up, develop, and reuse former military bases through the establishment of IFRDs. Attached is a draft letter of support for AB 229 (**Attachment A**), an AB 229 fact sheet (**Attachment B**), and the full text of the bill (**Attachment C**).

AB1080, introduced by Assemblymember Luis Alejo, would authorize certain public entities to form a community revitalization plan to carry out the Community Redevelopment Law in a specified manner. The bill would require adopting a community revitalization plan for a community revitalization and investment area and authorize including in that plan a provision for the receipt of tax increment funds. Attached is a draft letter of support for AB 1080 (**Attachment D**), an AB 1080 fact sheet (**Attachment E**), and the full text of the bill (**Attachment F**).

At their May 6, 2013 meeting, the Fort Ord Reuse Authority (FORA) Legislative Committee recommended the FORA Board authorize the Chair to execute the attached letters of support for AB 229 and 1080.

FISCAL IMPACT:

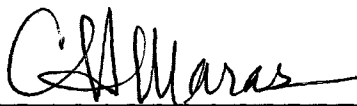
Reviewed by FORA Controller 

Staff time for this item is included in the approved annual budget.

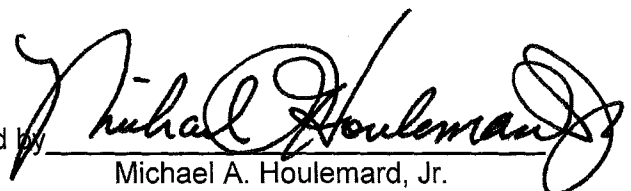
COORDINATION:

Executive Committee, Legislative Committee

Prepared by


Crissy Maras

Approved by


Michael A. Houlemard, Jr.

May 10, 2013

The Honorable John Perez
Speaker of the Assembly
PO Box 842849
State Capitol, Room 219
Sacramento, CA 94249-0053

Attachment A to Item 6f
FORA Board Meeting, 5/10/2013

RE: Support for Assembly Bill 229

Dear Speaker Perez,

On behalf of the Fort Ord Reuse Authority (FORA) Board of Directors, please accept our support of Assembly Bill 229 and the crucial enhancements to the financing tool of infrastructure financing districts in California. The improvement of this economic development financing tool allows for more efficiency and usability and is critical to the success of the redevelopment of the former Fort Ord.

FORA is the regional planning authority tasked with redevelopment of the former Fort Ord, a 28,000 acre US Army base closed through the 1994 round of Base Realignment and Closure. The closure of Fort Ord created significant adverse economic hardships on Monterey Peninsula communities. AB229 would allow proposed redevelopment projects on the former base to progress toward implementation, delivering the jobs, economic activity, transportation network enhancements and regional open space that were promised to the region's residents.

Development of the former Fort Ord will create thousands of new construction and long-term jobs, affordable and workforce housing, and transit oriented communities. The elimination of redevelopment agencies removed a major tool used by military base reuse authorities to remedy blight, remove environmental hazards, and spur local economic development. AB229 would provide a tool to address economic development, housing, sustainable development, environmental mitigation, and other needs in a fiscally responsible manner that promotes local cooperation.

Sincerely,

Jerry Edelen, Chair

C: Senator Mark DeSaulnier
Assemblymember Susan Bonilla
Assemblymember Jim Frazier
Assemblymember Joan Buchanan
Assemblymember Nancy Skinner
FORA Board of Directors
Michael A. Houlemard, Jr., FORA Executive Officer



JOHN A. PÉREZ

SPEAKER OF THE ASSEMBLY

FACT SHEET

AB 229 Military Base Reuse IRFD AS INTRODUCED 02/04/2013

Attachment B to Item 6f
FORA Board Meeting, 05/10/13

SUMMARY

AB 229 authorizes a military base reuse authority to form an Infrastructure and Revitalization Financing District (IRFD). This is similar to the authorization in existing law for cities and counties to create Infrastructure Financing Districts (IFD).

PURPOSE

Military base closure and realignment creates significant adverse economic hardships on many California communities. The Legislature has adopted a number of statutes to assist local agencies in addressing issues related to the adverse economic impacts of military base closure and realignment.

Closure of military bases can pose significant economic, environmental, and land-use problems such as toxic waste clean-up, loss of business, and reduction in tax revenues. Base closure can also present opportunities for business relocation, economic development, and land reuse that cannot be addressed by either the state's governmental taxing agencies or private investment alone. Resulting in the need to develop and/or expand the innovative use of public financing

mechanisms to leverage federal and private funds.

Unlike cities and counties, military base reuse authorities do not have the financing tools necessary to respond to the infrastructure and economic development requirements of a post-redevelopment world.

AB 229 is intended to provide an alternative method of funding infrastructure and related public facilities to clean-up, develop, and reuse former military bases through the establishment of infrastructure financing and revitalization districts.

OVERVIEW

Specifically, AB 229 does the following:

- Authorizes a city, county, city and county, or joint powers authority, where that entity is acting as the military base reuse authority, to form an IRFD.
- Broadens the types of projects that military base reuse IRFDs may finance versus a traditional IFD. These expanded uses include housing; purchase of property for economic development; acquisition, construction or repair of commercial or industrial structures to facilitate economic development; and the repayment of start-up financing

provided by local governments for military base reuse.

- Authorizes military base reuse IRFDs to clean up brownfields using the powers of the Polanco Redevelopment Act.
- Authorizes military base reuse IRFDs to be created in former redevelopment project areas, providing that no existing redevelopment obligations are impaired. Unlike IFDs, military base reuse IRFDs can include substantially undeveloped land to accomplish military base reuse plans.
- Allows cities or counties to dedicate their share of freed-up former redevelopment tax increment revenue to a military base reuse IRFD financing plan.
- Requires voter or landowner approval to form (depending on the number of registered voters in the proposed district) a district.
- Allows a military base reuse IRFD to construct replacement housing anywhere on the former base consistent with the base reuse plan, infrastructure financing plan, and local general plan, as applicable.

EXISTING LAW

Under existing law, IFDs may be established by local governments and use tax increment financing for public infrastructure and affordable housing.

Unlike redevelopment, no school property taxes may be diverted, and tax increment may be diverted from other overlapping local entities (such as from a county for a city IFD) only with the agreement of the other entity. Existing law also requires a 2/3 vote of the local voters to establish a district and to authorize the issuance of bonds.

Existing law prohibits the establishment of IFDs in redevelopment areas or in developed areas.

The elimination of redevelopment agencies on February 1, 2012 has removed a major tool used by military base reuse authorities to remedy blight, remove environmental hazards, and spur local economic development. This bill establishes military base reuse IRFDs to provide a tool to address economic development housing, sustainable development, environmental mitigation, and other needs in a fiscally responsible manner that promotes local cooperation.

SUPPORT

Unknown at this time

OPPOSITION

Unknown at this time

CONTACT INFORMATION

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AMENDED IN ASSEMBLY APRIL 8, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

Attachment C to Item 6f
FORA Board Meeting, 05/10/13

ASSEMBLY BILL

No. 229

**Introduced by Assembly Member John A. Pérez
(Coauthors: Assembly Members Atkins, Bonilla, Bonta, Cooley,
Dickinson, and Gordon Gordon, and Torres)**

February 4, 2013

An act to add Chapter ~~2.10~~ 2.6 (commencing with Section ~~53399~~ 53369) to Part 1 of Division 2 of Title 5 of the Government Code, and to amend Section 33459 of the Health and Safety Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 229, as amended, John A. Pérez. Local government: infrastructure and revitalization financing districts.

Existing law authorizes the creation of infrastructure financing districts, as defined, for the sole purpose of financing public facilities, subject to adoption of a resolution by the legislative body and affected taxing entities proposed to be subject to division of taxes and $\frac{2}{3}$ voter approval. Existing law authorizes the legislative body to, by majority vote, initiate proceedings to issue bonds for the financing of district projects by adopting a resolution, subject to specified procedures and $\frac{2}{3}$ voter approval. Existing law requires an infrastructure financing plan to include the date on which an infrastructure financing district will cease to exist, which may not be more than 30 years from the date on which the ordinance forming the district is adopted. Existing law prohibits a district from including any portion of a redevelopment project area. Existing law, the Polanco Redevelopment Act, authorizes a redevelopment agency to take any action that the agency determines is

necessary and consistent with state and federal laws to remedy or remove a release of hazardous substances on, under, or from property within a project area, whether the agency owns that property or not, subject to specified conditions. Existing law also declares the intent of the Legislature that the areas of the district created be substantially undeveloped, and that the establishment of a district should not ordinarily lead to the removal of dwelling units.

This bill would authorize the creation of an infrastructure and revitalization financing district, as defined, and the issuance of debt with $\frac{2}{3}$ voter approval. The bill would authorize the creation of a district for up to 40 years and the issuance of debt with a final maturity date of up to 30 years, as specified. The bill would authorize a district to finance projects in redevelopment project areas and former redevelopment project areas and former military bases. The bill would authorize the legislative body of a city to dedicate any portion of its funds received from the Redevelopment Property Tax Trust Fund to the district, if specified criteria are met. The bill would authorize a city to form a district to finance a project or projects on a former military base, if specified conditions are met.

The bill would authorize a district to fund various projects, including, among others, watershed land used for the collection and treatment of water for urban uses, flood management, levees, bypasses, open space, habitat restoration, brownfields restoration, environmental mitigation, purchase of land and property for development purposes, including commercial property, hazardous cleanup, former military bases, and specified transportation purposes. The bill would authorize a district to implement hazardous cleanup pursuant to the Polanco Redevelopment Act, as specified. The bill would impose a specified reporting requirement on districts. The bill would state that it is the intent of the Legislature that the establishment of a district should not ordinarily lead to the removal of existing functional, habitable, and safe dwelling units, as specified. The bill would define the term “public works” for purposes of these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter ~~2.10~~ 2.6 (commencing with Section
2 ~~53399~~- 53369) is added to Part 1 of Division 2 of Title 5 of the
3 Government Code, to read:

4
5 CHAPTER ~~2.10~~-2.6. INFRASTRUCTURE AND REVITALIZATION
6 FINANCING DISTRICTS

7
8 Article 1. General Provisions
9

10 ~~53399.~~

11 53369. It is the intent of the Legislature in enacting this chapter
12 to establish a long-term permanent program that provides local
13 governments with tools and resources for specified purposes,
14 including, but not limited to, public infrastructure, affordable
15 housing, economic development and job creation, and
16 environmental protection and remediation, in a manner that
17 encourages local cooperation and includes appropriate protections
18 for state and local taxpayers.

19 ~~53399.1.~~

20 53369.1. Unless the context otherwise requires, the definitions
21 contained in this article shall govern the construction of this
22 chapter.

23 (a) "Affected taxing entity" means any governmental taxing
24 agency that levied or had levied on its behalf a property tax on all
25 or a portion of the property located in the proposed district in the
26 fiscal year prior to the designation of the district, but not including
27 any county office of education, school district, or community
28 college district.

29 (b) "City" means a city, county, city and county, or joint powers
30 ~~authority~~ authority, where that entity is acting as the military base
31 reuse authority established pursuant to Title 7.86 (commencing
32 with Section 67800).

33 (c) "Debt" means any binding obligation to repay a sum of
34 money, including obligations in the form of bonds, certificates of
35 participation, long-term leases, loans from government agencies,
36 or loans from banks, other financial institutions, private businesses,
37 or individuals.

1 (d) “Designated official” means the city engineer or other
2 appropriate official designated pursuant to Section ~~53399.13~~
3 ~~53369.13~~.

4 (e) (1) “District” means an infrastructure and revitalization
5 financing district.

6 (2) An infrastructure and revitalization financing district is a
7 “district” within the meaning of Section 1 of Article XIII A of the
8 California Constitution.

9 (f) “Infrastructure and revitalization financing district” means
10 a legally constituted governmental entity established pursuant to
11 this chapter for the sole purpose of financing facilities authorized
12 by this chapter.

13 (g) “Landowner” or “owner of land” means any person shown
14 as the owner of land on the last equalized assessment roll or
15 otherwise known to be the owner of the land by the legislative
16 body. The legislative body does not have any obligation to obtain
17 other information as to the ownership of land, and its determination
18 of ownership shall be final and conclusive for the purposes of this
19 chapter. A public agency is not a landowner or owner of land for
20 purposes of this chapter, unless the public agency owns all of the
21 land to be included within the proposed district.

22 (h) “Legislative body” means the city council, board of
23 supervisors, or joint powers authority that is acting as the military
24 base reuse authority established pursuant to Title 7.86
25 (commencing with Section 67800).

26 (i) “Project area” means a defined area within a district in which
27 the activities of the district share a common purpose or goal and
28 an overall financing plan.

29 (j) “Public works” means public facilities or any other facilities
30 described in Section ~~53399.3~~ ~~53369.3~~ that are to be financed in
31 whole or in part by the district.

32 (k) “Net available revenue” means periodic distributions to the
33 city from the Redevelopment Property Tax Trust Fund, created
34 pursuant to Section 34170.5 of the Health and Safety Code, that
35 are available to the city after all preexisting legal commitments
36 and statutory obligations funded from that revenue are made
37 pursuant to Part 1.85 (commencing with Section 34170) of Division
38 24 of the Health and Safety Code. Net available revenue shall only
39 include revenue remaining after all current distributions, including,
40 but not limited to, payment of enforceable obligations, all

1 distributions to other taxing entities, and applicable administrative
2 fees, have been made.

3 ~~53399.2.~~

4 53369.2. (a) The revenues available pursuant to Article 3
5 (commencing with Section ~~53399.30~~ 53369.30) may be used
6 directly for work allowed pursuant to Section ~~53399.3~~, 53369.3,
7 may be accumulated for a period not to exceed five years to provide
8 a fund for that work, may be pledged to pay the principal of, and
9 interest on, bonds issued pursuant to Article 4 (commencing with
10 Section ~~53399.40~~), 53369.40), or may be pledged to pay the
11 principal of, and interest on, bonds issued pursuant to the
12 Improvement Bond Act of 1915 (Division 10 (commencing with
13 Section 8500) of the Streets and Highways Code) or the
14 Mello-Roos Community Facilities Act of 1982 (Chapter 2.5
15 (commencing with Section 53311)), the proceeds of which have
16 been or will be used entirely for allowable purposes of the district.
17 The revenue of the district may also be advanced for allowable
18 purposes of the district to an Integrated Financing District
19 established pursuant to Chapter 1.5 (commencing with Section
20 53175), in which case the district may be party to a reimbursement
21 agreement established pursuant to that chapter. The revenues of
22 the district may also be committed to paying for any completed
23 facility acquired pursuant to Section ~~53399.3~~ 53369.3 over a period
24 of time, including the payment of a rate of interest not to exceed
25 the bond buyer index rate on the day that the agreement to repay
26 is entered into by the city.

27 (b) The legislative body may enter into an agreement with any
28 affected taxing entity providing for the construction of, or
29 assistance in, financing facilities.

30 ~~53399.3.~~

31 53369.3. (a) A district may finance (1) the purchase,
32 construction, expansion, improvement, seismic retrofit, or
33 rehabilitation of any real or other tangible property with an
34 estimated useful life of 15 years or longer which satisfies the
35 requirements of subdivision (b), (2) planning and design work that
36 is directly related to the purchase, construction, expansion,
37 improvement, rehabilitation, or seismic retrofit of that property,
38 and (3) the costs described in Sections ~~53399.6~~ 53369.6 and
39 ~~53399.31~~. 53369.31. The facilities need not be physically located
40 within the boundaries of the district. A district may not finance

- 1 routine maintenance, repair work, or the costs of ongoing operation
2 or providing services of any kind.
- 3 (b) The district shall finance only facilities or projects of
4 communitywide significance, including, but not limited to, any of
5 the following:
- 6 (1) Highways, interchanges, ramps and bridges, arterial streets,
7 parking facilities, and transit facilities.
- 8 (2) Sewage treatment and water reclamation plants and
9 interceptor pipes.
- 10 (3) Facilities and watershed lands used for the collection and
11 treatment of water for urban uses.
- 12 (4) Flood management, including levees, bypasses, dams,
13 retention basins, and drainage channels.
- 14 (5) Child care facilities.
- 15 (6) Libraries.
- 16 (7) Parks, recreational facilities, open space, and habitat
17 restoration.
- 18 (8) Facilities for the transfer and disposal of solid waste,
19 including transfer stations and vehicles.
- 20 (9) Brownfields restoration and other environmental mitigation.
- 21 (10) Purchase of land and property for development purposes
22 and related site improvements.
- 23 (11) Acquisition, construction, or repair of housing for rental
24 or purchase, including multipurpose facilities.
- 25 (12) Acquisition, construction, or repair of commercial or
26 industrial structures for private use.
- 27 (13) The repayment of the transfer of funds to a military base
28 reuse authority pursuant to Section 67851.
- 29 (c) Any district that constructs dwelling units shall set aside not
30 less than 20 percent of those units to increase and improve the
31 community's supply of low- and moderate-income housing
32 available at an affordable housing cost, as defined by Section
33 50052.5 of the Health and Safety Code, or at an affordable rent,
34 as defined by Section 50053 of the Health and Safety Code, to
35 persons and families of low and moderate income, as defined in
36 Section 50093 of the Health and Safety Code.
- 37 (d) A district may utilize any powers under the Polanco
38 Redevelopment Act (Article 12.5 (commencing with Section
39 33459) of Chapter 4 of Part 1 of Division 24 of the Health and

1 Safety Code), and finance any action necessary to implement that
2 act.

3 (e) A district may finance any project that implements a
4 sustainable communities strategy prepared pursuant to Section
5 65080.

6 ~~53399.4.~~

7 ~~53369.4.~~ (a) A city may form a district to finance a project or
8 projects on a former military base pursuant to the requirements set
9 forth in this chapter.

10 (b) A district formed under this section may finance a project
11 pursuant to this section or Section ~~53399.3~~ 53369.3 only if the
12 project is consistent with the authority reuse plan and is approved
13 by the military base reuse authority, if applicable.

14 ~~53399.5.~~

15 ~~53369.5.~~ (a) A district may finance only the facilities or
16 services authorized in this chapter. The additional facilities or
17 services may not supplant facilities or services already available
18 within that territory when the district was created, except if those
19 facilities or services are essentially nonfunctional, obsolete,
20 hazardous, or in need of upgrading or rehabilitation. The additional
21 facilities or services may supplement those facilities and services
22 as needed to serve new developments.

23 (b) A district may include areas that are not contiguous. A
24 district may be divided into project areas, each of which may be
25 subject to distinct limitations established under this chapter. The
26 legislative body may, at any time, add territory to a district or
27 amend the infrastructure financing plan for the district by
28 conducting the same procedures for the formation of a district or
29 approval of bonds, if applicable, as provided pursuant to this
30 chapter.

31 (c) Any district may finance any project or portion of a project
32 that is located in, or overlaps with, any redevelopment project area
33 or former redevelopment project area or former military base.

34 (d) Notwithstanding subdivision (c), any debt or obligation of
35 a district shall be subordinate to an enforceable obligation of a
36 former redevelopment agency, as defined in Section 34171 of the
37 Health and Safety Code.

38 (e) The legislative body of the city forming the district may
39 choose to dedicate any portion of its net available revenue to the

1 district through the financing plan described in Section ~~53399.14~~
2 ~~53369.14~~.
3 ~~53399.6~~.
4 ~~53369.6~~. It is the intent of the Legislature that the establishment
5 of a district should not ordinarily lead to the removal of existing
6 functional, habitable, and safe dwelling units. If, however, any
7 dwelling units are proposed to be removed or destroyed in the
8 course of private development or facilities construction within the
9 area of the district, the legislative body shall do all of the following:
10 (a) Within four years of the removal or destruction, cause or
11 require the construction or rehabilitation, for rental or sale to
12 persons or families of low or moderate income, of an equal number
13 of replacement dwelling units at affordable housing cost, as defined
14 in Section 50052.5 of the Health and Safety Code, or affordable
15 rent, as defined in Section 50053 of the Health and Safety Code,
16 within the territory of the district if the dwelling units removed
17 were inhabited by persons or families of low or moderate income,
18 as defined in Section 50093 of the Health and Safety Code.
19 (b) Within four years of the removal or destruction, cause or
20 require the construction or rehabilitation, for rental or sale to
21 persons of low or moderate income, a number of dwelling units
22 which is at least one unit but not less than 20 percent of the total
23 dwelling units removed at affordable housing cost, as defined in
24 Section 50052.5 of the Health and Safety Code, or affordable rent,
25 as defined in Section 50053 of the Health and Safety Code, within
26 the territory of the district if the dwelling units removed or
27 destroyed were not inhabited by persons of low or moderate
28 income, as defined in Section 50093 of the Health and Safety Code.
29 (c) In the case of dwelling units located on a former military
30 base that are destroyed or removed in connection with a base reuse
31 plan, replacement dwelling units required by subdivision (a) or
32 (b) may be located anywhere within the territory of the former
33 military base consistent with the base reuse plan, local general
34 plan, and infrastructure financing plan, as applicable.
35 (d) Provide relocation assistance and make all the payments
36 required by Chapter 16 (commencing with Section 7260) of
37 Division 7 of Title 1, to persons displaced by any public or private
38 development occurring within the territory of the district. This
39 displacement shall be deemed to be the result of public action.

1 (e) Ensure that removal or destruction of any dwelling units
 2 occupied by persons or families of low or moderate income not
 3 take place unless and until there are suitable housing units, at
 4 comparable cost to the units from which the persons or families
 5 were displaced, available and ready for occupancy by the residents
 6 of the units at the time of their displacement. The housing units
 7 shall be suitable to the needs of these displaced persons or families
 8 and shall be decent, safe, sanitary, and otherwise standard
 9 dwellings.

10 ~~53399.7.~~

11 53369.7. Any action or proceeding to attack, review, set aside,
 12 void, or annul the creation of a district, adoption of an infrastructure
 13 financing plan, including a division of taxes thereunder, or an
 14 election pursuant to this chapter shall be commenced within 30
 15 days after the enactment of the ordinance creating the district
 16 pursuant to Section ~~53399.23.~~ 53369.23. Consistent with the time
 17 limitations of this section, such an action or proceeding with respect
 18 to a division of taxes under this chapter may be brought pursuant
 19 to Chapter 9 (commencing with Section 860) of Title 10 of Part 2
 20 of the Code of Civil Procedure, except that Section 869 of the
 21 Code of Civil Procedure shall not apply.

22 ~~53399.8.~~

23 53369.8. An action to determine the validity of the issuance
 24 of bonds pursuant to this chapter may be brought pursuant to
 25 Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of
 26 the Code of Civil Procedure. However, notwithstanding the time
 27 limits specified in Section 860 of the Code of Civil Procedure, the
 28 action shall be commenced within 30 days after adoption of the
 29 resolution pursuant to Section ~~53399.44~~ 53369.44 providing for
 30 issuance of the bonds if the action is brought by an interested
 31 person pursuant to Section 863 of the Code of Civil Procedure.
 32 Any appeal from a judgment in that action or proceeding shall be
 33 commenced within 30 days after entry of judgment.

34
 35 Article 2. Preparation and Adoption of Infrastructure
 36 Revitalization Financing District Plans
 37

38 ~~53399.10.~~

39 53369.10. A legislative body of a city may designate one or
 40 more proposed infrastructure revitalization financing districts

1 pursuant to this chapter. Proceedings for the establishment of a
2 district shall be instituted by the adoption of a resolution of
3 intention to establish the proposed district and shall do all of the
4 following:

5 (a) State that an infrastructure revitalization financing district
6 is proposed to be established under the terms of this chapter and
7 describe the boundaries of the proposed district and any project
8 area proposed within the district, which may be accomplished by
9 reference to a map on file in the office of the clerk of the city.

10 (b) State the type of facilities proposed to be financed by the
11 district. The district may only finance facilities authorized by
12 Section ~~53399.3~~. 53369.3.

13 (c) State that incremental property tax revenue from the city
14 and some or all affected taxing entities within the district may be
15 used to finance these facilities.

16 (d) State that net available revenue from the city may be used
17 to finance these facilities and state the maximum portion of the
18 net available revenue to be committed to the district for each year
19 during which the district will receive these revenues.

20 (e) Fix a time and place for a public hearing on the proposal.

21 ~~53399.11.~~

22 53369.11. The legislative body shall ~~direct the clerk to mail~~
23 *cause* a copy of the resolution of intention to create the district to
24 *be mailed* to each owner of land within the district.

25 ~~53399.12.~~

26 53369.12. The legislative body shall ~~direct the clerk to mail~~
27 *cause* a copy of the resolution to *be mailed* to each affected taxing
28 entity.

29 ~~53399.13.~~

30 53369.13. After adopting the resolution pursuant to Section
31 ~~53399.10~~, 53369.10, the legislative body shall designate and direct
32 the city engineer or other appropriate official to prepare an
33 infrastructure plan pursuant to Section ~~53399.14~~. 53369.14.

34 ~~53399.14.~~

35 53369.14. After receipt of a copy of the resolution of intention
36 to establish a district, the official designated pursuant to Section
37 ~~53399.13~~ 53369.13 shall prepare a proposed infrastructure
38 financing plan. The infrastructure financing plan shall be consistent
39 with the general plan of the city within which the district is located
40 and shall include all of the following:

1 (a) A map and legal description of the proposed district, which
2 may include all or a portion of the district designated by the
3 legislative body in its resolution of intention.

4 (b) A description of the facilities required to serve the
5 development proposed in the area of the district including those
6 to be provided by the private sector, those to be provided by
7 governmental entities without assistance under this chapter, those
8 improvements and facilities to be financed with assistance from
9 the proposed district, and those to be provided jointly. The
10 description shall include the proposed location, timing, and costs
11 of the improvements and facilities.

12 (c) A finding that the facilities are of communitywide
13 significance.

14 (d) A financing section, which shall contain all of the following
15 information:

16 (1) A specification of the maximum portion of the incremental
17 tax revenue of the city and of each affected taxing entity proposed
18 to be committed to the district for each year during which the
19 district will receive incremental tax revenue. The portion need not
20 be the same for all affected taxing entities. The portion may change
21 over time.

22 (2) A projection of the amount of tax revenues expected to be
23 received by the district in each year during which the district will
24 receive tax revenues, including an estimate of the amount of tax
25 revenues attributable to each affected taxing entity proposed to be
26 committed to the district for each year. If applicable, the plan shall
27 also include a specification of the maximum portion of the net
28 available revenue of the city proposed to be committed to the
29 district for each year during which the district will receive revenue.
30 The portion may vary over time.

31 (3) A plan for financing the facilities to be assisted by the
32 district, including a detailed description of any intention to incur
33 debt.

34 (4) A limit on the total number of dollars of taxes that may be
35 allocated to the district pursuant to the plan.

36 (5) A date on which the district shall cease to exist, by which
37 time all tax allocation, including any allocation of net available
38 revenue, to the district will end. The date shall not be more than
39 40 years from the date on which the ordinance forming the district
40 is adopted pursuant to Section ~~53399.23~~, 53369.23, or a later date,

1 if specified by the ordinance, on which the allocation of tax
2 increment will begin. The district may issue debt with a final
3 maturity date of up to 30 years from the date of issuance of each
4 debt issue, subject to the time limit on tax allocation to the district.

5 (6) An analysis of the costs to the city of providing facilities
6 and services to the area of the district while the area is being
7 developed and after the area is developed. The plan shall also
8 include an analysis of the tax, fee, charge, and other revenues
9 expected to be received by the city as a result of expected
10 development in the area of the district.

11 (7) An analysis of the projected fiscal impact of the district and
12 the associated development upon each affected taxing entity that
13 is proposed to participate in financing the district.

14 (8) A plan for financing any potential costs that may be incurred
15 by reimbursing a developer of a project that is both located entirely
16 within the boundaries of that district and qualifies for the Transit
17 Priority Project Program, pursuant to Section 65470, including
18 any permit and affordable housing expenses related to the project.

19 (e) If any dwelling units occupied by persons or families of low
20 or moderate income are proposed to be removed or destroyed in
21 the course of private development or facilities construction within
22 the area of the district, a plan providing for replacement of those
23 units and relocation of those persons or families consistent with
24 the requirements of Section ~~53399.6~~: 53369.6.

25 ~~53399.15~~:

26 53369.15. The infrastructure financing plan shall be sent to
27 each owner of land within the proposed district and to each affected
28 taxing entity together with any report required by the California
29 Environmental Quality Act (Division 13 (commencing with Section
30 21000) of the Public Resources Code) that pertains to the proposed
31 facilities or the proposed development project for which the
32 facilities are needed, and shall be made available for public
33 inspection. The report shall also be sent to the planning commission
34 and the legislative body.

35 ~~53399.16~~:

36 53369.16. The designated official shall consult with each
37 affected taxing entity, and, at the request of any affected taxing
38 entity, shall meet with representatives of an affected taxing entity.
39 Any affected taxing entity may suggest revisions to the plan.

1 ~~53399.17.~~

2 53369.17. The legislative body shall conduct a public hearing
3 prior to adopting the proposed infrastructure financing plan. The
4 public hearing shall be called no sooner than 60 days after the plan
5 has been sent to each affected taxing entity. In addition to the
6 notice given to landowners and affected taxing entities pursuant
7 to Sections ~~53399.11~~ 53369.11 and ~~53399.12~~, 53369.12, notice of
8 the public hearing shall be given by publication not less than once
9 a week for four successive weeks in a newspaper of general
10 circulation published in the city in which the proposed district is
11 located. The notice shall state that the district will be used to
12 finance public works, briefly describe the public works, briefly
13 describe the proposed financial arrangements, including the
14 proposed commitment of incremental tax revenue, describe the
15 boundaries of the proposed district and state the day, hour, and
16 place when and where any persons having any objections to the
17 proposed infrastructure financing plan, or the regularity of any of
18 the prior proceedings, may appear before the legislative body and
19 object to the adoption of the proposed plan by the legislative body.

20 ~~53399.18.~~

21 53369.18. At the hour set in the required notices, the legislative
22 body shall proceed to hear and pass upon all written and oral
23 objections. The hearing may be continued from time to time. The
24 legislative body shall consider the recommendations, if any, of
25 affected taxing entities, and all evidence and testimony for and
26 against the adoption of the plan. The legislative body may modify
27 the plan by eliminating or reducing the size and cost of proposed
28 public works, by reducing the amount of proposed debt, or by
29 reducing the portion, amount, or duration of incremental tax
30 revenues to be committed to the district.

31 ~~53399.19.~~

32 53369.19. (a) The legislative body shall not enact a resolution
33 proposing formation of a district and providing for the division of
34 taxes of any affected taxing entity pursuant to Article 3
35 (commencing with Section ~~53399.30~~) 53369.30), unless a
36 resolution approving the plan has been adopted by the governing
37 body of each affected taxing entity which is proposed to be subject
38 to division of taxes pursuant to Article 3 (commencing with Section
39 ~~53399.30~~) 53369.30) has been filed with the legislative body at or
40 prior to the time of the hearing.

1 (b) In the case of an affected taxing entity that is a special district
2 that provides fire protection services and where the county board
3 of supervisors is the governing authority or has appointed itself as
4 the governing board of the district, the plan shall be adopted by a
5 separate resolution approved by the district's governing authority
6 or governing board.

7 (c) This section shall *not* be construed to prevent the legislative
8 body from amending its infrastructure financing plan and adopting
9 a resolution proposing formation of the infrastructure revitalization
10 financing district without allocation of the tax revenues of any
11 affected taxing entity which has not approved the infrastructure
12 financing plan by resolution of the governing body of the affected
13 taxing entity.

14 ~~53399.20.~~

15 53369.20. (a) At the conclusion of the hearing, the legislative
16 body may adopt a resolution proposing adoption of the
17 infrastructure financing plan, as modified, and formation of the
18 infrastructure revitalization financing district in a manner consistent
19 with Section ~~53399.19~~, 53369.19, or it may abandon the
20 proceedings. If the legislative body adopts a resolution proposing
21 formation of the district, it shall then submit the proposal to create
22 the district to the qualified electors of the proposed district in the
23 next general election or in a special election to be held,
24 notwithstanding any other requirement, including any requirement
25 that elections be held on specified dates, contained in the Elections
26 Code, at least 90 days, but not more than 180 days, following the
27 adoption of the resolution of formation. The legislative body shall
28 provide the resolution of formation, a certified map of sufficient
29 scale and clarity to show the boundaries of the district, and a
30 sufficient description to allow the election official to determine
31 the boundaries of the district to the official conducting the election
32 within three business days after the adoption of the resolution of
33 formation. The assessor's parcel numbers for the land within the
34 district shall be included if it is a landowner election or the district
35 does not conform to an existing district's boundaries and if
36 requested by the official conducting the election. If the election is
37 to be held less than 125 days following the adoption of the
38 resolution of formation, the concurrence of the election official
39 conducting the election shall be required. However, any time limit
40 specified by this section or requirement pertaining to the conduct

1 of the election may be waived with the unanimous consent of the
2 qualified electors of the proposed district and the concurrence of
3 the election official conducting the election.

4 (b) If at least 12 persons have been registered to vote within the
5 territory of the proposed district for each of the 90 days preceding
6 the close of the hearing, the vote shall be by the registered voters
7 of the proposed district, who need not necessarily be the same
8 persons, with each voter having one vote. Otherwise, the vote shall
9 be by the landowners of the proposed district and each landowner
10 who is the owner of record at the close of the protest hearing, or
11 the authorized representative thereof, shall have one vote for each
12 acre or portion of an acre of land that he or she owns within the
13 proposed district. The number of votes to be voted by a particular
14 landowner shall be specified on the ballot provided to that
15 landowner.

16 (c) Ballots for the special election authorized by subdivision (a)
17 may be distributed to qualified electors by mail with return postage
18 prepaid or by personal service by the election official. The official
19 conducting the election may certify the proper mailing of ballots
20 by an affidavit, which shall be exclusive proof of mailing in the
21 absence of fraud. The voted ballots shall be returned to the election
22 officer conducting the election not later than the hour specified in
23 the resolution calling the election. However, if all the qualified
24 voters have voted, the election shall be closed.

25 ~~53399.21.~~

26 ~~53369.21.~~ (a) Except as otherwise provided in this chapter,
27 laws regulating elections of the local agency that calls an election
28 pursuant to this chapter, insofar as they may be applicable, shall
29 govern all elections conducted pursuant to this chapter. Except as
30 provided in subdivision (b), there shall be prepared and included
31 in the ballot material provided to each voter, an impartial analysis
32 pursuant to Section 9160 or 9280 of the Elections Code, arguments
33 and rebuttals, if any, pursuant to Sections 9162 to 9167, inclusive,
34 and 9190 of the Elections Code or pursuant to Sections 9281 to
35 9287, inclusive, and 9295 of the Elections Code.

36 (b) If the vote is to be by the landowners of the proposed district,
37 analysis and arguments may be waived with the unanimous consent
38 of all the landowners and shall be so stated in the order for the
39 election.

1 ~~53399.22.~~

2 53369.22. (a) If the election is to be conducted by mail ballot,
3 the election official conducting the election shall provide ballots
4 and election materials pursuant to subdivision (d) of Section 53326
5 and Section 53327, together with all supplies and instructions
6 necessary for the use and return of the ballot.

7 (b) The identification envelope for return of mail ballots used
8 in landowner elections shall contain the following:

9 (1) The name of the landowner.

10 (2) The address of the landowner.

11 (3) A declaration, under penalty of perjury, stating that the voter
12 is the owner of record or the authorized representative of the
13 landowner entitled to vote and is the person whose name appears
14 on the identification envelope.

15 (4) The printed name and signature of the voter.

16 (5) The address of the voter.

17 (6) The date of signing and place of execution of the declaration
18 pursuant to paragraph (3).

19 (7) A notice that the envelope contains an official ballot and is
20 to be opened only by the canvassing board.

21 ~~53399.23.~~

22 53369.23. After the canvass of returns of any election pursuant
23 to Section ~~53399.20~~, 53369.20, the legislative body may, by
24 ordinance, adopt the infrastructure financing plan and create the
25 district with full force and effect of law, if two-thirds of the votes
26 upon the question of creating the district are in favor of creating
27 the district.

28 ~~53399.24.~~

29 53369.24. After the canvass of returns of any election
30 conducted pursuant to Section ~~53399.20~~, 53369.20, the legislative
31 body shall take no further action with respect to the proposed
32 infrastructure revitalization financing district for one year from
33 the date of the election if the question of creating the district fails
34 to receive approval of two-thirds of the votes cast upon the
35 question.

36 ~~53399.25.~~

37 53369.25. The legislative body may submit a proposition to
38 establish or change the appropriations limit, as defined by
39 subdivision (h) of Section 8 of Article XIII B of the California
40 Constitution, of a district to the qualified electors of a proposed

1 or established district. The proposition establishing or changing
 2 the appropriations limit shall become effective if approved by the
 3 qualified electors voting on the proposition and shall be adjusted
 4 for changes in the cost of living and changes in populations, as
 5 defined by subdivisions (b) and (c) of Section 7901, except that
 6 the change in population may be estimated by the legislative body
 7 in the absence of an estimate by the Department of Finance, and
 8 in accordance with Section 1 of Article XIII B of the California
 9 Constitution. For purposes of adjusting for changes in population,
 10 the population of the district shall be deemed to be at least one
 11 person during each calendar year. Any election held pursuant to
 12 this section may be combined with any election held pursuant to
 13 Section ~~53395.20~~ 53369.20 in any convenient manner.

14 ~~53399.26.~~

15 53369.26. No later than June 30 of each year after the adoption
 16 of an infrastructure financing plan, the legislative body shall post
 17 an annual report in an easily identifiable and accessible location
 18 on the legislative body’s Internet Web site. The annual report shall
 19 contain all of the following:

- 20 (a) A summary of the district’s expenditures.
- 21 (b) A description of the progress made toward the district’s
- 22 adopted goals.
- 23 (c) An assessment of the status regarding completion of the
- 24 district’s projects.

25

26 Article 3. Division of Taxes

27

28 ~~53399.30.~~

29 53369.30. Any infrastructure financing plan may contain a
 30 provision that taxes, if any, levied upon taxable property in the
 31 area included within the infrastructure revitalization financing
 32 district each year by or for the benefit of the State of California,
 33 or any affected taxing entity after the effective date of the ordinance
 34 adopted pursuant to Section ~~53399.23~~ 53369.23 to create the
 35 district, shall be divided as follows:

- 36 (a) That portion of the taxes which would be produced by the
- 37 rate upon which the tax is levied each year by or for each of the
- 38 affected taxing entities upon the total sum of the assessed value
- 39 of the taxable property in the district as shown upon the assessment
- 40 roll used in connection with the taxation of the property by the

1 affected taxing entity, last equalized prior to the effective date of
 2 the ordinance adopted pursuant to Section ~~53399.23~~ 53369.23 to
 3 create the district, shall be allocated to, and when collected shall
 4 be paid to, the respective affected taxing entities as taxes by or for
 5 the affected taxing entities on all other property are paid.

6 (b) That portion of the levied taxes each year specified in the
 7 adopted infrastructure financing plan for the city and each affected
 8 taxing entity which has agreed to participate pursuant to Section
 9 ~~53399.19~~ 53369.19 in excess of the amount specified in subdivision

10 (a) shall be allocated to, and when collected shall be paid into a
 11 special fund of, the district for all lawful purposes of the district.
 12 Unless and until the total assessed valuation of the taxable property
 13 in a district exceeds the total assessed value of the taxable property
 14 in the district as shown by the last equalized assessment roll
 15 referred to in subdivision (a), all of the taxes levied and collected
 16 upon the taxable property in the district shall be paid to the
 17 respective affected taxing entities. When the district ceases to exist
 18 pursuant to the adopted infrastructure financing plan, all moneys
 19 thereafter received from taxes upon the taxable property in the
 20 district shall be paid to the respective affected taxing entities as
 21 taxes on all other property are paid.

22 ~~53399.31.~~

23 53369.31. All costs incurred by a county in connection with
 24 the division of taxes pursuant to Section ~~53399.30~~ 53369.30 for a
 25 district shall be paid by that district.

27 Article 4. Tax Increment Bonds

28
 29 ~~53399.40.~~

30 53369.40. The legislative body may, by majority vote, initiate
 31 proceedings to issue bonds pursuant to this chapter by adopting a
 32 resolution stating its intent to issue the bonds.

33 ~~53399.41.~~

34 53369.41. The resolution adopted pursuant to Section ~~53399.40~~
 35 53369.40 shall contain all of the following information:

36 (a) A description of the facilities to be financed with the
 37 proceeds of the proposed bond issue.

38 (b) The estimated cost of the facilities, the estimated cost of
 39 preparing and issuing the bonds, and the principal amount of the
 40 proposed bond issuance.

1 (c) The maximum interest rate and discount on the proposed
2 bond issuance.

3 (d) The date of the election on the proposed bond issuance and
4 the manner of holding the election.

5 (e) A determination of the amount of tax revenue available or
6 estimated to be available, for the payment of the principal of, and
7 interest on, the bonds.

8 (f) A finding that the amount necessary to pay the principal of,
9 and interest on, the proposed bond issuance will be less than, or
10 equal to, the amount determined pursuant to subdivision (e).

11 ~~53399.42.~~

12 53369.42. The clerk of the legislative body shall publish the
13 resolution adopted pursuant to Section ~~53399.40~~ 53369.40 once a
14 day for at least seven successive days in a newspaper published
15 in the city or county at least six days a week, or at least once a
16 week for two successive weeks in a newspaper published in the
17 city or county less than six days a week.

18 If there are no newspapers meeting these criteria, the resolution
19 shall be posted in three public places within the territory of the
20 district for two succeeding weeks.

21 ~~53399.43.~~

22 53369.43. The legislative body shall submit the proposal to
23 issue the bonds to the voters who reside within the district. The
24 election shall be conducted in the same manner as the election to
25 create the district pursuant to Section ~~53399.20~~ 53369.20 and the
26 two elections may be consolidated.

27 ~~53399.44.~~

28 53369.44. (a) Bonds may be issued only if two-thirds of the
29 voters voting on the proposition vote in favor of authorizing the
30 issuance of the bonds.

31 (b) If the voters authorize the issuance of the bonds as provided
32 by subdivision (a), the legislative body may subsequently proceed
33 with the issuance of the bonds by adopting a resolution which shall
34 provide for all of the following:

35 (1) The issuance of the bonds in one or more series.

36 (2) The principal amount of the bonds, which shall be consistent
37 with the amount specified in subdivision (b) of Section ~~53399.41.~~
38 53369.41.

39 (3) The date the bonds will bear.

40 (4) The date of maturity of the bonds.

- 1 (5) The denomination of the bonds.
2 (6) The form of the bonds.
3 (7) The manner of execution of the bonds.
4 (8) The medium of payment in which the bonds are payable.
5 (9) The place or manner of payment and any requirements for
6 registration of the bonds.
7 (10) The terms of call or redemption, with or without premium.
8 ~~53399.45.~~
9 53369.45. If any proposition submitted to the voters pursuant
10 to this chapter is defeated by the voters, the legislative body shall
11 not submit, or cause to be submitted, a similar proposition to the
12 voters for at least one year after the first election.
13 ~~53399.46.~~
14 53369.46. The legislative body may, by majority vote, provide
15 for refunding of bonds issued pursuant to this chapter. However,
16 refunding bonds shall not be issued if the total net interest cost to
17 maturity on the refunding bonds plus the principal amount of the
18 refunding bonds exceeds the total net interest cost to maturity on
19 the bonds to be refunded. The legislative body may not extend the
20 time to maturity of the bonds.
21 ~~53399.47.~~
22 53369.47. The legislative body or any person executing the
23 bonds shall not be personally liable on the bonds by reason of their
24 issuance. The bonds and other obligations of a district issued
25 pursuant to this chapter are not a debt of the city, county, or state
26 or of any of its political subdivisions, other than the district, and
27 none of those entities, other than the district, shall be liable on the
28 bonds and the bonds or obligations shall be payable exclusively
29 from funds or properties of the district. The bonds shall contain a
30 statement to this effect on their face. The bonds do not constitute
31 an indebtedness within the meaning of any constitutional or
32 statutory debt limitation.
33 ~~53399.48.~~
34 53369.48. (a) The bonds may be sold at discount not to exceed
35 5 percent of par at a negotiated or public sale. At least five days
36 prior to a public sale, notice shall be published, pursuant to Section
37 6061, in a newspaper of general circulation and in a financial
38 newspaper published in the City and County of San Francisco and
39 in the City of Los Angeles. The bonds may be sold at not less than

1 par to the federal government at private sale without any public
2 advertisement.

3 (b) Any negotiated sale of bonds pursuant to this section shall
4 be limited to bond issuances of an infrastructure and revitalization
5 financing district that do not exceed five million dollars
6 (\$5,000,000).

7 ~~53399.49:~~

8 53369.49. If any member of the legislative body whose
9 signature appears on bonds ceases to be a member of the legislative
10 body before delivery of the bonds, his or her signature is as
11 effective as if he or she had remained in office. Bonds issued
12 pursuant to this chapter are fully negotiable.

13 SEC. 2. Section 33459 of the Health and Safety Code is
14 amended to read:

15 33459. For purposes of this article, the following terms shall
16 have the following meanings:

17 (a) "Department" means the Department of Toxic Substances
18 Control.

19 (b) "Director" means the Director of Toxic Substances Control.

20 (c) "Hazardous substance" means any hazardous substance as
21 defined in subdivision (h) of Section 25281, and any reference to
22 hazardous substance in the definitions referenced in this section
23 shall be deemed to refer to hazardous substance, as defined in this
24 subdivision.

25 (d) "Local agency" means a single local agency that is one of
26 the following:

27 (1) A local agency authorized pursuant to Section 25283 to
28 implement Chapter 6.7 (commencing with Section 25280) of, and
29 Chapter 6.75 (commencing with Section 25299.10) of, Division
30 20.

31 (2) A local officer who is authorized pursuant to Section 101087
32 to supervise a remedial action.

33 (3) An infrastructure and revitalization financing district.

34 (e) "Qualified independent contractor" means an independent
35 contractor who is any of the following:

36 (1) An engineering geologist who is certified pursuant to Section
37 7842 of the Business and Professions Code.

38 (2) A geologist who is registered pursuant to Section 7850 of
39 the Business and Professions Code.

- 1 (3) A civil engineer who is registered pursuant to Section 6762
- 2 of the Business and Professions Code.
- 3 (f) "Release" means any release, as defined in Section 25320.
- 4 (g) "Remedy" or "remove" means any action to assess, evaluate,
- 5 investigate, monitor, remove, correct, clean up, or abate a release
- 6 of a hazardous substance or to develop plans for those actions.
- 7 "Remedy" includes any action set forth in Section 25322 and
- 8 "remove" includes any action set forth in Section 25323.
- 9 (h) "Responsible party" means any person described in
- 10 subdivision (a) of Section 25323.5 of this code or subdivision (a)
- 11 of Section 13304 of the Water Code.

May 10, 2013

The Honorable Luis Alejo
30th State Assembly District
PO Box 942849
Sacramento, CA 94249-0030

RE: Support for Assembly Bill 1080

Dear Assemblymember Alejo,

On behalf of the Fort Ord Reuse Authority (FORA) Board of Directors, please accept our support of Assembly Bill 1080. AB1080 would authorize certain public entities of a community revitalization and investment area to form a community revitalization plan to carry out the Community Redevelopment Law in a specified manner. The bill would require adopting a community revitalization plan for a Community Revitalization and Investment area and authorize the authority to include in that plan a provision for the receipt of tax increment funds.

FORA is the regional planning authority tasked with redevelopment of the former Fort Ord, a 28,000 acre US Army base closed through the 1994 round of Base Realignment and Closure. The closure of Fort Ord created significant adverse economic hardships on Monterey Peninsula communities. Further, the elimination of redevelopment agencies removed a major tool used by military base reuse authorities to remedy blight, remove environmental hazards, and spur local economic development. AB1080 would authorize the creation of Community Revitalization and Investment Authorities to invest tax increment revenue to relieve conditions of unemployment, repair deteriorated or inadequate infrastructure, promote affordable housing, and improve conditions leading to increased employment opportunities.

Development of the former Fort Ord will create thousands of new construction and long-term jobs, affordable and workforce housing, and transit oriented communities. AB1080 would allow proposed redevelopment projects on the former base to progress toward implementation, delivering the jobs, economic activity, transportation network enhancements and regional open space that were promised to the region's residents.

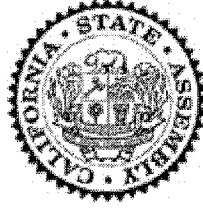
Sincerely,

Jerry Edelen, Chair

C: Assemblymember Kevin Mullin
Assemblymember V. Manuel Perez
Assemblymember Cheryl R. Brown
Assemblymember Ian C. Calderon
Assemblymember Henry T. Perea
Assemblymember Mark Stone
Assemblymember Das Williams
FORA Board of Directors
Michael A. Houlemard, Jr., FORA Executive Officer

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LUIS A. ALEJO
ASSEMBLYMEMBER, THIRTIETH DISTRICT

Attachment E to Item 6f
FORA Board Meeting, 05/10/13

ASSEMBLY BILL 1080: Community Revitalization Investment Authority

Summary

AB 1080 allows certain “disadvantaged” areas of California to create a new entity called a Community Revitalization Investment Authority (CRIA). A CRIA would invest property tax increment of consenting local agencies (other than schools) and other available funding to improve conditions leading to increased employment opportunities, to reduce high crime rates, to repair deteriorating and inadequate infrastructure, to clean up brownfields and to promote affordable housing.

Background

Redevelopment was a multi-purpose tool that focused over \$6 billion per year toward repairing and redeveloping urban cores, and building affordable housing, especially those areas most economically and physically disadvantaged. Since the dissolution of redevelopment agencies, communities across California are seeking an economic development tool to use.

Multiple legislative measures were introduced in 2012 after the dissolution of redevelopment agencies in an effort to provide local governments options for sustainable community economic development. Four measures were approved by the Legislature. However, all four were vetoed by Governor Brown at the end of legislative session.

While the dissolution of former redevelopment agencies continues, the pervasive question is “what economic development tool can local governments use?” It is unrealistic to expect a single solution could work successfully in all California cities. This proposal provides a viable option targeting the state’s disadvantaged poorer areas and neighborhoods.

Details of the Proposal

- **Creation of CRIA:** A CRIA is a public entity created by a city; a county; or by agreement between a city, county and/or special district through a JPA. The governing board is comprised of three locally-elected officials and two public members. The CRIA operates within a Community Revitalization Investment Area characterized by

an annual median household income that is less than 80% of the statewide annual median plus other conditions relating to unemployment, crime rates, deteriorated infrastructure and deteriorated commercial or residential structures. The Area may qualify for funding as a “disadvantaged community” as determined by CalEPA and a “disadvantaged community” as defined in SB 244 (Wolk).

- Powers: The agency has limited powers as specifically listed in the legislation including rehabilitating and upgrading inadequate infrastructure; providing funding for affordable housing; Polanco Act powers; providing for seismic retrofits; acquiring property; and issuing bonds.
- Plan Adoption: An Authority must adopt a Community Revitalization and Investment Plan that in addition to other information, identifies its goals and objectives; describes programs for repair, upgrading or construction of infrastructure; for providing affordable housing; for facilitating the economic revitalization of the Area. Property owners and other interested parties will be full participants in the development of the Plan. The CRIA must hold two public hearings at least 30 days apart before adopting the Plan.
- Financing & Affordable Housing: A CRIA may use tax-increment financing based upon the property tax increment of local jurisdictions (other than schools) only with the consent of the local jurisdictions. Consistent with former Redevelopment Law, 20% of funds must be set aside for the development of affordable housing. An agency, or areas covered by an agency, may also benefit via Cap and Trade funds allocated to disadvantaged communities, or federal New Market’s Tax Credits.
- Reporting and Accountability Requirements: The legislation requires an agency to hold an annual public hearing to assess progress in Plan implementation and to consider necessary modifications. To ensure the agency remains accountable and committed to serving the community in the most effective way, property owners within the Plan Area are provided the opportunity to vote to terminate further activity of the Authority.

AMENDED IN ASSEMBLY APRIL 24, 2013

AMENDED IN ASSEMBLY APRIL 4, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

Attachment F to Item 6f
FORA Board Meeting, 05/10/13

ASSEMBLY BILL

No. 1080

**Introduced by Assembly Member Alejo
(Principal coauthors: Assembly Members Mullin and
V. Manuel Pérez)**

**(Coauthors: Assembly Members Brown, Ian Calderon, Chau, Perea,
Stone, and Williams)**

February 22, 2013

An act to add Part 1.87 (commencing with Section 34191.50) to Division 24 of the Health and Safety Code, relating to economic development.

LEGISLATIVE COUNSEL'S DIGEST

AB 1080, as amended, Alejo. Community Revitalization and Investment Authorities.

The Community Redevelopment Law authorizes the establishment of redevelopment agencies in communities to address the effects of blight, as defined. Existing law dissolved redevelopment agencies and community development agencies, as of February 1, 2012, and provides for the designation of successor agencies.

Existing law provides for various economic development programs that foster community sustainability and community and economic development initiatives throughout the state.

This bill would authorize certain public entities of a community revitalization and investment area, as described, to form a community revitalization plan within a community revitalization and investment

authority (authority) to carry out the Community Redevelopment Law in a specified manner. The bill would require the authority to adopt a community revitalization plan for a community revitalization and investment area and authorize the authority to include in that plan a provision for the receipt of tax increment funds.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) Certain areas of the state are generally
2 characterized by buildings in which it is unsafe or unhealthy for
3 persons to live or work, conditions that make the viable use of
4 buildings or lots difficult, high business vacancies and lack of
5 employment opportunities, and inadequate public improvements,
6 water, or sewer utilities. It is the intent of the Legislature to create
7 a planning and financing tool to support the revitalization of these
8 communities.

9 (b) It is in the interest of the state to support the economic
10 revitalization of these communities through tax increment
11 financing.

12 (c) It is the intent of the Legislature to authorize the creation of
13 Community Revitalization and Investment Authorities to invest
14 tax increment revenue to relieve conditions of unemployment,
15 reduce high crime rates, repair deteriorated or inadequate
16 infrastructure, promote affordable housing, and improve conditions
17 leading to increased employment opportunities.

18 SEC. 2. Part 1.87 (commencing with Section 34191.50) is
19 added to Division 24 of the Health and Safety Code, to read:

20

21 PART 1.87. COMMUNITY REVITALIZATION AND
22 INVESTMENT AUTHORITIES

23

24 34191.50. As used in this part, the following terms have the
25 following meanings:

26 (a) "Authority" means the Community Revitalization and
27 Investment Authority created pursuant to this part.

28 (b) "Plan" means a community revitalization plan.

29 34191.51. (a) A community revitalization and investment
30 authority is a public body, corporate and politic, with jurisdiction

1 to carry out a community revitalization plan within a community
2 revitalization and investment area. The authority shall be deemed
3 to be an “agency” as defined Section 33003 for purposes of
4 receiving tax increment revenues pursuant to Article XVI of
5 Section 16 of the California Constitution. The authority shall have
6 only those powers and duties specifically set forth in Section
7 34191.53.

8 (b) (1) An authority may be created in one of the following
9 ways:

10 ~~(1)~~

11 (A) A city, county, or city and county may adopt a resolution
12 creating an authority. The composition of the governing board
13 shall be comprised as set forth in subdivision (c).

14 ~~(2)~~

15 (B) A city, county, city and county, and special district, as
16 special district is defined in subdivision (m) of Section 95 of the
17 Revenue and Taxation Code, or any combination thereof, may
18 create an authority by entering into a joint powers agreement
19 pursuant to Chapter 5 (commencing with Section 6500) of Division
20 7 of Title I of the Government Code.

21 (2) *A school entity, as defined in subdivision (n) of Section 95*
22 *of the Revenue and Taxation Code, may not participate in an*
23 *authority created pursuant to this part.*

24 (c) (1) The governing board of an authority created pursuant
25 to paragraph (1) of subdivision (b) shall be appointed by the
26 legislative body of the city, county, or city and county that created
27 the authority and shall include three members of the legislative
28 body of the city, county, or city and county that created the
29 authority and two public members. The appointment of the two
30 public members shall be subject to the provisions of Section 54974
31 of the Government Code. The two public members shall live or
32 work within the community revitalization and investment area.

33 (2) The governing body of the authority created pursuant to
34 paragraph (2) of subdivision (b) shall be comprised of a majority
35 of members from the legislative bodies of the public agencies that
36 created the authority and a minimum of two public members who
37 live or work within the community revitalization and investment
38 area. The majority of the board shall appoint the public members
39 to the governing body. The appointment of the public members

1 shall be subject to the provisions of Section 54974 of the
 2 Government Code.

3 (d) An authority may carry out a community revitalization plan
 4 within a community revitalization and investment area. Not less
 5 than 80 percent of the land calculated by census tracts within the
 6 area shall be characterized by both of the following conditions:

7 (1) An annual median household income that is less than 80
 8 percent of the statewide annual median income.

9 (2) Three of the following four conditions:

10 (A) Unemployment that is at least 3 percent higher than
 11 statewide median unemployment.

12 (B) Crime rates that are 5 percent higher than the statewide
 13 median crime rate.

14 (C) Deteriorated or inadequate infrastructure such as streets,
 15 sidewalks, water supply, sewer treatment or processing, and parks.

16 (D) Deteriorated commercial or residential structures.

17 (e) An authority may also carry out a community revitalization
 18 plan within a community revitalization and investment area
 19 established within a former military base that is principally
 20 characterized by deteriorated or inadequate infrastructure and
 21 structures. ~~Notwithstanding the provisions of subdivision (c),~~ the
 22 governing board of an authority established within a former
 23 military base shall include a member of the military base closure
 24 commission as a public member.

25 (f) The conditions described in subdivisions (d) and (e) shall
 26 constitute blight within the meaning of the Community
 27 Redevelopment Law. The authority shall not be required to make
 28 a finding of blight or conduct a survey of blight within the area.

29 (g) An authority created pursuant to this part shall be a local
 30 public agency subject to the Ralph M. Brown Act (Chapter 9
 31 (commencing with Section 54950) of Part 1 of Division 2 of Title
 32 5 of the Government Code), the California Public Records Act
 33 (Chapter 3.5 (commencing with Section 6250) of Division 7 of
 34 Title 1 of the Government Code), and the Political Reform Act of
 35 1974 (Title 9 (commencing with Section 81000) of the Government
 36 Code).

37 34191.53. An authority may do all of the following:

38 (a) Provide funding to rehabilitate, repair, upgrade, or construct
 39 infrastructure.

40 (b) Provide funding for low- and moderate-income housing.

1 (c) Remedy or remove a release of hazardous substances
2 pursuant to the Polanco Redevelopment Act (Sections 33459 to
3 33459.8, inclusive).

4 (d) Provide for seismic retrofits of existing buildings pursuant
5 to Section 33420.1.

6 (e) Acquire and transfer real property in accordance with
7 paragraph (4) of subdivision (a) of Section 33333.2, Article 7
8 (commencing with Section 33390) of Part 1 of Division 24, and
9 Sections 33340, 33349, 33350, 33435, 33436, 33437, 33437.5,
10 33438, 33439, 33440, 33442, 33443, 33444, 33444.5, 33444.6,
11 and 33445.

12 The authority shall retain controls and establish restrictions or
13 covenants running with the land sold or leased for private use for
14 such periods of time and under such conditions as are provided in
15 the plan. The establishment of such controls is a public purpose
16 under the provisions of this part.

17 (f) Issue bonds pursuant to Article 5 (commencing with Section
18 33640) of Chapter 6 of Part 1 of Division 24.

19 (g) An authority may borrow money, receive grants, or accept
20 financial or other assistance or investment from the state or the
21 federal government or any other public agency or private lending
22 institution for any project or within its area of operation, and may
23 comply with any conditions of the loan or grant. An authority may
24 qualify for funding as a disadvantaged community as determined
25 by the California Environmental Protection Agency pursuant to
26 Section 79505.5 of the Water Code or as defined by Section
27 56033.5 of the Government Code. An authority may also enter
28 into an agreement with a qualified community development entity,
29 as defined by Section 45D(c) of the Internal Revenue Code, to
30 coordinate investments of funds derived from the New Markets
31 Tax Credit with those of the authority in instances where
32 coordination offers opportunities for greater efficiency of
33 investments to improve conditions described in subdivisions (d)
34 and (e) within the territorial jurisdiction of the authority.

35 (h) At any time after the authority is authorized to transact
36 business and exercise its powers, the legislative body or bodies of
37 the local government that created the authority may appropriate
38 the amounts the legislative body or bodies deem necessary for the
39 administrative expenses and overhead of the authority.

1 The money appropriated may be paid to the authority as a grant
 2 to defray the expenses and overhead, or as a loan to be repaid upon
 3 such terms and conditions as the legislative body may provide. If
 4 appropriated as a loan, the property owners within the plan area
 5 shall be made third-party beneficiaries of the repayment of the
 6 loan. In addition to the common understanding and usual
 7 interpretation of the term, “administrative expense” includes, but
 8 is not limited to, expenses of planning and dissemination of
 9 information.

10 (i) Adopt a community revitalization and investment plan
 11 pursuant to Section 34191.55.

12 (j) Make loans or grants for owners or tenants to improve,
 13 rehabilitate, or retrofit buildings or structures within the plan area.

14 (k) Except as specified in Section 33426.5, provide direct
 15 assistance to businesses within the plan area in connection with
 16 new or existing facilities for industrial or manufacturing uses.

17 34191.55. An authority shall adopt a community revitalization
 18 and investment plan that may include a provision for the receipt
 19 of tax increment funds generated within the area according to
 20 Section 33670 provided the plan includes each of the following
 21 elements:

22 (a) A statement of the principal goals and objectives of the plan.

23 (b) A description of the deteriorated or inadequate infrastructure
 24 within the area and a program for construction of adequate
 25 infrastructure or repair or upgrading of existing infrastructure.

26 (c) A program that complies with Sections 33334.2 and
 27 ~~33334.12.~~ *all applicable provisions of the Community
 28 Redevelopment Law (Part 1 (commencing with Section 33300) of
 29 Division 24). An authority that includes a provision for the receipt
 30 of tax increment revenues pursuant to Section 33670 in its
 31 Community Revitalization and Investment Plan shall dedicate at
 32 least 25 percent of allocated tax increment revenues for affordable
 33 housing purposes.* If the authority makes a finding that combining
 34 funding received under this program with other funding for the
 35 same purpose shall reduce administrative costs or expedite the
 36 construction of affordable housing, then an authority may transfer
 37 funding from the program ~~to a private nonprofit corporation,~~ to
 38 the housing authority within the territorial jurisdiction of the local
 39 jurisdiction that created the authority; or to the entity that received
 40 the housing assets of the former redevelopment agency pursuant

1 to Section 34176. *Funding shall be spent within the project area*
2 *in which the funds were generated.* Any recipient of funds
3 transferred pursuant to this subdivision shall comply with each of
4 the requirements of Sections ~~33334.2 and 33334.12.~~ The program
5 adopted pursuant to this subdivision shall comply with the
6 provisions of ~~Section 33413.~~ *all applicable provisions of the*
7 *Community Redevelopment Law.*

8 (d) A program to remedy or remove a release of hazardous
9 substances, if applicable.

10 (e) A program to provide funding for or otherwise facilitate the
11 economic revitalization of the area.

12 (f) A fiscal analysis setting forth the projected receipt of revenue
13 and projected expenses over a five-year planning horizon.

14 (g) The time limits imposed by Section 33333.2.

15 34191.57. (a) The authority shall consider adoption of the plan
16 at two public hearings that shall take place at least 30 days apart.
17 At the first public hearing, the authority shall hear all written and
18 oral comments but take no action. At the second public hearing,
19 the authority shall consider all written and oral comments and take
20 action to modify, adopt, or reject the plan.

21 (b) The draft plan shall be made available to the public and to
22 each property owner within the area at a meeting held at least 30
23 days prior to the notice given for the first public hearing. The
24 purposes of the meeting shall be to allow the staff of the authority
25 to present the draft plan, answer questions about the plan, and
26 consider comments about the plan.

27 (c) (1) Notice of the first public hearing shall be given by
28 publication not less than once a week for four successive weeks
29 in a newspaper of general circulation published in the county in
30 which the area lies and shall be mailed to each property owner
31 within the proposed area of the plan. Notice of the second public
32 hearing shall be given by publication not less than 10 days prior
33 to the date of the second public hearing in a newspaper of general
34 circulation published in the county in which the area lies and shall
35 be mailed to each property owner within the proposed area of the
36 plan. The notice shall do all of the following:

37 (A) Describe specifically the boundaries of the proposed area.

38 (B) Describe the purpose of the plan.

1 (C) State the day, hour, and place when and where any and all
2 persons having any comments on the proposed plan may appear
3 to provide written or oral comments to the authority.

4 (D) Notice of second public hearing shall include a summary
5 of the changes made to the plan as a result of the oral and written
6 testimony received at or before the public hearing and shall identify
7 a location accessible to the public where the plan to be presented
8 at the second public hearing can be reviewed.

9 (2) The authority may provide notice of the public hearings to
10 tenants of properties within the proposed area of the plan in a
11 manner of its choosing.

12 (d) At the hour set in the notice required by subdivision (a), the
13 authority shall consider all written and oral comments.

14 (e) The authority may adopt the plan at the conclusion of the
15 second public hearing by ordinance. The ordinance adopting the
16 plan shall be subject to referendum as prescribed by law for the
17 ordinances of the local jurisdiction that created the authority.

18 (f) The redevelopment plan referred to in Section 33670 shall
19 be the plan adopted pursuant to this section.

20 34191.59. (a) The plan adopted pursuant to Section 34191.57
21 may include a provision for the receipt of tax increment funds
22 according to Section 33670 in accordance with this section.

23 (b) The plan shall limit the taxes that are allocated to the
24 authority to those defined in Section 33670 collected for the benefit
25 of the taxing agencies that have adopted a resolution pursuant to
26 subdivision (d).

27 (c) The provision for the receipt of tax increment funds shall
28 become effective in the tax year that begins after the December 1
29 first following the adoption of the plan.

30 (d) At any time prior to or after adoption of the plan, any city,
31 county, or special district, other than a school entity as defined in
32 subdivision (n) of Section 95 of the Revenue and Taxation Code,
33 that receives ad valorem property taxes from property located
34 within an area may adopt a resolution directing the county
35 auditor-controller to allocate its share of tax increment funds within
36 the area covered by the plan according to Section 33670 to the
37 authority. The resolution adopted pursuant to this subdivision may
38 direct the county auditor-controller to allocate less than the full
39 amount of the tax increment, establish a maximum amount of time
40 in years that the allocation takes place, or limit the use of the funds

1 by the authority for specific purposes or programs. A resolution
2 adopted pursuant to this subdivision may be repealed and be of no
3 further effect by giving the county auditor-controller 60 days'
4 notice; provided, however, that the county auditor-controller shall
5 continue to allocate to the authority the taxing entity's share of ad
6 valorem property taxes that have been pledged to the repayment
7 of debt issued by the authority until the debt has been fully repaid.

8 (e) Upon adoption of a plan that includes a provision for the
9 receipt of tax increment funds according to Section 33670, the
10 county auditor-controller shall allocate tax increment revenue to
11 the authority as follows:

12 (1) If the authority was formed pursuant to *subparagraph (A)*
13 *of* paragraph (1) of subdivision (b) of Section 34191.51, the
14 authority shall be allocated each year specified in the plan that
15 portion of the taxes levied for each city, county, city and county,
16 and special district that has adopted a resolution pursuant to
17 subdivision (d), in excess of the amount specified in subdivision
18 (a) of Section 33670.

19 (2) If the authority was formed pursuant to *subparagraph (B)*
20 *of* paragraph ~~(2)~~ (1) of subdivision (b) of Section 34191.51, the
21 authority shall be allocated each year specified in the plan that
22 portion of the taxes levied for each jurisdiction as provided in the
23 joint powers agreement in excess of the amount specified in
24 subdivision (a) of Section 33670.

25 (f) If an area includes, in whole or in part, land formerly or
26 currently designated as a part of a redevelopment project area, as
27 defined in Section 33320.1, any plan adopted pursuant to this part
28 that includes a provision for the receipt of tax increment revenues
29 according to Section 33670 shall include a provision that tax
30 increment amounts collected and received by an authority are
31 subject and subordinate to any preexisting enforceable obligation
32 as that term is defined by Section 34171.

33 34191.61. (a) The authority shall review the plan at least
34 annually and make any modifications that are necessary and
35 appropriate in accordance with the provisions of this section, and
36 shall require the preparation of an annual independent financial
37 audit paid for from revenues of the authority.

38 (b) After holding a public hearing, an authority shall adopt a
39 report on or before June 30 of each year. Written copies of the
40 draft report shall be made available to the public 30 days prior to

1 the public hearing. The clerk of the legislative body shall post the
2 draft report in an easily identifiable and accessible location on the
3 authority's Internet Web site and shall mail a written notice of the
4 availability of the draft report on the Web site to each owner of
5 land within the area covered by the plan and to each taxing entity
6 that has adopted a resolution pursuant to subdivision (d) of Section
7 34191.59.

8 (c) The annual report shall contain all of the following:

9 (1) A description of the projects undertaken in the fiscal year
10 and a comparison of the progress expected to be made on those
11 projects compared to the actual progress.

12 (2) A chart comparing the actual revenues and expenses,
13 including administrative costs, of the authority to the budgeted
14 revenues and expenses

15 (3) The amount of tax increment revenues received.

16 (4) The amount of revenues received for low- and
17 moderate-income housing

18 (5) The amount of revenues expended for low- and
19 moderate-income housing.

20 (6) An assessment of the status regarding completion of the
21 authority's projects.

22 (7) The amount of revenues expended to assist private
23 businesses.

24 (d) If the authority fails to provide the annual report required
25 by subdivision (a), the authority shall not spend any funds received
26 pursuant to a resolution adopted pursuant to subdivision (d) of
27 Section 34191.59.

28 (e) Every 10 years, at the public hearing held pursuant to
29 subdivision (a), the authority shall conduct a protest proceeding
30 to consider whether the property owners within the plan area wish
31 to present oral or written protests against the authority. Notice of
32 this protest proceeding shall be included in the written notice of
33 the hearing on the annual report and shall inform the property
34 owner of his or her right to submit an oral or written protest before
35 the close of the public hearing. The protest may state that the
36 property owner objects to the authority taking action to implement
37 the plan on and after the effective date of the election described
38 in subdivision ~~(e)~~ (f). The authority shall consider all written and
39 oral protests received prior to the close of the public hearing.

1 (f) If there is a majority protest, the authority shall call an
2 election of the property owners in the area covered by the plan,
3 and shall not initiate or authorize any new projects until the election
4 is held. A majority protest exists if protests have been filed
5 representing over 50 percent of the assessed value in the area.

6 (g) An election required pursuant to subdivision ~~(e)~~ (f) shall be
7 held within 90 days of the public hearing and may be held by
8 mail-in ballot.

9 (h) If a majority of the property owners, weighted proportional
10 to the assessed value of their property, vote against the authority,
11 then the authority shall not take any further action to implement
12 the plan on and after the effective date of the election held pursuant
13 to subdivision (e). This section shall not prevent the authority from
14 taking any and all actions and appropriating and expending funds,
15 including but not limited to any and all payments on bonded or
16 contractual indebtedness, to carry out and complete projects for
17 which expenditures of any kind had been made prior to the effective
18 date of the election.