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**GOVERNMENT CODE - GOV**

**TITLE 6. DISTRICTS [58000 - 62464]** ( Title 6 added by Stats. 1951, Ch. 331. )

**DIVISION 1. GENERAL [58000 - 60375.5]** ( Heading of Division 1 renumbered from Division 2 by Stats. 1987, Ch. 56, Sec. 88. )

**CHAPTER 5. Special Assessment and Bond Refunding Law of 1939 [59100 - 59674]** ( Chapter 5 added by Stats. 1951, Ch. 331. )

**ARTICLE 1. Definitions and General Provisions [59100 - 59129]** ( Article 1 added by Stats. 1951, Ch. 331. )

**59100.** This chapter may be cited as the Special Assessment and Bond Refunding Law of 1939.

(Added by Stats. 1951, Ch. 331.)

**59101.** Unless the context otherwise requires, the definitions and general provisions contained in this article govern the construction of this chapter.

(Added by Stats. 1951, Ch. 331.)

**59102.** If a city legislative body conducts the proceedings under this chapter, the words and phrases defined in the Improvement Act of 1911 shall be construed to have the same meaning when used in this chapter as is ascribed to them in such act so far as properly applicable.

(Added by Stats. 1951, Ch. 331.)

**59103.** If a county or city and county legislative body conducts such proceedings the words and phrases defined in the Improvement Act of 1911 and the Improvement Bond Act of 1915 shall be construed to have the same meaning when used in this chapter as is ascribed to them in such acts so far as properly applicable.

(Added by Stats. 1951, Ch. 331.)

**59103.1.** If a public district legislative body conducts such proceedings the words and phrases defined in the Improvement Act of 1911 and the Improvement Bond Act of 1915 shall be construed to have the same meaning when used in this chapter as is ascribed to them in such acts so far as properly applicable.

(Added by Stats. 1973, Ch. 256.)

**59104.** "Local agency" means city, county, city and county, or public district.

(Amended by Stats. 1973, Ch. 256.)

**59105.** "Legislative body" means legislative body of the local agency conducting the proceedings.

(Added by Stats. 1951, Ch. 331.)

**59106.** "Bonds" includes:

- (a) Bonds, their coupons, and accrued interest on matured bonds.
- (b) Cash assessments and accrued interest and penalties where no bonds are issued.

(Added by Stats. 1951, Ch. 331.)

**59107.** "Lot" means land, lot, part of a lot, parcel, or piece of property and includes property owned or controlled by any person as a railroad right of way or as a street or interurban railroad right of way.

*(Added by Stats. 1951, Ch. 331.)*

**59108.** "Improvement" where used in "special improvement district" means any public improvement. It shall be liberally construed to include:

- (a) Any acquisition of land, rights of way, or easements for public use.
- (b) Any acquisition or construction of buildings, structures, or public works.
- (c) A combination of any or all of the foregoing.
- (d) All acquisitions of land and all acquisition and construction of public works authorized by law.

*(Added by Stats. 1951, Ch. 331.)*

**59109.** "Engineer" means:

- (a) The city engineer, if a city legislative body conducts the refunding proceedings.
- (b) The county surveyor, if a county legislative body conducts the refunding proceedings.
- (c) Any competent person charged by the legislative body of the local agency conducting the proceedings with the duties of the engineer under this chapter.

*(Added by Stats. 1951, Ch. 331.)*

**59110.** In addition to other proper items, "incidental expenses" includes:

- (a) Legal, engineering, and other technical services employed by the legislative body to accomplish the purposes of this chapter.
- (b) The cost of printing and advertising.
- (c) The cost and expenses of any bankruptcy proceeding instituted in connection with the proceedings.
- (d) All expenses incident to the calling, retiring, or paying of the bonds to be refunded and to the issuance of the refunding bonds, including the charges of any escrow agent or trustee in connection with the issuance of the refunding bonds or in connection with the redemption or retirement of the bonds to be refunded.
- (e) Either (i) interest upon the refunding bonds from the date of the sale thereof to the date of payment of the bonds to be refunded out of the proceeds of the sale of the refunding bonds, or to the date upon which the bonds to be refunded will be paid pursuant to call or agreement with the holders of such bonds or (ii) interest upon the bonds to be refunded from the date of sale of the refunding bonds to the date of payment of the bonds to be refunded or to the date upon which the bonds to be refunded will be paid pursuant to call or agreement with the holders of such bonds.
- (f) Any premium necessary in the calling or retiring of the bonds to be refunded.

*(Amended by Stats. 1973, Ch. 256.)*

**59111.** "Cost of the proceedings" means the cost of acquisition and cancellation of the original bonds and the incidental expenses.

*(Added by Stats. 1951, Ch. 331.)*

**59112.** "Clerk" means clerk of the legislative body conducting the proceedings.

*(Added by Stats. 1951, Ch. 331.)*

**59113.** "Tax-deeded land" means any lot deeded to the State for delinquent taxes or for delinquent taxes and assessments.

*(Added by Stats. 1951, Ch. 331.)*

**59114.** "Original bonds" means the outstanding improvement district bonds which are to be acquired and canceled pursuant to this chapter.

*(Added by Stats. 1951, Ch. 331.)*

**59115.** "New bonds" means refunding bonds issued pursuant to this chapter.

*(Added by Stats. 1951, Ch. 331.)*

**59116.** "Original proceedings" means the proceedings by which the original bonds were issued.

*(Added by Stats. 1951, Ch. 331.)*

**59117.** "Proceedings" means proceedings pursuant to this chapter to refund the indebtedness of a district and to levy a reassessment for such indebtedness.

*(Added by Stats. 1951, Ch. 331.)*

**59118.** "New district" means the assessment district proposed to be created, or created, pursuant to this chapter, and which is, or will be, assessed to pay the cost of the proceedings.

*(Added by Stats. 1951, Ch. 331.)*

**59119.** "District" means the district or improvement district against which the original bonds were issued and whose indebtedness is to be refunded pursuant to this chapter.

*(Amended by Stats. 1973, Ch. 256.)*

**59120.** Whenever the legislative body determines that the public interest, convenience, or necessity requires the readjustment of assessments and the refunding of assessments or bonds of all or a portion of an improvement district created pursuant to any law for the acquisition or construction, or both, of any public improvement by special assessments upon the lands benefited, it may proceed pursuant to this chapter.

*(Amended by Stats. 1971, Ch. 481.)*

**59121.** Whenever the legislative body determines that the public interest, convenience, or necessity requires the refunding of bonds of an improvement district within the local agency, whether such bonds are due or not due or which may become due at the option of the local agency or by the consent of the bondholders or by any lawful means, it may proceed pursuant to this chapter.

*(Added by Stats. 1973, Ch. 256.)*

**59122.** This chapter shall be liberally construed to effectuate its purposes.

*(Added by Stats. 1951, Ch. 331.)*

**59123.** In any procedure taken pursuant to this chapter, if any neglect or omission of an officer of a local agency, or any error or informality, does not directly affect the jurisdiction of the legislative body to issue the assessment readjustment bonds, it does not invalidate the proceeding or any assessment for the cost of the proceedings. The exclusive remedy of any person so affected or aggrieved is by appeal to the legislative body pursuant to Article 9.

*(Added by Stats. 1951, Ch. 331.)*

**59124.** The reassessment provisions and curative clauses of the Improvement Act of 1911 apply to the proceedings and the assessment and bonds levied and issued pursuant to this chapter. Such curative clauses and those of this chapter are cumulative and each shall be given full force and effect.

*(Added by Stats. 1951, Ch. 331.)*

**59125.** A legislative body authorized to conduct a proceeding pursuant to this chapter may file a petition and exercise powers under applicable federal bankruptcy law as provided by Section 53760.

*(Amended by Stats. 2002, Ch. 94, Sec. 6. Effective January 1, 2003.)*

**59126.** The Special Assessment Investigation, Limitation and Majority Protest Act of 1931 does not apply to proceedings pursuant to this chapter.

*(Added by Stats. 1951, Ch. 331.)*

**59127.** When any notice or resolution is required to be published, publication shall be made in any newspaper published and circulated within the local agency in which the legislative body has jurisdiction.

*(Added by Stats. 1951, Ch. 331.)*

**59128.** When a notice is required to be mailed to property owners, upon the completion of the mailing of the notice, the clerk shall file with the legislative body an affidavit setting forth the time and manner of the compliance with the requirements of this chapter.

*(Added by Stats. 1951, Ch. 331.)*

**59129.** Wherever the State, or any county, city, school district, public corporation, or political subdivision owns or has an interest in lands within a district whose indebtedness is proposed to be refunded, it has the same right as any private landowner to appear and be heard in the proceedings or in any suit on them. All the curative clauses of this chapter apply to it.

*(Added by Stats. 1951, Ch. 331.)*