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AB-336 Enhanced infrastructure financing districts: public financing authority: members: joint powers authorities. (2021-2022)

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Assembly Bill No. 336

CHAPTER 22

An act to amend Section 53398.51.1 of the Government Code, relating to enhanced infrastructure financing districts.

[Approved by Governor June 28, 2021. Filed with Secretary of State June 28, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 336, Villapudua. Enhanced infrastructure financing districts: public financing authority: members: joint powers authorities.

Existing law authorizes the legislative body of a city or a county to designate a proposed enhanced infrastructure financing district, with a governing body referred to as the public financing authority, by adopting a resolution of intention to establish the proposed district and requires the public financing authority to direct the preparation of and adopt an infrastructure financing plan and adopt a resolution to form the district, as provided. Existing law provides for the participation of an affected taxing entity, as defined, in the district, other than a county office of education, school district, or community college district. Existing law requires that the public financing authority include a majority of members from the legislative body of each participating affected taxing entity and 2 members of the public chosen by the legislative bodies of those participating affected taxing entities, as provided.

Existing law, the Joint Exercise of Powers Act, generally authorizes 2 or more public agencies, by agreement, to jointly exercise any power common to the contracting parties, as specified. Existing law authorizes the agreement to set forth the manner by which the joint powers authority will be governed.

This bill would specify that any member of the legislative body of a participating affected taxing entity who serves as a member of the public financing authority of an enhanced infrastructure financing district, as described above, may also serve as a member of the governing body of an agency or entity formed pursuant to an agreement for the joint exercise of power that the participating affected taxing entity has entered into in accordance with the Joint Exercise of Powers Act.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 53398.51.1 of the Government Code is amended to read:

53398.51.1. (a) The public financing authority shall have a membership consisting of one of the following, as appropriate:

- (1) If a district has only one participating affected taxing entity, the public financing authority's membership shall consist of three members of the legislative body of the participating entity, and two members of the public chosen by the legislative body. The appointment of the public members shall be subject to the provisions of Section 54974.

(2) If a district has two or more participating affected taxing entities, the public financing authority's membership shall consist of a majority of members from the legislative bodies of the participating entities, and a minimum of two members of the public chosen by the legislative bodies of the participating entities. The appointment of the public members shall be subject to the provisions of Section 54974.

(b) The legislative body shall ensure the public financing authority is established at the same time that it adopts a resolution of intention pursuant to Section 53398.59.

(c) Members of the public financing authority established pursuant to this chapter shall not receive compensation but may receive reimbursement for actual and necessary expenses incurred in the performance of official duties pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2.

(d) Members of the public financing authority are subject to Article 2.4 (commencing with Section 53234) of Chapter 2.

(e) The public financing authority created pursuant to this chapter shall be a local public agency subject to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950)), the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and the Political Reform Act of 1974 (Title 9 (commencing with Section 81000)).

(f) Notwithstanding any other law, any member of the legislative body of a participating affected taxing entity who serves as a member of the public financing authority pursuant to this section may also serve as a member of the governing body of an agency or entity formed pursuant to an agreement for the joint exercise of power that the participating affected taxing entity has entered into in accordance with the Joint Exercise of Powers Act (Chapter 5 (commencing with Section 6500) of Division 7 of Title 1).