

CHAPTER 1227

An act to amend Section 33471.5 of, and to add Sections 33476, 33476.3, and 33476.5 to, the Health and Safety Code, and to amend Sections 7, 10, and 13 of, and to add Section 13.5 to, Chapter 995 of the Statutes of 1982, relating to fiscal affairs, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 28, 1983. Filed with Secretary of State September 30, 1983.]

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

SECTION 1. Section 33471.5 of the Health and Safety Code is amended to read:

33471.5. After the refunding has occurred as provided in Section 33471, not less than 20 percent of all taxes which are allocated to the redevelopment agency pursuant to subdivision (b) of Section 33670 for redevelopment projects merged pursuant to this article shall be used by the agency for the purposes set forth in Section 33334.2, provided that such taxes shall first be used for the payment of principal, interest, and premium, if any, under the bond resolution or resolutions providing for the issuance of the refunding bonds and providing necessary reserves for such refunding bonds, but only to the extent that such refunding is necessary to refinance existing bonded obligations.

SEC. 2. Section 33476 is added to the Health and Safety Code, to read:

33476. Notwithstanding any other provision in this article, except the provisions of Section 33471.5, for the purpose of allocating taxes pursuant to Section 33670 which are subject to the provisions of this article, redevelopment project areas under the jurisdiction of the redevelopment agency of the City of San Bernardino designated Meadowbrook/Central City, Central City East, and Central City South, are hereby merged into one contiguous project area designated Central City. Each constituent project area so merged, shall continue under its own redevelopment plan for the longest term of the three plans, but, except as otherwise provided in this article, taxes attributable to each project area merged pursuant to this section which are allocated to the redevelopment agency pursuant to Section 33670 shall be allocated, as provided in subdivision (b) of such section, to the entire merged project area for the purpose of paying the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by the redevelopment agency to finance or refinance, in whole or in part, such merged redevelopment project.

SEC. 3. Section 33476.3 is added to the Health and Safety Code, to read:

33476.3. If the redevelopment agency has, prior to merger of

redevelopment project areas pursuant to Section 33476, incurred any indebtedness on account of a constituent project area so merged, taxes attributable to such area which are allocated to the agency pursuant to subdivision (b) of Section 33670 shall be first used to comply with the terms of any bond resolution or other agreement pledging such taxes from such constituent project area until a refunding has occurred which satisfies the terms of such resolution or agreement.

SEC. 4. Section 33476.5 is added to the Health and Safety Code, to read:

33476.5. The Legislature finds and declares that the merger of the project areas specified in Section 33476 in the City of San Bernardino is necessary to prevent a default on the outstanding bonds of the Meadowbrook/Central City Project due to the drastic reduction in property taxes caused by the adoption of Article XIII A to the Constitution. This project area is already substantially redeveloped, making it unlikely that further redevelopment can be used to increase the tax base. The Redevelopment Agency of the City of San Bernardino has already had to call on the state for support of its bonded debt. This is an undesirable burden on the state which can be avoided by merging the two contiguous project areas into the combined Central City Project so that the tax increment from the buildout in Central City East and Central City South Project areas, when added to the tax increment of the Meadowbrook/Central City Project Area, resulting from combining the project areas, can serve the debt of all three projects, or the debt as refunded, thus preventing an undesirable default, or, in lieu thereof, further draws on the funds of the state.

SEC. 5. Section 7 of Chapter 995 of the Statutes of 1982 is amended to read:

Sec. 7. Property acquired with such revenues shall be considered an asset of the trust and subject to the terms and conditions of this act. The trust revenues may be combined with nontrust revenues for purposes of a plan designed to benefit the granted lands and adjacent uplands without imposition of the trust upon the uplands or the improvements thereon so long as it can be demonstrated on an accounting basis that an amount, including financing costs, equal to or greater than the trust revenues is, or has been, expended on the granted lands pursuant to that plan.

SEC. 6. Section 10 of Chapter 995 of the Statutes of 1982 is amended to read:

Sec. 10. On June 30, 1985, and at the end of every third fiscal year thereafter, that portion of the trustee's tidelands trust revenues in excess of two hundred fifty thousand dollars (\$250,000) remaining after current and accrued operating costs and expenditures directly related to the operation or maintenance of tidelands trust activities shall be deemed excess revenues; provided, however, that any funds deposited in a reserve fund for future capital expenditures or any funds used to retire bond issues or other obligations for the

improvement or operation of the granted lands or in furtherance of trust activities on the granted lands shall not be deemed excess revenue. Capital improvements of the granted lands made for purposes authorized by this act may be considered as expenditures for the purpose of determining excess revenues.

The excess revenues, as determined pursuant to this section, shall be allocated as follows: 85 percent shall be transmitted to the State Treasurer for deposit in the General Fund in the State Treasury; and 15 percent to the trustee for expenditures consistent with the provisions of this act.

SEC. 7. Section 13 of Chapter 995 of the Statutes of 1982 is amended to read:

Sec. 13. The lands granted in Section 1 are those salt marsh, tidelands, and submerged lands described as follows:

All that certain real property situated in the State of California, County of San Mateo, City of Brisbane, described as follows:

PARCEL A—Marina Basin:

A portion of projected Section 14, T.3S, R.5W., M.D.M., more particularly described as follows:

BEGINNING at a point that bears East, 1980 feet and South, 2640 feet from the common corner to Sections 10, 11, 14 and 15, such point also being the southeast corner of Tide Lot 11 in Section 14, T.3S., R.5W., M.D.B. & M., as shown on Map No. 1 of Salt Marsh and Tide Lands, situate in the County of San Mateo, State of California, prepared by order of the Board of Tideland Commissioners under the authority and in accordance with the provisions of an act entitled "An Act Supplementary to and Amendatory of an Act Entitled 'An Act to Survey and Dispose of Certain Salt Marsh and Tide Lands Belonging to the State, approved March Thirtieth, Eighteen Hundred and Sixty Eight, approved April 1, 1870'"; thence from that point of beginning North, 2640 feet along the easterly line of such Lots 11 and 6 of such Map No. 1; thence East, 660 feet; thence South, 2640 feet; thence West, 660 feet to the point of beginning. Containing 40 acres more or less.

PARCEL B—Approach Channel:

BEGINNING at a point that bears East, 2640 feet and South, 2640 feet from the above-mentioned corner common to Sections 10, 11, 14 and 15, such point being 660 feet east of the southeast corner of Tide Lot 11 in Section 14, T.3S, R.5W, M.D.B. & M., as shown on Map of Map No. 1 of Salt Marsh and Tide Lands, situate in the County of San Mateo, State of California, prepared by order of the Board of Tideland Commissioners under the Authority and in accordance with the provisions of an act entitled "An Act Supplementary to and Amendatory of an Act Entitled—An Act to Survey and Dispose of Certain Salt Marsh and Tide Lands Belonging to the State of California, approved March Thirtieth, Eighteen Hundred and Sixty-Eight, approved April 1, 1870"; thence from that point of beginning, South, 150 feet; thence S 45° E, 680 feet; thence N 72° E, 2,975 feet; thence South, 157.72 feet; thence S 72° W, 3,074.29 feet;

thence N 45° W, 758.57 feet; thence North, 282.84 feet; thence East, 150 feet to the point of beginning.

EXCEPTING THEREFROM those interests-in-land transferred in trust to the City of South San Francisco by virtue of Chapter 345 of the Statutes of 1913, as amended.

SEC. 8. Section 13.5 is added to Chapter 995 of the Statutes of 1982, to read:

Sec. 13.5. The Legislature hereby finds and declares that Parcels C and D of the land heretofore purported to be granted to the City of Brisbane by Chapter 995 of the Statutes of 1982 had ceased to be tidelands or submerged lands prior to the grant and prior to February 22, 1980, and pursuant to the holding of the California Supreme Court in *City of Berkeley v. Superior Court*, 26 Cal. 3d 515 (1980), concerning filled lots no longer subject to tidal action and originally conveyed by the Board of Tideland Commissioners, the lots are free from all trusts and restrictions imposed thereon by any of the provisions of the granting act or the public trust.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

The City of Brisbane and the Redevelopment Agency of the City of Brisbane are engaged in a program of public works, including the extension and construction of streets, marinas, and improvements in connection therewith, and the financing thereof, which affect the lands described in this act, and the act is designed to provide recreation facilities. In order for this program to proceed promptly and without undue and costly delay, it is necessary that this act take effect as soon as possible.

For the foregoing reasons and in order to extend local control over the issuance of revenue bonds for industrial development and to effectuate local planning in this regard and to aid the redevelopment agency of San Bernardino County in expediting its redevelopment projects and to prevent default of certain projects, it is necessary that this act take effect immediately.
