

MEETING DATE: 01.09.12

AGENDA ITEM: CITY COUNCIL AGENDA ITEM: Adoption of (1) a Resolution Activating the Culver City Housing Authority and Approving a Cooperation Agreement with the Culver City Housing Authority and (2) a Resolution Designating the Culver City Housing Authority to Receive the Transfer of all Housing Assets, Rights, Powers, Duties, Obligations, Liabilities and Functions Previously Performed by the Culver City Redevelopment Agency.

ATTACHMENTS

- | | <u>Pages</u> |
|--|--------------|
| 1. Proposed Resolution activating the Culver City Housing Authority in accordance with the California Housing Authorities Law and making certain determinations and findings related thereto and approving a Cooperation Agreement with the Culver City Housing Authority. | 1-4 |
| 2. Proposed Resolution designating the Culver City Housing Authority to receive the transfer of all housing assets, rights, powers, duties, obligations, liabilities and functions previously performed by the Culver City Redevelopment Agency. | 5-7 |

RESOLUTION NO. 2012-R____

RESOLUTION OF THE CITY COUNCIL OF CULVER CITY, CALIFORNIA
ACTIVATING A HOUSING AUTHORITY IN ACCORDANCE WITH THE
CALIFORNIA HOUSING AUTHORITIES LAW AND MAKING CERTAIN
DETERMINATIONS AND FINDINGS RELATED THERETO AND
APPROVING A COOPERATION AGREEMENT WITH THE CULVER CITY
HOUSING AUTHORITY.

WHEREAS, California's Housing Authorities Law (Health and Safety Code
Sections 34200, et seq.) provides that in each city there is a public body corporate and politic
known as the housing authority, but that the authority shall not transact any business or
exercise its powers unless, by resolution, the governing body of the city declares there is a
need for an authority to function in the City of Culver City; and

WHEREAS, pursuant to Section 34242 of the Housing Authorities Law, the City
Council of the City of Culver City may adopt a resolution declaring there is a need for a
housing authority if it finds *either* of the following:

(a) that unsanitary or unsafe inhabited dwelling accommodations exist
in the City, or

(b) that there is a shortage of safe or sanitary dwelling
accommodations in the City available to persons of low income at rentals they can afford; and

WHEREAS, Section 34243 of the Housing Authorities Law provides that,
in determining whether dwelling accommodations are unsafe or unsanitary, the City Council
may take into consideration the following factors:

(a) the degree of overcrowding;
(b) the percentage of land coverage,
(c) the light, air, space, and access available to the inhabitants of
such dwelling accommodations,

(d) the size and arrangement of the rooms,

(e) the sanitary facilities, and

1 (f) the extent to which conditions exist, in such buildings which
2 endanger life or property by fire or other causes; and

3 WHEREAS, Section 34290 of the Housing Authorities Law provides that the City
4 Council may declare by Resolution that the City Council shall be the commissioners of the
5 housing authority; and

6 WHEREAS, Section 34277 of the Housing Authorities Law provides that the
7 Mayor of the City of Culver City shall designate the first Chairperson of the Housing Authority
8 from among the Housing Authority Commissioners, and thereafter the Housing Authority shall
9 select the successor Chairperson from among its Commissioners; and

10 WHEREAS, Section 34278(b) of the Housing Authorities Law provides that the
11 City may contract with the Housing Authority to provide staff services to the Housing
12 Authority; and

13 WHEREAS, Section 34520 of the Housing Authorities Law provides that the City
14 Council shall approve an estimate of the Housing Authority's first year's operating and
15 overhead expenses; and

16 WHEREAS, all other legal prerequisites to the adoption of this Resolution have
17 occurred.

18 NOW, THEREFORE, the City Council of the City of Culver City DOES HEREBY
19 RESOLVE, as follows:

20 1. The City Council has received and heard all oral and written objections to
21 the proposed establishment of a housing authority, and to other matters pertaining to this
22 action, and all such oral and written objections are hereby overruled.

23 2. The City Council hereby finds and determines that the foregoing recitals
24 are true and correct.

25 3. Based on the evidence in the record, the City Council hereby finds and
26 determines that unsanitary and/or unsafe inhabited dwelling accommodations exist in the City
27 of Culver City.

1 4. Based on the evidence in the record, the City Council hereby finds and
2 determines that there is a shortage of safe and sanitary dwelling accommodations in the City
3 of Culver City available to persons of low income at rentals they can afford.

4 5. Based on the evidence in the record, the City Council hereby finds and
5 determines that there is a need for a housing authority to function in the City of Culver City.

6 6. The housing authority activated by this Resolution shall be known as the
7 "Culver City Housing Authority."

8 7. The Culver City Housing Authority (the "Housing Authority") is hereby
9 vested with all the rights, powers, duties, privileges and immunities established by the
10 Housing Authorities Law.

11 8. Pursuant to Section 34290 of the Housing Authorities Law, the City
12 Council does hereby declare that it shall serve as the Commissioners of the Housing
13 Authority and shall have all the rights, powers, duties, privileges and immunities vested by the
14 Housing Authorities Law

15 9. The City Council recognizes and acknowledges that the Mayor of the City
16 of Culver City has designated himself to serve as the initial Chairperson of the Housing
17 Authority until such time as a successor chairperson is appointed by the Commissioners of
18 the Housing Authority pursuant to Section 34277 of the Housing Authorities Law.

19 10. The term of office and succession of each Commissioner of the Housing
20 Authority shall be concurrent with and identical to the term and succession of such City
21 Council Member's seat.

22 11. Pursuant to Section 34278(b) of the Housing Authorities Law, the City
23 Council hereby approves a Cooperation Agreement with the Housing Authority in substantially
24 the form presented to the City Council, a copy of which is on file with the City Clerk, to provide
25 staff services to the Housing Authority.

12. Pursuant to Section 34520 of the Housing Authorities Law, the City Council approves an estimate of \$1,316,500 as the Housing Authority's first year's operating and overhead expenses.

13. The City Manager, or designee, is hereby authorized to execute the Cooperation Agreement on behalf of the City, together with such non-substantive changes and amendments as may be approved by the City Manager and the City Attorney.

14. The City Manager, or designee, is hereby authorized, on behalf of the City, to sign all documents necessary and appropriate to carry out and implement the Cooperation Agreement, and to administer the City's obligations, responsibilities and duties to be performed under the Cooperation Agreement.

15. This Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED, this ____ day of _____, 2012.

MICHEÁL O' LEARY, MAYOR
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:

MARTIN R. COLE, City Clerk
A12-00010

CAROL A. SCHWAB, City Attorney

RESOLUTION NO. 2012-R_____

RESOLUTION OF THE CITY OF CULVER CITY, CALIFORNIA, UNDER PART 1.85 OF DIVISION 24 OF THE HEALTH AND SAFETY CODE DESIGNATING THE CULVER CITY HOUSING AUTHORITY TO RECEIVE THE TRANSFER OF ALL HOUSING ASSETS, RIGHTS, POWERS, DUTIES, OBLIGATIONS, LIABILITIES AND FUNCTIONS PREVIOUSLY PERFORMED BY THE CULVER CITY REDEVELOPMENT AGENCY SUBJECT TO RESERVATIONS STATED HEREIN.

WHEREAS, the City of Culver City formed the Culver City Redevelopment Agency ("Agency"), which has continuously engaged in redevelopment activities under the Community Redevelopment Law (Health and Safety Code sections 33000 et seq., the "CRL"); and

WHEREAS, Sections 33334.2 and 33334.3 of the CRL require the Agency to use 20 percent of taxes allocated to the Agency pursuant to Section 33670 of the CRL for the purpose of increasing, improving, and preserving the community's supply of low and moderate income housing ("Low and Moderate Income Housing Fund"); and

WHEREAS, the Agency has continuously utilized its Low and Moderate Income Housing Fund for the purpose of increasing, improving and preserving the community's supply of low- and moderate-income housing available at affordable housing costs; and

WHEREAS, by enactment of Part 1.85 of Division 24 of the CRL, subject to all reservations stated herein, the Agency is subject to dissolution on February 1, 2012 such that the Agency shall be deemed a former redevelopment agency under Health and Safety Code Section 34173(a); and

WHEREAS, subject to all reservations stated herein and pursuant to Part 1.85 of Division 24 of the CRL, the City Council of the City of Culver City desires to designate the Culver City Housing Authority to receive, upon the dissolution of the Agency, the transfer of, without limitation, all of the housing assets, rights, powers, duties, obligations, liabilities and functions previously performed by the Agency, including enforcement of affordability

1 covenants and performance of related activities pursuant to applicable provisions of the CRL
2 (Part 1, commencing with Section 33000), including, but not limited to, Section 33418; and

3 WHEREAS, the City Council of the City of Culver City hereby desires to adopt
4 this Resolution, subject to the express reservation of rights of the City of Culver City, the
5 Culver City Redevelopment Agency and the Culver City Housing Authority under law and/or
6 equity, including without limitation the effectiveness of Assembly Bill No. 26 (2011-2012 1st
7 Ex. Sess.) ("AB 1x 26"), collectively, the "Laws;" and

8 WHEREAS, the City Council does not intend, by adoption of this Resolution, to
9 waive any constitutional and/or legal rights under law and/or equity, including without
10 limitation the effectiveness of AB 1x 26, and, therefore, reserves all of its rights under the
11 Laws to challenge the applicability of AB 1x 26 to the Culver City Redevelopment Agency
12 and/or the City of Culver City and/or the Culver City Housing Authority in any administrative or
13 judicial proceeding; and

14 WHEREAS, all other legal prerequisites to the adoption of this Resolution have
15 occurred.

16 NOW, THEREFORE, the City Council of the City of Culver City DOES HEREBY
17 RESOLVE as follows:

18 1. The City Council of the City of Culver City hereby finds and determines
19 that the foregoing recitals are true and correct.

20 2. Subject to all reservations stated herein and pursuant to Part 1.85 of
21 Division 24 of the CRL, the City of Culver City hereby designates the Culver City Housing
22 Authority to receive, upon the dissolution of the Agency, the transfer of, without limitation, all
23 of the housing assets, rights, powers, duties, obligations, liabilities and functions previously
24 performed by the Culver City Redevelopment Agency, including enforcement of affordability
25 covenants and performance of related activities pursuant to applicable provisions of the CRL
26 (Part 1, commencing with Section 33000), including, but not limited to, Section 33418.

1 3. The designation of the Culver City Housing Authority under this
2 Resolution is expressly contingent upon the Culver City Housing Authority being duly
3 authorized to take, and taking, such actions as needed to effectuate the transfer described in
4 the immediately preceding paragraph.

5 4. The City Manager, or designee, is hereby authorized to make all
6 notifications of such designation as deemed necessary under Part 1.85 of Division 24 of the
7 CRL and to execute all documents and take all actions necessary and convenient to carry out
8 and implement the designation of the Culver City Housing Authority to receive, upon the
9 dissolution of the Agency, the transfer of, without limitation, all of the housing assets, rights,
10 powers, duties, obligations, liabilities and functions previously performed by the Culver City
11 Redevelopment Agency, including enforcement of affordability covenants and performance of
12 related activities pursuant to applicable provisions of the CRL (Part 1, commencing with
13 Section 33000), including, but not limited to, Section 33418.

14 5. This Resolution shall take effect immediately upon its adoption.

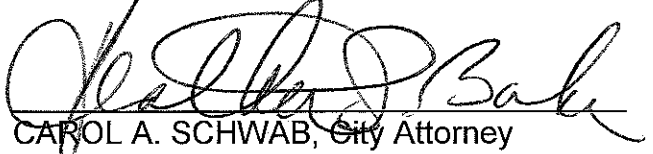
15
16 APPROVED AND ADOPTED, this ____ day of _____, 2012.

17
18 _____
19 MICHEÁL O' LEARY, MAYOR
20 City of Culver City, California

21 ATTEST:

22 APPROVED AS TO FORM:

23 _____
24 MARTIN R. COLE, City Clerk
25 A12-00011

26 
27 CAROL A. SCHWAB, City Attorney
28 for