

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

RESOLUTION NO. RES-15-0150

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AUTHORIZING FORMATION OF A JOINT POWERS AUTHORITY WITH THE HOUSING AUTHORITY OF THE CITY OF LONG BEACH, AND APPROVING THE EXECUTION OF THE JOINT EXERCISE OF POWERS AGREEMENT AND CERTAIN MATTERS RELATED THERETO

WHEREAS, the City of Long Beach (the "City") is a municipal corporation and chartered city organized and existing under and by virtue of the Constitution and laws of the State of California and its Charter, and is a "public agency" under the provisions of Chapter 5 of Division 7 of Title 1 of the California Government Code (referred to in this Resolution as the "Joint Exercise of Powers Act"); and

WHEREAS, the Housing Authority of the City of Long Beach (the "Housing Authority") is a public body, corporate and politic, organized and existing under and by virtue of the laws of the State of California, and is a "public agency" under the Joint Exercise of Powers Act; and

WHEREAS, public agencies are authorized under the Joint Exercise of Powers Act to create a joint powers agency separate from the public agencies to exercise the common powers of the parties establishing such agency; and

WHEREAS, in addition to exercising the common powers of the public agencies establishing a joint powers agency, joint powers agencies created under the Joint Exercise of Powers Act are authorized to exercise such additional powers as may be given to joint powers agencies by the Joint Exercise of Powers Act and other applicable law; and

WHEREAS, the City and the Housing Authority desire to create the Finance

1 Authority of Long Beach (the "Authority") under the Joint Exercise of Powers Act for the
2 purpose of providing an entity to exercise certain common powers of the City and the
3 Housing Authority and for the further purpose of exercising certain additional powers
4 granted to the Authority by the Joint Exercise of Powers Act and other applicable law,
5 including, but not limited to, the power to issue bonds and to purchase bonds issued, or
6 to make loans to the Housing Authority, the City or other public entities for financing
7 public improvements, as determined by the Authority; and

8 WHEREAS, there is on file with the City Clerk a proposed form of Joint
9 Exercise of Powers Agreement (the "Joint Exercise of Powers Agreement") between the
10 City and the Housing Authority, which Joint Exercise of Powers Agreement, upon
11 approval by the City and the Housing Authority and upon execution by such parties,
12 among other things, creates the Authority and specifies the purposes of the Joint
13 Exercise of Powers Agreement and identifies the powers of the Authority; and

14 WHEREAS, under applicable California law and the Joint Exercise of
15 Powers Agreement, the Authority will be a public entity separate and apart from the City
16 and the Housing Authority, and the debts, liabilities and obligations of the Authority will
17 not be debts, liabilities or obligations of the City or the Housing Authority or any official,
18 officer or employee of the City serving on the Board of Directors of the Authority or as an
19 officer of the Authority; and

20 WHEREAS, the City Council now desires to approve, and authorize and
21 direct the execution, delivery and performance by the City of the Joint Exercise of Powers
22 Agreement as herein provided; and

23 WHEREAS, upon adoption of this Resolution, all acts, conditions and things
24 required by the laws of the State of California to exist, to have happened and to have
25 been performed precedent to and in connection with the execution, delivery and
26 performance of the Joint Exercise of Powers Agreement by the City will exist, have
27 happened and have been performed in regular and due time, form and manner as
28 required by law, and the City will be duly authorized and empowered, pursuant to each

1 and every requirement of law, to execute, and deliver and perform its obligations under
2 the Joint Exercise of Powers Agreement in the manner and upon the terms herein
3 provided;

4 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
5 follows:

6 Section 1. Authorization to form a Joint Exercise of Powers Authority and
7 Approval of Joint Exercise of Powers Agreement. The City Council authorizes the
8 Treasurer, the Director of Financial Management, the City Manager or any written
9 designee of the City Manager (each a "Designated Officer"), each acting alone, to
10 execute and deliver, and the City Clerk to attest, the Joint Exercise of Powers
11 Agreement. The City Council hereby approves the Joint Exercise of Powers Agreement
12 in the form on file with the City Clerk, together with such changes therein as are deemed
13 necessary or advisable by the Designated Officer executing the Joint Exercise of Powers
14 Agreement and which changes are approved by the City Attorney. The execution and
15 delivery of the Joint Exercise of Powers Agreement by a Designated Officer shall be
16 conclusive evidence of the approval of any such changes.

17 Section 2. Official Bond Amount. The City Council hereby finds and
18 determines that, as permitted by Section 6505.1 of the Joint Exercise of Powers Act, the
19 public officer or person who shall have charge of, handle or have access to any property
20 of the Authority shall require an official bond in the amount of \$0 (zero dollars).

21 Section 3. Additional Authorization. Each of the Designated Officers and
22 each of the other officers of the City is hereby authorized to do any and all things which
23 such Designated Officer or other officer deems necessary or advisable in order to assist
24 in the creation, organization and operation of the Authority pursuant to the Joint Exercise
25 of Powers Agreement and to otherwise carry out, give effect to and comply with the terms
26 and intent of this Resolution and the Joint Exercise of Powers Agreement.

27 Section 4. This resolution shall take effect immediately upon its adoption
28 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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I hereby certify that the foregoing resolution was adopted by the City Council
of the City of Long Beach at its meeting of December 8, 2015
by the following vote:

Ayes: Councilmembers: Gonzalez, Lowenthal, Price, Supernaw,
Mungo, Andrews, Uranga, Austin,
Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: None.

Maria del L. Garcia
City Clerk

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