

# CITY OF LONG BEACH

5

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HOUSING AUTHORITY  
of the City of Long Beach

521 E. 4<sup>TH</sup> STREET • LONG BEACH, CALIFORNIA 90802 • (562) 570-6985 • FAX: (562) 499-1052

December 8, 2015

HONORABLE HOUSING AUTHORITY COMMISSION  
City of Long Beach  
California

## RECOMMENDATION:

Adopt the attached Resolution authorizing the formation of a Joint Powers Authority with the City of Long Beach, and authorize the Executive Director to execute the Joint Exercise of Powers Agreement, and related matters. (Citywide)

## DISCUSSION:

On June 24, 1997, the City, along with the former Redevelopment Agency of the City of Long Beach (RDA), formed the Long Beach Bond Finance Authority (LBBFA), a Joint Exercise of Powers Authority, to facilitate City financings involving certificates of participation and lease revenue bonds. Due to the dissolution of the RDA, the City proposes to form a new Joint Powers Authority (JPA) to preserve the City's financing flexibility.

The proposed JPA, which will be created and governed pursuant to a Joint Exercise of Powers Agreement between the Housing Authority of the City of Long Beach (Housing Authority) and the City, is to be known as the Finance Authority of Long Beach (Authority). The Authority will be a public entity separate and apart from the Housing Authority and the City.

The Joint Exercise of Powers Act (Act), under the California Government Code, authorizes public agencies to establish joint powers agencies separate from the forming public agencies, exercise the common powers of the parties establishing such agencies, and exercise additional powers created under the Act. There is no delegation of authority. The Act and the proposed Joint Exercise of Powers Agreement, each provide that the debts, liabilities and obligations of the newly formed Authority will not be debts, liabilities or obligations of the City or Housing Authority.

This matter was reviewed by Deputy City Attorney Linda T. Vu on November 16, 2015 and by Budget Operations Administrator Grace Yoon on November 17, 2015.

## TIMING CONSIDERATIONS

Housing Authority Commission action is requested on December 8, 2015, in order to facilitate the formation of the Finance Authority of Long Beach for subsequent approval by the City Council.

HONORABLE HOUSING AUTHORITY COMMISSION

December 8, 2015

Page 2

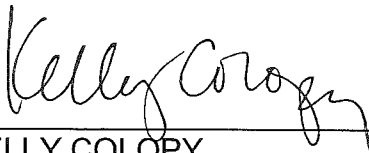
FISCAL IMPACT:

The proposed Finance Authority of Long Beach does not create any financial obligation on the part of the Housing Authority. The debts, liabilities and obligations of the Finance Authority of Long Beach will not be debts, liabilities or obligations of the Housing Authority. There is no fiscal or local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



KELLY COLOPY  
ASSISTANT EXECUTIVE DIRECTOR

APPROVED:



PATRICK H. WEST  
EXECUTIVE DIRECTOR

ATTACHMENT

1 RESOLUTION NO. H.A. \_\_\_\_\_

2  
3 A RESOLUTION OF THE HOUSING AUTHORITY OF  
4 THE CITY OF LONG BEACH, CALIFORNIA AUTHORIZING  
5 FORMATION OF A JOINT POWERS AUTHORITY WITH  
6 THE CITY OF LONG BEACH, AND APPROVING THE  
7 EXECUTION OF THE JOINT EXERCISE OF POWERS  
8 AGREEMENT AND CERTAIN MATTERS RELATED  
9 THERETO  
10

11 WHEREAS, the Housing Authority of the City of Long Beach (the "Housing  
12 Authority") is a public body, corporate and politic, organized and existing under and by  
13 virtue of the laws of the State of California, and is a "public agency" under the provisions  
14 of Chapter 5 of Division 7 of Title 1 of the California Government Code (referred to in this  
15 Resolution as the "Joint Exercise of Powers Act"); and

16 WHEREAS, the City of Long Beach (the "City") is a municipal corporation  
17 and chartered city organized and existing under and by virtue of the Constitution and  
18 laws of the State of California and its Charter, and is a "public agency" under the Joint  
19 Exercise of Powers Act; and

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

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

28 WHEREAS, the Housing Authority and the City 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 Housing  
3 Authority and the City and for the further purpose of exercising certain additional powers  
4 granted to the Authority by the Joint Powers Act and other applicable law, including but  
5 not limited to, the power to issue bonds and to purchase bonds issued, or to make loans  
6 to the Housing Authority, the City or other public entities for financing public  
7 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 Housing Authority and the City, which Agreement, upon approval by the Housing  
11 Authority and the City and upon execution by such parties, among other things, creates  
12 the Authority and specifies the purposes of the Joint Exercise of Powers Agreement and  
13 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  
16 Housing Authority and the City, and the debts, liabilities and obligations of the Authority  
17 will not be debts, liabilities or obligations of the Housing Authority or the City or any  
18 official, officer or employee of the City serving on the Board of Directors of the Authority  
19 or as an officer of the Authority; and

20 WHEREAS, the Joint Exercise of Powers Agreement further expressly  
21 provides that the assets, programs and operations of the Housing Authority shall in no  
22 way be subject to any action or obligation of the Authority, its board of directors or any  
23 officer or employee of the Authority; and the Authority, its board of directors and its  
24 officers and employees of the Authority shall have no power or authority whatsoever over  
25 the Housing Authority, the Governing Board of the Housing Authority, the officers,  
26 employees and agents of the Housing Authority, or any assets, programs or obligations  
27 of the Housing Authority; and

28 WHEREAS, the Governing Board of the Housing Authority now desires to

1 approve, and authorize and direct the execution, delivery and performance by the  
2 Housing Authority of the Joint Exercise of Powers Agreement as herein provided; and

3 WHEREAS, upon adoption of this Resolution, all acts, conditions and things  
4 required by the laws of the State of California to exist, to have happened and to have  
5 been performed precedent to and in connection with the execution, delivery and  
6 performance of the Joint Exercise of Powers Agreement by the Housing Authority will  
7 exist, have happened and have been performed in regular and due time, form and  
8 manner as required by law, and the Housing Authority will be duly authorized and  
9 empowered, pursuant to each and every requirement of law, to execute, and deliver and  
10 perform its obligations under the Joint Exercise of Powers Agreement in the manner and  
11 upon the terms herein provided;

12 NOW, THEREFORE, the Housing Authority of the City of Long Beach,  
13 California resolves as follows:

14 Section 1. Authorization to form a Joint Exercise of Powers Authority and  
15 Approval of Joint Exercise of Powers Agreement. The Governing Board authorizes the  
16 Executive Director, Assistant Executive Director and Deputy Executive Director (each a  
17 "Designated Officer"), each acting alone, to execute and deliver the Joint Exercise of  
18 Powers Agreement. The Governing Board hereby approves the Joint Exercise of Powers  
19 Agreement in the form on file with the City Clerk, together with such changes therein as  
20 are deemed necessary or advisable by the Designated Officer executing the Joint  
21 Exercise of Powers Agreement and which changes are approved by Counsel to the  
22 Housing Authority. The execution and delivery of the Joint Exercise of Powers  
23 Agreement by a Designated Officer shall be conclusive evidence of the approval of any  
24 such changes.

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

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

7           Section 4.    The City Clerk will certify to the passage of this resolution by  
8 the Housing Authority of the City of Long Beach, California, and it will immediately take  
9 effect.

10           I certify that the foregoing resolution was adopted by the Housing Authority  
11 of the City of Long Beach, California, at its meeting of \_\_\_\_\_, 2015,  
12 by the following vote of the qualified members of the Authority:

13  
14           Ayes:           Commissioners: \_\_\_\_\_

15           \_\_\_\_\_

16           \_\_\_\_\_

17           \_\_\_\_\_

18           Noes:           Commissioners: \_\_\_\_\_

19           \_\_\_\_\_

20           Absent:       Commissioners: \_\_\_\_\_

21           \_\_\_\_\_

22           \_\_\_\_\_

23           \_\_\_\_\_

24           \_\_\_\_\_

City Clerk

CERTIFICATE OF RECORDING OFFICER

I, the undersigned, the duly qualified and acting Clerk of the Housing Authority of the City of Long Beach, California, do certify:

1. That the attached resolution is a true and correct copy of a resolution as finally adopted by a duly called meeting of the Housing Authority of the City of Long Beach, California held on \_\_\_\_\_, 2015 and duly recorded in the official records of the Governing Body; that the resolution has not been amended, modified, or rescinded, and is now in full force and effect;

2. That the meeting was duly convened and held in all respects in accordance with law; that to the extent required by law, due and proper notice of the meeting was given; that a legal quorum was present throughout the meeting and that a legally sufficient number of members of the Housing Authority of the City of Long Beach, California voted in the proper manner for adoption of the resolution; that all other requirements and proceedings under the law incident to the proper adoption or passage of the resolution, including publication, if required, have been duly fulfilled, carried out, and otherwise observed; that I am authorized to execute this Certificate; and that the seal affixed below constitutes the official seal of the Housing Authority of the City of Long Beach, California and this Certificate is executed under that official seal.

IN WITNESS WHEREOF, I have set my hand on \_\_\_\_\_, 2015.

\_\_\_\_\_  
(Signature)  
**MARIA GARCIA**  
CITY CLERK