

RESOLUTION NO. 0812-003

**A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE WEST HOLLYWOOD COMMUNITY DEVELOPMENT COMMISSION AUTHORIZING THE TRANSFER OF THE HOUSING ASSETS AND FUNCTIONS OF THE FORMER COMMUNITY DEVELOPMENT COMMISSION TO THE CITY OF WEST HOLLYWOOD AS THE SUCCESSOR HOUSING AGENCY**

The Oversight Board of the Successor Agency to the West Hollywood Community Development Commission ("Oversight Board") does resolve as follows:

Section 1. The Board finds and declares that:

- A. California Health and Safety Code Section 34176(a) provides that the city that authorized the creation of a redevelopment agency may elect to retain the housing assets and functions previously performed by the redevelopment agency;
- B. By its Resolution No. 11-4219, adopted on September 19, 2011, the City Council of the City of West Hollywood ("City Council") made an election to serve as the successor agency for the West Hollywood Community Development Commission under Part 1.85 (the "Successor Agency");
- C. By its Resolution No. 12-4266, adopted on February 6, 2012, the City Council made an election to retain the housing assets and functions of the Commission, assumed the transfer thereof, and thereby agreed to serve as the Successor Housing Agency to the former Commission pursuant to Health and Safety Code Section 34176 and other applicable law;
- D. Pursuant to Resolution No. 12-4266 and Section 34176, the City of West Hollywood has accepted all rights, powers, duties, obligations and housing assets of the former Commission related to housing, including without limitation the Low and Moderate Income Housing Fund ("LMI Fund"); any real property or personal property acquired for low and moderate income housing purposes; any funds that are encumbered by an enforceable obligation to build or acquire low and moderate income housing; any loan or grant receivable funded from the LMI Fund that requires occupancy by persons of low or moderate income; any funds derived from rents or operation of properties acquired for low and moderate income housing; any repayments of loans or deferrals owed to the LMI Fund; any indebtedness obligation proceeds issued for the purpose of affordable housing; and any other housing assets authorized for transfer to the Housing Successor Agency pursuant to Section 34176;
- E. Pursuant to Section 34176(a), some enforceable obligations relating to the Commission's housing assets and functions have been, and will continue to be, included on the Successor Agency's Recognized Obligation Payment Schedule, to be paid out of the Redevelopment Property Tax Trust Fund or other Successor Agency funding sources; and

- F. Health and Safety Code Section 34181 requires that the Oversight Board approve at a public hearing the transfer of housing functions and assets to the appropriate entity designated by Section 34176, which is the City of West Hollywood.

Section 2. *Transfer of Housing Assets and Functions.* The Oversight Board hereby acknowledges that, as of February 6, 2012, the City of West Hollywood effectuated the transfer of housing functions and assets as the Successor Housing Agency, vesting in the Successor Housing Agency the right to retain the housing functions and assets previously performed by the former Commission, including those set forth in the memorandum attached to this Resolution as Exhibit A.

Section 3. *Housing Functions.* The Oversight Board further acknowledges that the Successor Housing Agency may exercise all rights and obligations relating to such housing assets and functions, consistent with AB x1 26 and AB 1484, including but not limited to entering into new contracts, amending existing contracts, applying and using proceeds from the housing assets, and disposing of housing assets, and that such actions by the Successor Housing Agency are not and shall not be subject to review and approval of the Oversight Board under the authority or duties vested in it pursuant to AB x1 26 and AB 1484, except to the extent that the Successor Housing Agency seeks to use property tax revenue funds for the payment or performance of enforceable obligations or seeks to use housing bond proceeds pursuant to Health and Safety Code Section 34176.

Section 4. *Authorization.* The officers and staff of the Oversight Board are hereby authorized and directed, jointly and severally, to do any and all things which they may deem necessary or advisable to effectuate this Resolution, including providing a copy of this Resolution to the Department of Finance.

Section 5. *Environmental Determination.* This Resolution is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 2100, et seq., "CEQA") and CEQA regulations (14 California Code of Regulations §§ 15000, et seq.) because it establishes rules and procedures to implement government funding mechanisms; does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this Resolution does not constitute a "project" that requires environmental review (see specifically 14 CCR § 15378(b)(4-5)).

Section 6. *Reliance on Record.* Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the Oversight Board and applicable law. The findings and determinations constitute the independent findings and determinations of the Board in all respects and are fully and completely supported by substantial evidence in the record as a whole.


Section 7. *Summaries of Information.* All summaries of information in the findings, which precede this Section, are based on the substantial evidence in the record including, without limitation, verbal and documentary evidence submitted to the Board. The absence of any

particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.


Section 8. The Secretary is directed to certify the adoption of this Resolution; record this Resolution in the book of the Oversight Board's original resolutions; and make a minute of the adoption of the Resolution in the Oversight Board's records and the minutes of this meeting.

Section 9. This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED, APPROVED, AND ADOPTED this 23rd day of August, 2012.

  
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Roderick Burnley, Chairperson  
Vice-Chair

ATTEST:

  
\_\_\_\_\_  
Rhonda Rangel, Deputy Clerk  
Los Angeles County Board of Supervisors  
Acting as Secretary for the Oversight Board  
of the Successor Agency to the  
West Hollywood Community Development Commission

I HEREBY CERTIFY that the above and foregoing ordinance was duly passed and adopted by the Oversight Board of the Successor Agency to the West Hollywood Community Development Commission at its regular meeting held on the 23rd of August, 2012, by the following vote, to wit:

AYES; Burnley, Zimmerman, Roachell, Reilly, Arevato  
NOES;  
ABSENT: Conen, Flaks

RESOLUTION NO. 12- 4266

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ELECTING TO RETAIN THE HOUSING ASSETS AND FUNCTIONS PREVIOUSLY PERFORMED BY THE WEST HOLLYWOOD COMMUNITY DEVELOPMENT COMMISSION (REDEVELOPMENT AGENCY) UNDER PART 1.85 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH

THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, the West Hollywood Community Development Commission (the "Commission") is a redevelopment agency in the City of West Hollywood (the "City"), created pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the California Health and Safety Code) ("Community Redevelopment Law"); and

WHEREAS, sections 33334.2 and 33334.3 of the Community Redevelopment Law require the West Hollywood Community Development Commission to use 20 percent of taxes allocated to the West Hollywood Community Development Commission pursuant to Section 33670 of the Community Redevelopment Law 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 West Hollywood Community Development Commission 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 cost; and

WHEREAS, by enactment of Part 1.85 of the Health and Safety Code, subject to all reservations herein stated, the West Hollywood Community Development Commission is subject to dissolution on February 1, 2012 such that the West Hollywood Community Development Commission shall be deemed as a former redevelopment agency under Health and Safety Code section 34173(a); and

WHEREAS, subject to all reservations herein stated and pursuant to Part 1.85 of the Health and Safety Code, the City Council of the City of West Hollywood desires to retain, without limitation, all of the housing assets, rights, powers, duties, obligations, liabilities and functions previously performed by the West

Hollywood Community Development Commission upon the dissolution of the West Hollywood Community Development Commission, including enforcement of affordability covenants and performance of related activities pursuant to applicable provisions of the Community Redevelopment Law (Part 1, commencing with Section 33000), including, but not limited to, Section 33418; and

WHEREAS, the City Council does not intend by adoption of this resolution to waive any constitutional and/or legal rights under law and/or equity, including without limitation, the effectiveness of AB 1x 26, by virtue of the adoption of this Resolution and therefore reserves all of its rights under Laws to challenge the applicability of AB 1x 26 to the West Hollywood Community Development Commission and/or the City of West Hollywood in any administrative or judicial proceeding; and

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

NOW, THEREFORE, BE IT RESOLVED by the City of West Hollywood City Council as follows:

SECTION 1. Subject to all reservations herein stated and pursuant to Part 1.85 of the Health and Safety Code, the City of West Hollywood hereby elects to retain, without limitation, all of the housing assets, rights, powers, duties, obligations, liabilities and functions previously performed by the West Hollywood Community Development Commission upon the dissolution of the West Hollywood Community Development Commission, including enforcement of affordability covenants and performance of related activities pursuant to applicable provisions of the Community Redevelopment Law (Part 1, commencing with Section 33000), including, but not limited to, Section 33418 and hereby accepts the transfer to the City of West Hollywood of all of the housing assets, rights, powers, duties, obligations, liabilities and functions associated with the housing activities of the West Hollywood Community Development Commission. The City Council reserves its right to rescind this election and to subsequently determine that all of the rights, powers, assets, liabilities, duties, and obligations associated with the housing activities of the Redevelopment Agency shall be transferred to the housing authority selected by the City.]

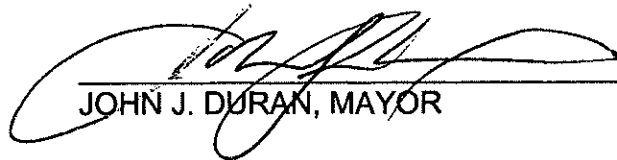
SECTION 2. The City Manager is hereby authorized to make all notifications of such election as deemed necessary under Part 1.85 of the Health and Safety Code and to execute all documents and take all actions necessary and convenient to carry out and implement the transfer to the City of West Hollywood of, without limitation, all of the housing assets, rights, powers, duties, obligations, liabilities and functions previously performed by the West Hollywood Community Development Commission upon the dissolution of the West Hollywood Community Development Commission, including enforcement of affordability

covenants and performance of related activities pursuant to applicable provisions of the Community Redevelopment Law (Part 1, commencing with Section 33000), including, but not limited to, Section 33418 and to administer the City's obligations, responsibilities and duties to be performed thereunder.

SECTION 3. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 6th day of February, 2012 by the following vote:

AYES:	Councilmember:	D'Amico Heilman, Land, Mayor Pro Tempore Prang and Mayor Duran
NOES:	Councilmember:	None.
ABSENT:	Councilmember:	None.
ABSTAIN:	Councilmember:	None.



JOHN J. DURAN, MAYOR

ATTEST:



COREY SCHAFFER, CITY CLERK