



# Special Meeting A G E N D A

HOUSING AUTHORITY

FEBRUARY 16, 2011 – 6:00 P.M.



Council Chambers  
825 Imperial Beach Boulevard  
Imperial Beach, CA 91932

The City of Imperial Beach is endeavoring to be in total compliance with the Americans with Disabilities Act (ADA). If you require assistance or auxiliary aids in order to participate at Housing Authority meetings, please contact the City Clerk's Office at (619) 423-8301, as far in advance of the meeting as possible.

## SPECIAL MEETING CALL TO ORDER BY CHAIR

### ROLL CALL BY CITY CLERK

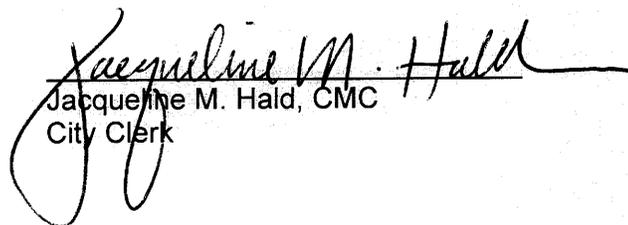
**PUBLIC COMMENT** - Each person wishing to address the Housing Authority regarding items not on the posted agenda may do so at this time. In accordance with State law, the Housing Authority may not take action on an item not scheduled on the agenda. If appropriate, the item will be referred to the Executive Director or placed on a future agenda.

### REPORTS

1. **RESOLUTION NO. HA-11-01 DESIGNATING OFFICERS OF THE HOUSING AUTHORITY, ADOPTING PERSONNEL RULES AND REGULATIONS AND A CONFLICT OF INTEREST CODE OF THE HOUSING AUTHORITY, PROVIDING FOR THE TIME AND PLACE OF HOLDING REGULAR MEETINGS OF THE HOUSING AUTHORITY, APPROVE THE SAN DIEGO COUNTY HOUSING AUTHORITY TO FUNCTION AND OPERATE LEASED HOUSING, AND ADOPTION OF BY-LAWS. (0412-20 & 0640-05)**

City Manager's Recommendation: Adopt resolution.

### ADJOURNMENT

  
Jacqueline M. Hald, CMC  
City Clerk

Any writings or documents provided to a majority of the Housing Authority regarding any item on this agenda will be made available for public inspection in the office of the City Clerk located at 825 Imperial Beach Blvd., Imperial Beach, CA 91932 during normal business hours.



**STAFF REPORT  
CITY OF IMPERIAL BEACH  
HOUSING AUTHORITY**

**TO: CHAIRMAN AND COMMISSIONERS OF THE HOUSING AUTHORITY**

**FROM: GARY R. BROWN, EXECUTIVE DIRECTOR**

**MEETING DATE: FEBRUARY 16, 2011**

**ORIGINATING DEPT.: HOUSING AUTHORITY  
JERRY SELBY, REDEVELOPMENT COORDINATOR**

**SUBJECT: ADOPT RESOLUTION NO. HA-11-01 DESIGNATING OFFICERS OF THE HOUSING AUTHORITY, ADOPTING PERSONNEL RULES AND REGULATIONS AND A CONFLICT OF INTEREST CODE OF THE HOUSING AUTHORITY, PROVIDING FOR THE TIME AND PLACE OF HOLDING REGULAR MEETINGS OF THE HOUSING AUTHORITY, APPROVE THE SAN DIEGO COUNTY HOUSING AUTHORITY TO FUNCTION AND OPERATE LEASED HOUSING, AND ADOPTION OF BY-LAWS**

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**BACKGROUND:**

On January 14, 2011, pursuant to the provisions of California Health and Safety Code sections 34200, et seq., (the "Housing Authority Law"), the City Council and Redevelopment Agency of the City of Imperial Beach adopted Resolution No 2011-6989/R-11-241<sup>1</sup> declaring that there is a need for a housing authority to function in the City. On February 16, 2011, the City Council of the City of Imperial Beach adopted Resolution No 2011-7001 declaring the members of the City Council of the City of Imperial Beach as the Commissioners of the Housing Authority of the City of Imperial Beach and designating the first interim chairman of the Housing Authority of the City of Imperial Beach.

**DISCUSSION:**

Pursuant to Housing Authority Law (i.e. sections 34278, 34279, and 34283), once the legislative body forms a housing authority, it is necessary for the Housing Authority to designate officers, adopt personnel rules and regulations and a conflict of interest code, and provide for a time and place of holding its regular meetings. Additionally, pursuant to section 34209 of the Housing Authority Law, a county housing authority has no power to initiate a project or leased housing within the territorial boundaries of a city that has empowered its housing authority to transact business and exercise its powers, except as provided in section 34312.5 of the Housing Authority Law. Section 34312.5 of Housing Authority Law allows a county housing authority to

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<sup>1</sup> Resolution No 2011-6989/R-11-241 is a joint resolution of the City Council of the City of Imperial Beach and the Redevelopment Agency of the City of Imperial Beach, however we address in this staff report the actions taken by the City Council of the City of Imperial Beach.

provide leased housing throughout the county unless a city housing authority disapproves in advance. Finally, By-laws with basic terms for adoption by the commissioners.

Therefore, the attached Resolution accomplishes the following:

**Officers of the Housing Authority.** Section 34277 of the Housing Authority Law provides that the mayor shall designate the first chairman from among the commissioners until the Housing Authority selects his or her successor. Section 34278 of the Housing Authority Law provides that the Housing Authority shall select among its commissioners a vice chairman and may employ such officers, agents, technical experts, and employees as the Housing Authority requires. Section 34279 of the Housing Authority Law provides that the Housing Authority may call on the city attorney for legal services. The following City officials would be designated to serve as Housing Authority officers on an ex office basis:

| <u>City Position</u>               | <u>Housing Authority Position</u> |
|------------------------------------|-----------------------------------|
| Mayor:                             | Chair                             |
| Mayor Pro Tem:                     | Vice Chair                        |
| City Manager:                      | Executive Director                |
| Director of Community Development: | Assistant Executive Director      |
| City Clerk:                        | Secretary                         |
| Finance Director:                  | Finance Officer                   |
| City Attorney:                     | Counsel                           |

**Personnel Rules and Regulations.** Section 34278 of the Housing Authority Law provides that the Housing Authority shall adopt personnel rules and regulations applying to all employees. The personnel system, as set forth in the Imperial Beach Municipal Code, as amended from time to time, would be adopted as the personnel rules and regulations applying to all employees of the Housing Authority.

**Conflicts of Interest.** Section 34278 of the Housing Authority Law provides that the Housing Authority shall adopt procedures affecting conflicts of interest. The Conflict of Interest Code, as set forth in the Imperial Beach Municipal Code, as amended from time to time, would be adopted as the procedures affecting conflicts of interest involving the Housing Authority.

**Meetings.** Section 34283 of the Housing Authority Law provides that the Housing Authority Commissioners shall provide by resolution for the time and place of holding their regular meetings. The first Wednesday of the month of December at 6:00 pm at the Imperial Beach City Hall Council Chambers located at 825 Imperial Beach Boulevard, Imperial Beach, California 91932, or at such other place as may be designated by the Housing Authority by resolution would be selected as the time and place for the Housing Authority's one regular meeting per year. By inference, the Housing Authority, consistent with California law, may conduct special meetings at any time, subject to the timely posting of its agendas and, as may be required by a particular matter, providing appropriate notice.

**Cooperation with San Diego County Housing Authority.** Section 34209 requires a county authority to no longer transact business in the territorial boundaries of city authority once it is authorized to transact business. However, section 34312.5 of the Housing Authority Law provides that a county housing authority may continue to provide leased housing. The San Diego County Housing Authority will be authorized to continue to provide leased housing within the territorial limits of the City of Imperial Beach.

**By-laws.** Once a housing authority is authorized to transact business, a next step is the approval and adoption of by-laws. The by-laws attached to the resolution are basic regarding the officers, duties and meetings.

**ENVIRONMENTAL IMPACT**

This activity is not a "project" and is therefore exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

**FISCAL IMPACT:**

None anticipated.

**DEPARTMENT RECOMMENDATION:**

Adopt Resolution No. HA-11-01 designating the officers of the Housing Authority of the City of Imperial Beach, adopting personnel rules and regulations and a conflict of interest code, providing for the time and place of holding regular meetings of the Housing Authority of the City of Imperial Beach.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.

  
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Gary R. Brown, City Manager

Attachments:

1. Resolution No. HA-11-01



RESOLUTION NO. HA-11-01

**A RESOLUTION OF THE HOUSING AUTHORITY OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, DESIGNATING OFFICERS OF THE HOUSING AUTHORITY, ADOPTING PERSONNEL RULES AND REGULATIONS AND A CONFLICT OF INTEREST CODE OF THE HOUSING AUTHORITY, PROVIDING FOR THE TIME AND PLACE OF HOLDING REGULAR MEETINGS OF THE HOUSING AUTHORITY, APPROVING THE SAN DIEGO COUNTY HOUSING AUTHORITY TO FUNCTION AND OPERATE LEASED HOUSING, AND ADOPTING BY-LAWS.**

**WHEREAS**, the Housing Authority Law is codified in Health and Safety Code sections 34200, et seq. (the "Law"); and

**WHEREAS**, Section 34240 of the Law provides that in every city there is a public body corporate and politic known as the Housing Authority of the city; and

**WHEREAS**, on January 14, 2011, the City Council adopted Resolution No 2011-6989/R-11-241 establishing the Housing Authority of the City of Imperial Beach to transact business and exercise powers to the extent permitted under the Law; and

**WHEREAS**, on February 16, 2011, the City Council adopted Resolution No 2011-7001 declaring the members of the City Council of the City of Imperial Beach as the Commissioners of the Housing Authority of the City of Imperial Beach and designating the first interim chairman of the Housing Authority of the City of Imperial Beach; and

**WHEREAS**, Section 34278 of the Law provides that the Housing Authority shall select among its commissioners a vice chairman and may employ such officers, agents, technical experts, and employees as the Housing Authority requires; and

**WHEREAS**, Section 34279 of the Law provides that the Housing Authority may call on the city attorney for legal services; and

**WHEREAS**, Section 34278 of the Law provides that the Housing Authority shall adopt personnel rules and regulations and a conflict of interest code applying to all officers and employees of the Housing Authority; and

**WHEREAS**, Section 34283 of the Law provides that the Housing Authority Commissioners shall provide by resolution for the time and place of holding their regular meetings; and

**WHEREAS**, Sections 34209 and 34312.5 allow a county housing authority to provide leased housing throughout the county unless a city housing authority disapproves in advance.

**NOW, THEREFORE, BE IT RESOLVED,**

Section 1: The foregoing recitals are true and correct.

Section 2: Pursuant to Sections 34278 and 34279 of the California Health and Safety Code, the Housing Authority, subject to the concurrence of the City Council, designate the following city officials to serve as Housing Authority officers on an ex officio basis:

| <u>City Position</u>               | <u>Housing Authority Position</u> |
|------------------------------------|-----------------------------------|
| Mayor:                             | Chair                             |
| Mayor Pro Tem:                     | Vice Chair                        |
| City Manager:                      | Executive Director                |
| Director of Community Development: | Assistant Executive Director      |
| City Clerk:                        | Secretary                         |
| Finance Director:                  | Finance Officer                   |
| City Attorney:                     | Counsel                           |

Section 3: Pursuant to Section 34278 of the California Health and Safety Code, the Commissioners of the Housing Authority hereby adopt by reference the personnel system set forth in Resolution No. 2003-5808 of the City of Imperial Beach adopted on June 25, 2003 pursuant to Section 2.40.080 of Chapter 2.40 of Article 2 of the Imperial Beach Municipal Code, as amended from time to time, as the personnel rules and regulations applying to all employees of the Housing Authority.

Section 4: Pursuant to Section 34278 of the California Health and Safety Code, the Commissioners of the Housing Authority hereby adopt by reference the Conflict of Interest Code set forth in Resolution No. 2010-6972 of the City of Imperial Beach adopted on December 1, 2010 and Chapter 2.56 of Article 2 of the Imperial Beach Municipal Code, as amended from time to time, as the procedures affecting conflicts of interest involving the Housing Authority.

Section 5: The Housing Authority shall hold one regular meeting per year, which meeting shall be held on the first regularly-scheduled City Council meeting in the month of June at 6:00 p.m. at the Imperial Beach City Hall Council Chambers located at 825 Imperial Beach Boulevard, Imperial Beach, California 91932, or at such other place as may be designated by the Housing Authority by resolution.

Section 6: The adoption of Resolution No 2011-6989/R-11-241 shall not, except as otherwise provided for by resolution of the Housing Authority of the City of Imperial Beach, impair the ability of the San Diego County Housing Authority and is hereby approved to function and operate leased housing within the territorial limits of the City of Imperial Beach pursuant to Sections 34209 and 34312.5 of the Health and Safety Code.

Section 7: The By-Laws of the Imperial Beach Housing Authority are adopted and approved as set forth in Exhibit "A".

Section 8: This activity is not a "project" and is therefore exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

Section 9: If any section, sentence, clause or phrase of this Resolution is determined to be invalid, illegal, void or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the remaining portions of this Resolution. The City Council and Agency Board declare that they would have passed and adopted the Resolution, and each section, sentence, clause or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**PASSED, APPROVED AND ADOPTED** by the Housing Authority of the City of Imperial Beach on the 16th day of February, 2011, by the following roll call vote:

|         |                |
|---------|----------------|
| AYES:   | COMMISSIONERS: |
| NOES:   | COMMISSIONERS: |
| ABSENT: | COMMISSIONERS: |

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JAMES C. JANNEY, CHAIRPERSON

ATTEST:

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JACQUELINE M. HALD  
HOUSING AUTHORITY SECRETARY

## EXHIBIT "A"

### BY-LAWS OF THE IMPERIAL BEACH HOUSING AUTHORITY

#### ARTICLE I. OFFICE AND SEAL

##### Section 1. Office.

The office of the Authority shall be located in the City of Imperial Beach as the Authority may from time to time designate.

#### ARTICLE II. OFFICERS AND PERSONNEL

##### Section 1. Officers.

The officers of the Authority shall be a Chairperson, a Vice Chairperson, an Executive Director, and a Secretary.

##### Section 2. Chairperson.

The Mayor of the City of Imperial Beach shall be the Chairperson of the Authority. The Chairperson shall preside at all meetings of the Authority; sign all contracts, deeds, and other instruments made by the Authority when required by federal or state regulations; and perform all duties incident to the office of Chairperson and such other duties as may be prescribed by the Authority from time to time.

##### Section 3. Vice Chairperson.

The Mayor Pro Tem of the City of Imperial Beach shall be the Vice Chairperson of the Authority. The Vice Chairperson shall perform the duties of the Chairperson in the absence, incapacity, or inability of the Chairperson to act.

##### Section 4. Executive Officer.

The City Manager of the City of Imperial Beach shall be the Executive Director of the Authority. The Executive Director shall be responsible to the members of the Authority and, subject to the policies and directions of the Authority, shall exercise control over the administration of the Authority and the execution of Authority policies. The Executive Director shall sign, on behalf of the Authority, all contracts and other documents approved by the Authority unless federal or state regulations require otherwise; appoint, remove, discipline, and supervise the Authority's personnel; supply the Authority with such information and recommendations as necessary or as may be requested by the Authority; authorize and certify payrolls, requisitions, and other documents relating to the financial affairs of the Authority; and perform such other duties as may from time to time be prescribed for the Executive Director by the Authority. The Executive Director may

## EXHIBIT "A"

delegate such administrative duties and authority as are consistent with these by- laws and such other rules and regulations as may from time to time be approved by the Authority.

### Section 5. Secretary.

The City Clerk of the City of Imperial Beach or his/her designee shall serve as the Secretary of the Authority. The Secretary shall attend all meetings of the Authority, maintain a full and thorough record of all proceedings of the Authority, keep all official records of the Authority, maintain custody of the seal of the Authority and perform all other duties incident to the Office of Secretary.

## ARTICLE III. MEETINGS

### Section 1. Regular Meetings.

Regular meetings shall be established by resolution and shall be adopted prior to the start of each calendar year. Meetings shall be held in the City Council Chambers.

### Section 2. Special Meetings.

Special meetings may be called at any time by the Chairperson or by the majority of members of the Authority by delivering personally or by mail written notice to each member of the Authority at least 24 hours before the time of such meeting as specified in the notice. Said notice shall specify the time and place of said meeting and the business to be transacted. No other business shall be considered at such meetings. Such notice may be dispensed with as to any member of the Authority who at prior to the time the meeting convenes, files with the Secretary a written waiver of notice. Notices of special meetings shall also be given to each newspaper, radio, or television station in the City of Imperial Beach requesting notice of special meetings in writing.

### Section 3. Housing Authority Recess Periods.

The Housing Authority shall not hold any regular meetings whenever the City Council is in recess, including an established recess period for the Winter recess.

During such periods of recess, the Executive Director is authorized to take such ministerial actions for matters of operational urgency, including such emergency actions as are necessary for the immediate preservation of the public peace, health or safety.

The Executive Director shall make a full and complete report to the Authority at its first regularly scheduled meeting following the period of recess, of actions taken by the Executive Director pursuant to this section, at which time the Authority may make such findings as may be required and confirm said actions of the Executive Director.

## EXHIBIT "A"

### Section 4. Public Meetings.

All regular and special meetings of the Authority shall be open to the public except for such executive sessions as are allowed by the Ralph M. Brown Act, Sections 54950 et seq, of the California Government Code.

### Section 5. Quorum.

A majority of the members of the Authority shall constitute a quorum for the transaction of business, but a smaller number may recess or adjourn from time to time until a quorum is obtained.

### Section 6. Voting.

Voting on all matters shall be by voice vote or by roll call and the ayes and noes shall be entered in the minutes of the meeting. All actions shall require a majority vote of the members of the Authority.

### Section 7. Rules and Order.

The rules and procedures established by the Imperial Beach City Council shall be followed by the Authority except as otherwise provided herein and except that any person may speak at a meeting if such person informs the Authority at any time before the meeting that he/she desires to speak.

### Section 8. Authority to Set Public Hearings.

The Chairperson and the Executive Director are authorized to set public hearings, without confirming vote of members of the Authority; however, the Authority Board retains authority to also set public hearings.

## ARTICLE IV. AMENDMENTS

### Section 1. Amendments.

The bylaws of the Authority shall be amended only with the approval of a majority of a quorum of the Authority at a regular or special meeting, but no such amendment shall be considered unless at least five (5) days written notice thereof has been previously given to all members of the Authority.

