



Yolo County Housing

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BOARD OF GOVERNORS

Duane Chamberlain
Michael H. McGowan
Jim Provenza
Matt Rexroad
Don Saylor

DATE: July 14, 2011

TO: YCH Board of Governors

FROM: Lisa A. Baker, Executive Director

SUBJECT: **Review, Approve and Adopt Resolution Authorizing Delegation of Powers to the YCH Housing Commission**

RECOMMENDED ACTION:

That the Board of Governors:

1. Review, approve and adopt the resolution authorizing the delegation of powers to the YCH Housing Commission.

BACKGROUND/DISCUSSION:

In June 2006, the Board of Supervisors adopted Resolution No. 06-91 to rescind the February 15, 1950 Resolution enacted by the Board of Supervisors, to declare itself to be the Housing Authority of the County of Yolo and to reinstate itself as the Board of Commissioners. Two tenant commissioners were later added to serve on the Board of Commissioners in accordance with federal and state legal requirements. Since that time, this Board has functioned as the Interim Board of Commissioners.

In a 2008 Strategic Planning session, the Board of Commissioners discussed alternatives for the transition to a permanent Board after the stabilization of the Agency. The Commissioners appointed an ad-hoc subcommittee of members to help guide that transition. In the meantime, the Agency continued to work on improving fiscal operations, accountability, and economic recovery of the Agency.

On March 1, 2011, the Board of Supervisors held the first reading of the proposed Ordinance, adding Article 37 to Chapter 2 of the Yolo County Code, thereby creating a Housing Commission to oversee operations of the Agency, with oversight to be provided by the Board of Supervisors acting as the Board of Governors. 2nd reading and adoption was held on March 15, 2011 and the amendment took effect in April 2011.

On July 12, 2011, the Board of Supervisors considered the timing of the transition. As of the date of this staff report, that discussion had not occurred and the results thereof will be brought back to the Board of Governors at the July 14, 2011 meeting.

Working together to provide quality affordable housing and community development services for all

As part of the work of the Ad-Hoc Subcommittee, the proposed powers and duties of the Board of Governors and of the Housing Commission were considered. It was recommended by the Ad-Hoc Subcommittee that the duties be divided and delegated between the Board of Governors and the Housing Commission as outlined in the attached proposed Resolution.

At its meeting of June 9, 2011, the current Board of Commissioners reviewed the proposed division of duties. No changes to the proposed division of duties were received; however, it was suggested that the Board of Governors might possibly retain control over acceptance of the annual single audit. After review of the proposed division of duties and of the checks and balances built into the system, it is recommended that the Housing Commission, who is responsible for the budget process and ongoing financial management, should also be responsible for accepting the audit as a related component of financial management.

Although power over financial matters, including budgeting and audit, would pertain to the Housing Commission, the Board of Governors retains oversight powers through a system of communication and checks and balances that have been built into the system:

1. 2 x 2 meetings on a quarterly basis with staff and representatives of the Housing Commission;
2. Ability to request a review of any decision of the Housing Commission. The Resolution specifically requires that any Housing Commission action shall not be final when a review is requested by the Board of Governors until action is taken by the Board of Governors or until the request is withdrawn;
3. Meetings of the Board of Governors;
4. Control over the Executive Director, who serves at the pleasure of the Board of Governors.

FISCAL IMPACT:

No fiscal impact.

CONCLUSION:

Staff recommends that the Board of Governors adopt the proposed Resolution and insert the transition date agreed to from the Board of Supervisors meeting of July 12, 2011.

YOLO COUNTY HOUSING

RESOLUTION NO. 11 - _____

(Resolution by Board of Governors Delegating Authority To and Setting Responsibility for the Yolo County Housing Commission)

WHEREAS, the Yolo County Board of Supervisors established the Housing Authority of the County of Yolo, pursuant to Sections 34240 and 34290 of the California Health and Safety Code (Board of Supervisors Resolution No. 06-91); and

WHEREAS, the Yolo County Board of Supervisors did declare itself to be the commissioners of said Housing Authority and two tenant commissioners were appointed to serve on the Board of Commissioners, pursuant to Section 34290(b) of the Health and Safety Code; and

WHEREAS, the Yolo County Board of Supervisors did create a Housing Commission in Yolo County, pursuant to Section 34291 of the California Health and Safety Code (Yolo County Ordinance No. 1406); and

WHEREAS, in order to avoid undue confusion for the public in distinguishing between members of the Board of Commissioners and members of the Housing Commission, the Board of Commissioners shall henceforth be known as the "Board of Governors;" and

WHEREAS, this Board of Governors serves to govern the Housing Authority of the County of Yolo.

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND by the Board of Governors of the Housing Authority of the County of Yolo that:

Pursuant to Section 34292, this resolution sets forth the delegation of powers, duties, and functions of the Yolo County Housing Commission to be effective _____, 2011:

I. DEFINITIONS

- A. "Code" means the Health and Safety Code of the State of California.
- B. "Board of Governors" means the governing body of Yolo County. The Board of Governors has also been known as the Board of Commissioners of the Housing Authority of the County of Yolo.

- C. "Executive Director" means the Executive Director of the Housing Authority of the County of Yolo.
- D. "Governing body" means the Board of Supervisors of Yolo County.
- E. "Housing Authority" means the Housing Authority of the County of Yolo, a public body corporate and politic established pursuant to the Health and Safety Code of the State of California. The Housing Authority is also known as Yolo County Housing.
- F. "Housing Commission" means the Yolo County Housing Commission, established by the Board of Supervisors of Yolo County pursuant to Section 34291 of the Health and Safety Code of the State of California.

II. DELEGATION OF POWERS

- A. The Board of Governors of the Housing Authority delegates to the Housing Commission the powers and duties set forth in Article 4, Chapter 1, Part 2, Division 24 of the Health and Safety Code of the State of California, and authorizes said Housing Commission to function pursuant to these sections and subsequent amendments, to include carrying out responsibilities set forth in the Code wherein reference is made to the "Authority." Notwithstanding this general delegation of powers and duties to the Housing Commission, this body retains its responsibility and authority to review and approve matters in the following sections, and conditions said delegation as noted herein:
 - 1. The following powers, duties, and functions are not delegated to the Housing Commission:
 - a. Section 3411(a) – Ability to sue and be sued;
 - b. Section 3411(b) - Have a seal and alter it;
 - c. Section 3411(c) - Have perpetual succession;
 - d. Section 34315(d) – Acquisition of real property by eminent domain;
 - e. Section 34316(b) –Purchase of bonds;
 - f. Section 34325 – Eminent domain authority.
- B. The authority to issue bonds pursuant to Article 5, Chapter 1, Part 2, Division 24 of the Health and Safety Code shall be exercised by the Board of Governors of the Housing Authority. The Housing Commission may only recommend such action as the issuance of bonds or conditions relating thereto.

- C. The Board of Governors of the Housing Authority delegates to the Housing Commission the authority set forth in Chapter 3, Part 2, Division 24 of the Health and Safety Code titled the "Housing Operations Law."

III. EMPLOYEES OF HOUSING AUTHORITY

- A. The Board of Governors of the Housing Authority delegates to the Housing Commission authority to adopt policies and regulations for the Housing Authority not inconsistent with State and Federal law and regulations on all matters, including matters relating to housing program operations, fiscal matters, personnel matters, and other general administrative practices of the Housing Authority, subject to the following conditions:
 - 1. The following procedure shall be followed for appointing the Executive Director of the Housing Authority:
 - a. The Housing Commission or its delegated representative shall screen candidates for the position.
 - b. The Housing Commission shall select the three (3) most qualified candidates and submit their names and qualifications to the Board of Governors of the Housing Authority. The Housing Commission may indicate its judgment as to the single most qualified candidate for the Board of Governors' consideration.
 - c. The Board of Governors of the Housing Authority shall appoint the Executive Director of the Housing Authority.
 - 2. The Executive Director of the Housing Authority shall serve at the will and pleasure of the Board of Governors of the Housing Authority, and may be removed upon recommendation of the Housing Commission. The Executive Director shall serve as Executive Officer of the Housing Authority, shall serve as Secretary of the Housing Commission, and shall be responsible to the Housing Commission. In any matters subject to approval by the Board of Governors, or in matters wherein the Board of Governors takes action pursuant to Section IV of this resolution, the Executive Director shall be responsible to the Board of Governors of the Housing Authority.

3. Housing Authority employees employed as of the effective date of this resolution shall be subject to the personnel rules and procedures then in place for the Housing Authority, as well as, any subsequent amendments thereto. Housing Authority employees shall be subject to the provisions of the 2010-2011 General Unit Memorandum of Understanding, or the 2010-2013 Management Unit Memorandum of Understanding, whichever, if any, applies.

IV. PROCEDURE FOR REVIEW

- A. All actions of the Housing Commission may be reviewed by the Board of Governors of the Housing Authority upon a request pursuant to this section. When such a request is made, the Housing Commission's action shall not be final until action is taken by the Board of Governors, or withdrawal of the request for review is made. A request for review shall be made to Clerk of the Board within ten (10) days after the Housing Commission action. Notwithstanding the provisions of this section, any action specifically deemed by the Housing Commission as an urgency measure shall be final after three (3) business days following action on the measure unless a review is requested pursuant to this section within (3) business days.
- B. The Clerk of the Board shall provide notice of the request for review to the Board of Governors and the Executive Director of the Housing Authority on the first business day following the request for review. An action of the Housing Commission may be reviewed by the Board of Governors upon the written request of the Board of Governors as a whole, any one member of the Board of Governors, or the Executive Director of the Housing Authority. No cause for review need be stated when a request is made.

EFFECTIVE DATES: This Resolution shall take effect on _____, 2011.

PASSED AND ADOPTED, by the Board of Governors of the Housing Authority of the County of Yolo, State of California, this ____ day of _____, 2011 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____, Chair
Board of Governors of the
Housing Authority of the County of Yolo

Approved as to Form:

Agency Counsel

By _____
Sonia Cortés

Attest:
Julie Dachtler, Clerk
Board of Governors of the
Housing Authority of the County of Yolo

By _____
(Seal)