

RESOLUTION NO. OB17-020

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE WEST HOLLYWOOD COMMUNITY DEVELOPMENT COMMISSION APPROVING AN AFFORDABLE HOUSING BOND PROCEED EXPENDITURE AGREEMENT BETWEEN THE CITY OF WEST HOLLYWOOD AND THE SUCCESSOR AGENCY TO THE WEST HOLLYWOOD COMMUNITY DEVELOPMENT COMMISSION

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

Section 1. The Oversight Board finds and declares that:

- A. Pursuant to Health and Safety Code section 34173(d), the City of West Hollywood (“City”) is the Successor Agency to the dissolved West Hollywood Community Development Commission (“CDC”), confirmed by Resolution No. 11-4219;
- B. Pursuant to Health and Safety Code Section 34176, the City is the housing successor entity to the dissolved CDC (“Housing Successor”), confirmed by City Council Resolution No. 12-4266;
- C. Health and Safety Code Section 34191.4(c)(2) allows a successor agency that has received a finding of completion to use bond proceeds derived from bonds issued on or after January 1, 2011, in excess of the amounts needed to satisfy approved enforceable obligations as defined in Health and Safety Code Section 34171(d), in a manner consistent with the original bond covenants;
- D. The Successor Agency received its finding of completion under Health and Safety Code Section 34179.7 from the California Department of Finance on April 26, 2013;
- E. Health and Safety Code Section 34176(g)(1)(A) permits a housing successor to designate the use of and commit bond proceeds derived from bonds issued for the purposes of affordable housing prior to June 28, 2011, that were backed by the Low and Moderate Income Housing Fund, that remain after the satisfaction of enforceable obligations that have been approved on a ROPS and that are consistent with the bond covenants;
- F. The Successor Agency has bond proceeds that remain after the satisfaction of enforceable obligations from the 2011 Tax Allocation Bonds, Series B issued by the former CDC dated March 2, 2011 (“2011 Housing TAB”);

- G. The Successor Agency desires to provide bond proceeds remaining from the 2011 Housing TAB (“Excess Bond Proceeds”) to the City to enable the City to use such funds in a manner consistent with the original bond covenants;
- H. The Successor Agency is holding Excess Bond Proceeds in the amount of \$5,647,427 for the 2011 Housing TAB that are not otherwise obligated for a project or other enforceable obligations, that are eligible to be expended pursuant to Health and Safety Code Sections 34191.4(c)(2) and 34176(g)(1)(A);
- I. The City and Successor Agency have prepared an Affordable Housing Bond Proceed Expenditure Agreement (“Agreement”) that would advance the City’s community development goals while maximizing fiscal and social benefits flowing to the taxing entities from successful development. The West Hollywood City Council has found that the use of Excess Bond Proceeds to fund projects detailed in the Agreement is in accordance with Health and Safety Code Sections 33445, 33445.1, and 33679, the original bond covenants, and other applicable laws; and
- J. The Oversight Board of the Successor Agency desires to approve an Affordable Housing Bond Proceed Expenditure Agreement between the City and Successor Agency.

Section 2. *Affordable Housing Bond Proceed Expenditure Agreement.* The Oversight Board hereby approves the Affordable Housing Bond Proceed Expenditure Agreement attached as Exhibit A to this Resolution and herein approves the execution of the attached Agreement and the provision of Excess Bond Proceeds from the Successor Agency to the City for the purposes described.

Section 3. *Authorization.* The officers and staff of the Oversight Board and Successor Agency 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 but not limited to submitting it to the State Department of Finance for review.

Section 4. *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 5. *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

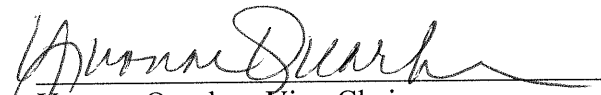
and determinations constitute the independent findings and determinations of the Oversight Board in all respects and are fully and completely supported by substantial evidence in the record as a whole.

Section 6. *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 Oversight 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.

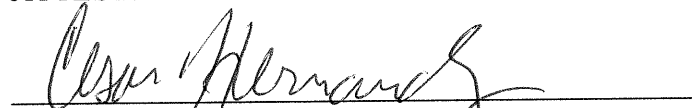
Section 7. The Secretary is directed to certify the adoption of this Resolution, record this Resolution in the book of the Oversight Board's original resolutions, and make a minute of the adoption of the Resolution in the Oversight Board's records and the minutes of this meeting.

Section 8. This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED, APPROVED, AND ADOPTED this 26th day of January, 2017.


Yvonne Quarker, Vice-Chair

ATTEST:


Cesar Hernandez, 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 its regular meeting held on the 26th day of January, 2017, by the following vote, to wit:

AYES; Flaks, Arevalo, Smith and Quarker
NOES; None
ABSENT: Zimmerman and Reilly
ABSTAIN: None