

# REPORT OF THE CHIEF LEGISLATIVE ANALYST

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DATE: March 22, 2013

TO: Honorable Members of the Housing, Community and  
Economic Development Committee

FROM: Gerry F. Miller *KEK*  
Chief Legislative Analyst *JK*

Council File No.: 09-1731  
Assignment No.: 13-03-0209

## **Fourth Modification to the HACLA Cooperation Agreement (Cooperation Agreement) Los Angeles City Charter Article 5 Section 8.110**

### SUMMARY

On January 8, 2013, the Council approved the amended Housing, Community and Economic Development Minority Report which instructed our Office to assist the City Attorney to prepare and present an amendment to the Cooperation Agreement (Agreement) between the City and the Housing Authority of the City of Los Angeles (HACLA) (Los Angeles City Charter Article 5 Section 8.110). The purpose of the Agreement is to establish protocols for a systematic approach for openness, transparency and communication between the HACLA and the City Council. This action constitutes the Fourth Modification to the Cooperation Agreement and was adopted by the HACLA Board of Commissioners on February 28, 2013. Approval of the recommendations contained in this report would not result in an impact to the General Fund. We therefore recommend that the Council adopt the Fourth Modification to the HACLA Cooperation Agreement (Attached) inasmuch as it is consistent with Council action.

The Fourth Modification of the Cooperation Agreement between the City of Los Angeles and HACLA consists of the following protocols:

1. Forward to each Councilmember all Board of Commissioner posted agendas;
2. Upon Councilmember request, submit for Council review any HACLA documents, provided such request does not preclude HACLA from taking action in a timely manner; and,
3. Be available to present to Council and its Committees.

### Prior HACLA Modifications

The City Attorney reports that the Los Angeles Administrative Code, Division 8, Chapter 6, titled Housing Authority of the City of Los Angeles lists four Cooperation Agreements between the HACLA and the City dated August 8, 1949, August 6, 1953, April 4, 1973 and October 2, 1973. According to the City Attorney, the intent of the Cooperation Agreements was to eliminate unsafe or unsanitary dwelling units and to develop, construct, acquire and administer low-rent housing projects. The process for payments in lieu of taxes (Pilot Fees) we also established in the Cooperation Agreements.

#### Cooperation Agreement

On August 8, 1949, the Council adopted Ordinance No. 95222 authorizing the execution of the Cooperation Agreement between HACLA and the City which committed HACLA to develop, and administer low-rent housing projects consisting of 10,000 family dwelling units.

#### First Modification to the Cooperation Agreement

On August 6, 1953, a modification to the Cooperation Agreement was executed by the parties to develop, construct, acquire and administer low-rent housing projects consisting of 4,357 family dwellings.

#### Second Modification to the Cooperation Agreement

On April 4, 1973, a second modification of the Cooperation Agreement was executed by the parties adding the Community College district as a proportional share recipient of Pilot Fees paid by the Authority to the City.



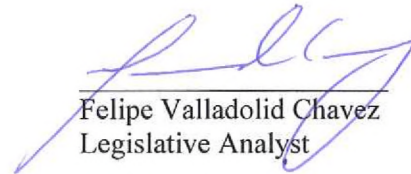
Third Modification to the Cooperation Agreement

On October 20, 1973, a Third Modification of the Agreement was executed by the parties authorizing HACLA to develop, construct, acquire and administer low-rent housing projects consisting of 7,500 dwelling units. It also re-established the process for Pilot Fees.

RECOMMENDATION

That the City Council and Mayor execute the Fourth Modification to the Cooperation Agreement between the City of Los Angeles and the Los Angeles Housing Authority (HACLA) which consists of the following protocols:

1. Forward to each Councilmember all Board of Commissioner posted agendas;
2. Upon Councilmember request, submit for Council review any HACLA documents, provided such request does not preclude HACLA from taking action in a timely manner; and,
3. Be available to present to Council and its Committees.

  
Felipe Valladolid Chavez  
Legislative Analyst

Attachments: 1) Fourth Modification of the HACLA Cooperation Agreement  
2) Report from the Board of HACLA Commissioners  
3) Resolution

GFM: fvc

C O P Y

**FOURTH MODIFICATION  
TO THE COOPERATION AGREEMENT**

**THIS FOURTH MODIFICATION**, Agreement Number \_\_\_\_\_, is entered into by the Housing Authority of the City of Los Angeles, a public body, corporate and politic, created and existing under the laws of the State of California ("Authority"), and the City of Los Angeles, a municipal corporation ("City").

**WITNESSETH**

**WHEREAS**, the Los Angeles Administrative Code, Division 8, Chapter 6, titled Housing Authority of the City of Los Angeles lists four Cooperation Agreements between the Authority and the City dated August 8, 1949, August 6, 1953, April 4, 1973 and October 2, 1973. The intent of the Cooperation Agreements were to eliminate unsafe or insanitary dwelling units and to develop, construct, acquire and administer low-rent housing projects. The process for payments in lieu of taxes ("Pilot Fees") were also established in the Cooperation Agreements.

**WHEREAS**, the Council of the City of Los Angeles on August 8, 1949, adopted Ordinance No. 95,222 which was approved by the Mayor on said date, authorizing the execution of the Cooperation Agreement ("Agreement"), between the Authority and the City, as set forth in said ordinance. The Agreement committed the Agency to develop, and administer low-rent housing projects consisting of 10,000 family dwelling units.

**WHEREAS**, on August 6, 1953, a Modification of the Agreement, titled Modification of Cooperation Agreement for Public Housing, was executed by the parties authorizing the Agency to develop, construct, acquire and administer low-rent housing projects consisting of 4,357 family dwelling units.

**WHEREAS**, on April 4, 1973, a Second Modification of the Agreement was executed by the parties adding the Community College district as a proportional share recipient of Pilot Fees paid by the Authority to the City. Although this document was titled Modification of the Agreement, it should have been titled Second Modification of the Agreement.

**WHEREAS**, on October 2, 1973, a Third Modification of the Agreement was executed by the parties authorizing the Agency to develop, construct, acquire and administer low-rent housing projects consisting of 7,500 dwelling units. It also re-established the process for Pilot Fees. Although this document was titled Cooperation Agreement, it should have been titled Third Modification of the Agreement.

WHEREAS, on January 8, 2013 (Council File 09-1731-S1), Council adopted the Housing, Community and Economic Development Committee Minority Report, as amended, in order to establish protocols for a systematic approach for openness, transparency and communication between the Agency and the City.

NOW, THEREFORE, the Authority and the City agree that the Agreement be modified effective upon execution as follows:

**FOURTH MODIFICATION**


1. Modify to add a new Section 11 as follows:
  11. The Authority shall coordinate its activities with the City by:
    - a. Forwarding to each Councilmember all Board of Commissioner posted agendas.
    - b. Upon a Councilmember request, submit for Council review any Authority documents, provided such request does not preclude the Authority from taking action in a timely manner.
    - c. Being available to present to Council and its Committees.
2. Except as herein modified, all terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the Authority and the City caused this Fourth Modification to the Agreement to be executed by their duly authorized representatives.

Executed this 28 day of FEBRUARY, 2013

HOUSING AUTHORITY OF THE CITY OF LOS ANGELES  
A public body, corporate and politic

By: \_\_\_\_\_

  
MARGARITA GARR,  
Chairperson/Commissioner  
Housing Authority of the  
City of Los Angeles

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2013  
THE CITY OF LOS ANGELES

By: \_\_\_\_\_  
Antonio Villaraigosa,  
Mayor

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2013  
THE CITY OF LOS ANGELES

By: \_\_\_\_\_  
Herb J. Wesson, Jr.,  
Council President

ATTEST:  
JUNE LAGMAY, City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Date: \_\_\_\_\_

APPROVED AS TO FORM:  
CARMEN A. TRUTANICH, City Attorney

By: \_\_\_\_\_  
CRAIG TAKENAKA,  
Assistant City Attorney

Date: \_\_\_\_\_



**HOUSING AUTHORITY** OF THE CITY OF LOS ANGELES  
AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER  
2600 Wilshire Boulevard • Los Angeles, California 90057 • (213) 252-2500  
TTY (213) 252-5313

**PRESIDENT AND CEO**  
**DOUGLAS GUTHRIE**

Council Files 09-1731 and 09-1731-S1  
are not attached

Honorable City Council of the City of Los Angeles  
John Ferraro Council Chamber  
200 North Spring Street  
Room 340, City Hall  
Los Angeles, CA 90012

Attention: Richard Williams, Office of the City Clerk

**COUNCIL TRANSMITTAL:**

Transmitted herewith is a Board Report and Resolution adopted by the Board of Commissioners of the Housing Authority of the City of Los Angeles (HACLA) at its meeting on February 28, 2013 and attached thereto a duly executed Amended Cooperation Agreement containing terms consistent with Council File CF 09-1731 specifically the action taken by Council on January 8, 2013. The specific Agenda item attached is entitled:

**PROPOSED RESOLUTION AUTHORIZING THE CHAIRPERSON OF THE BOARD OF COMMISSIONERS TO ENTER INTO FOURTH MODIFICATION AGREEMENT OF THE COOPERATION AGREEMENT BETWEEN THE AGENCY AND THE CITY OF LOS ANGELES.**

**DISCUSSION:**

On January 8, 2013 Council took action to approve and adopt the Housing and Community Development Committee's Minority Report as amended by Motion 11A (C.F 09-1731; 09-1731-S1; 11-2105) by Council member Perry and seconded by Bernard Parks. The Minority Report as amended by motion made the following recommendations

- 1 a. Forward to each Councilmember all Board of Commissioner posted agendas.
- b. (as amended by Motion 11A and adopted by Council) Upon Councilmember request submit for Council review any HACLA documents, provided such request does not preclude HACLA from taking action in a timely manner.
- c. (removed by Motion 11A)
- d. Be available to present to Council and its Committees.

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Transmittal

The Fourth Modification to the Cooperation Agreement is amended to conform to Council's approved recommendations, has been executed by the HACLA Board Chairman and is attached hereto.

**RECOMMENDATION:**

That Council takes action to authorize execution of the Fourth Modification to the Cooperation Agreement attached hereto to the Board Memorandum adopted by the HACLA Board of Commissioners on February 28, 2013.

**ENVIRONMENTAL REVIEW:**

Due to the nature of the action being taken, action pursuant to CEQA is not required where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. CEQA Guidelines §15061 (b)(3).

**FISCAL IMPACT STATEMENT:**

There is no fiscal impact to the City's General Fund, as a result of this action.

Douglas Guthrie  
President and Chief Executive Officer

By



Ken Simmons  
Chief Operating Officer

**ATTACHMENTS:**

Attachment A: Amended Cooperation Agreement  
Attachment B: Resolution

**RESOLUTION NO. 9033**

**RESOLUTION AUTHORIZING THE CHAIRPERSON OF THE BOARD OF COMMISSIONERS TO ENTER INTO A FOURTH MODIFICATION AGREEMENT OF THE COOPERATION AGREEMENT BETWEEN THE AGENCY AND THE CITY OF LOS ANGELES**

**WHEREAS**, the Los Angeles Administrative Code, Division 8, Chapter 6, titled Housing Authority of the City of Los Angeles contains the Cooperation Agreement between the Authority and the City dated August 8, 1949 and its subsequent amendments thereto in the years 1953 and 1973; and

**WHEREAS**, the Los Angeles City Council ("Council") has been exploring ways to develop more openness, transparency and communication between the Agency and the City; and

**WHEREAS**, on January 8, 2013 (Council File 09-1731-S1), Council adopted the Housing, Community and Economic Development Committee Minority Report as amended in order to establish protocols for a systematic approach for openness, transparency and communication between the Agency and the City; and

**WHEREAS**, the Council action of January 8, 2013 authorized a Fourth modification to the Cooperation Agreement between the Agency and the City; and

**WHEREAS**, the proposed Fourth Modification to the Cooperation Agreement adds the following protocols: 1) Forwarding to each Councilmember all Board of Commissioner posted agendas; 2) Upon a Councilmember request, submit for Council review any Authority documents, provided such request does not preclude the Authority from taking action in a timely manner; and 3) Being available to present to Council and its Committees.



**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners approves and authorizes the Chairperson to execute a Fourth Modification to the Cooperation Agreement between the Agency and the City by adding a new Section 11 as follows:

- 11. The Authority shall coordinate its activities with the City by:
  - a. Forwarding to each Councilmember all Board of Commissioner posted agendas.
  - b. Upon a Councilmember request, submit for Council review any Authority documents, provided such request does not preclude the Authority from taking action in a timely manner.
  - c. Being available to present to Council and its Committees.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately.

APPROVED AS TO FORM:  
CARMEN A. TRUTANICH  
CITY ATTORNEY

BY:   
\_\_\_\_\_  
GENERAL COUNSEL

BY:   
\_\_\_\_\_  
CHAIRPERSON

DATE: 2/28/13

ADOPTED: FEB 28 2013