



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 1 6 - 0 2 1 4
JUN 2 4 2016

REPORT RE:

**RESOLUTION OF NECESSITY RELATED TO A
PROPOSED HOMELESSNESS REDUCTION AND HOUSING
GENERAL OBLIGATION BOND PROPOSITION
FOR THE NOVEMBER 8, 2016 STATE GENERAL ELECTION**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Honorable Members:

Pursuant to your instructions of June 21, 2016, we have prepared and present a Resolution of Necessity, approved as to form and legality, declaring that the public interest or necessity demand the acquisition or improvement of real property, as further described therein, and the submission of a \$1,100,000,000 general obligation bond proposition to the qualified voters of this City at a Special Election to be consolidated with the State General Election to be held on November 8, 2016, to pay for such acquisition or improvement of real property. Approval will require a two-thirds vote of the entire City Council to adopt this Resolution. Government Code § 43607.

Ballot Resolutions and Election Ordinance

A Ballot Title Resolution, prepared pursuant to City Election Code Section 602, as well as a Consolidation Resolution, requesting the County of Los Angeles to consolidate the aforementioned Special Election with the State General Election to be held on November 8, 2016, will be submitted for adoption at any meeting subsequent to the adoption of the Resolution of Necessity.

The ordinance calling the Special Election will be submitted with the Ballot Title Resolution and the Consolidation Resolution. The ordinance may be adopted at any meeting subsequent to the adoption of the Resolution of Necessity. Government Code § 43608.

Deadline for Council Action

Council must adopt the ballot resolutions and the ordinance calling the Special Election necessary to place a proposition on the ballot by no later than 110 days before the election. City Election Code § 601. With regard to the November 8, 2016, election and in light of Council's scheduled recess, the deadline to adopt these documents is July 1, 2016.

Council must adopt the Resolution of Necessity at a meeting before the meeting at which it adopts the ordinance calling an election on the bond proposition. Government Code § 43608. Accordingly, the deadline for Council to adopt the accompanying Resolution of Necessity is June 29, 2016.

CEQA

It is the opinion of this office that adoption of the Resolution of Necessity and adoption of the ordinance calling the Special Election do not constitute approval of a project for purposes of compliance with the California Environmental Quality Act (CEQA), and therefore, the adoptions do not require compliance with CEQA prior to your action to adopt the Resolution of Necessity and the ordinance. If the general obligation bond proposition is approved by the qualified voters, then the City must complete its compliance with CEQA before it commits itself to approve a project using the bond proceeds. If you adopt the Resolution of Necessity and the ordinance, you should direct staff to file a notice of exemption with the County Clerk pursuant to Public Resources Code Section 21152(b). The filing will commence the running of the statute of limitations on any challenge to your determination that your action of adoption of the Resolution of Necessity and the ordinance are exempt from CEQA.

Rule 38 Referral

A copy of the draft Resolution of Necessity has been presented to the Office of the City Administrative Officer, the Housing and Community Investment Department, the Office of the Chief Legislative Analyst and the Chair of the Rules, Elections, Intergovernmental Relations, and Neighborhoods Committee, and their comments have been incorporated.

If you have any questions regarding this matter, please contact Sr. Assistant City Attorney Noreen Vincent at (213) 978-7730 or Deputy City Attorney Gerald Kim at (213) 978-7784. They or another member of this Office will be available when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney



By DAVID MICHAELSON
Chief Assistant City Attorney

DM:GK:cm
Transmittal