

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5

///

///

///

WHEREAS, pursuant to Government Code Section 27281, deeds or grants conveying any interest in or easement upon real estate to the Authority for public purposes shall not be accepted for recordation without the consent of the Authority evidenced by its Certificate of Acceptance attached to or printed on the deed or grant.

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED BY THE SAN BERNARDINO CITY HOUSING AUTHORITY, AS FOLLOWS:

Section 1. The Bylaws of the Authority, a copy of which is attached hereto as Exhibit "A," are hereby adopted.

Section 2. The Procedural Policy Regarding Use of Consent Calendar, a copy of which is attached hereto as Exhibit "B," is hereby adopted.

Section 3. The Authority hereby establishes its meeting dates pursuant to Article VI - Meetings, of the Authority Bylaws.

Section 4. The Executive Director of the Economic Development Agency, also referred to as the Redevelopment Agency of the City of San Bernardino, is hereby appointed as the Executive Director of the Authority. The Executive Director shall serve in that position at the pleasure of the Authority and only so long as he/she holds the position of Executive Director.

Section 5. The Chairperson, Vice-Chairperson, Secretary and Executive Director of the Authority are each hereby separately authorized to accept and consent to deeds and grants conveying any interest in or easement upon real estate to the Authority for public purposes.

Section 6. The Commissioners of the Authority shall receive per diem payments, for attendance at not more than four (4) meetings per calendar month, of fifty dollars (\$50.00) per meeting.

///

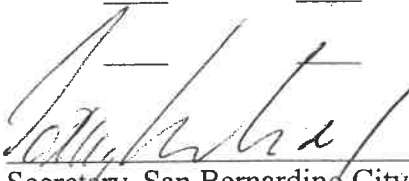
///

///

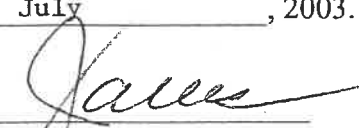
A RESOLUTION OF THE SAN BERNARDINO CITY HOUSING AUTHORITY ("AUTHORITY") ADOPTING BYLAWS AND CERTAIN PROCEDURAL POLICIES, INCLUDING APPOINTMENT OF CERTAIN OFFICERS AND OTHER POSITIONS OF THE AUTHORITY; AND AUTHORIZING CERTAIN OFFICERS AND OTHER POSITIONS OF THE AUTHORITY TO CONTRACT FOR GOODS AND SERVICES, AND TO CONSENT AND ACCEPT DEEDS AND GRANTS.

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the San Bernardino City Housing Authority of the City of San Bernardino at a 1st regular meeting hereof, held on the 7th day of July, 2003, by the following vote to wit:

<u>Commissioners:</u>	<u>Ayes</u>	<u>Nays</u>	<u>Abstain</u>	<u>Absent</u>
ESTRADA	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
LONGVILLE	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
MCGINNIS	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
DERRY	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
SUAREZ	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
ANDERSON	<u> </u>	<u> </u>	<u> </u>	<u>X</u>
MC CAMMACK	<u>X</u>	<u> </u>	<u> </u>	<u> </u>


Secretary, San Bernardino City Housing Authority

The foregoing resolution is hereby approved this 9th day of July, 2003.


Judith Valles, Chairperson
San Bernardino City Housing Authority

Approved as to Form and Legal Content:

By: Decline to sign - conflicts with previous the City made &
General Legal Counsel residents when IRDA was created that
city would not ~~exercise~~ eminent domain power on residential property.
J.T.P.

SBHA/2003-1

EXHIBIT "A"

**BYLAWS OF THE
SAN BERNARDINO CITY HOUSING AUTHORITY**

THE SAN BERNARDINO CITY HOUSING AUTHORITY, a public body corporate and politic (the "Authority") hereby declares that these Bylaws shall guide the operation and administration of the functions of the Authority:

ARTICLE I – THE AUTHORITY

Section 1. Name of Authority. The name of the Authority shall be the "San Bernardino City Housing Authority."

Section 2. Seal of Authority. The seal of the Authority shall be in the form of a circle two (2) inches in diameter and within the circle, the seal shall bear the name of the Authority and the year of its organization.

Section 3. Office of Authority. The business office of the Authority shall be at the Economic Development Agency of the City of San Bernardino, 201 North "E" Street, Suite 301, San Bernardino, California 92401.

Section 4. Board of Commissioners. The governing board of the Authority shall be called the "Board of Commissioners" and shall consist of the Chairperson and seven (7) Commissioners.

Section 5. Commissioners of Authority. The Mayor and Common Council of the City of San Bernardino have, by Resolution No. 2003-105, declared the Mayor and Common Council members to be the Chairperson and the Commissioners, respectively, of the Authority. The Commissioners of the Board of Commissioners of the Authority shall be the members of the Common Council, as that body is presently constituted, and each Commissioner of the Authority shall serve as a Commissioner only so long as such Commissioner also retains office as a member of the Common Council of the City of San Bernardino.

ARTICLE II – OFFICERS

Section 1. Officers. The officers of the Authority shall be a Chairperson, a Vice-Chairperson, a Secretary and a Treasurer.

Section 2. Chairperson. The Mayor of the City of San Bernardino shall be the Chairperson of the Board of Commissioners of the Authority. The Chairperson of the Authority shall preside at all meetings of the Board of Commissioners of the Authority but shall not be entitled to vote on any matter. At each meeting the Chairperson shall submit such recommendations and information as he or she may consider proper concerning the business affairs and policies of the Authority. No order, resolution or ordinance of the Board of Commissioners shall have effect without approval of the Chairperson except where at five (5) Commissioners concur in its adoption. In case of orders, the approval of the Chairperson shall be presumed unless at the same meeting at which the order is passed, the Chairperson causes his/her disapproval, with the Chairperson's reasons therefor, to be spread upon the minutes of the Authority. All resolutions and ordinances of the Board of Commissioners after passage must be submitted to the Chairperson who shall, within five (5) days after the Chairperson has received the same, endorse the approval or disapproval of the Chairperson thereon, giving the reasons for disapproval. Each ordinance or resolution of the Board of Commissioners to be valid must be

passed by a vote of not less than four (4) Commissioners and approved by the Chairperson, provided that if the Chairperson fails to approve the same it may be passed by a vote of not less than five (5) Commissioners, and shall take effect as if approved by the Chairperson.

Section 3. Vice-Chairperson. The Mayor Pro Tempore of the City of San Bernardino shall be the Vice-Chairperson of the Board of Commissioners of the Authority. The Vice-Chairperson shall be deemed a Commissioner but shall also perform the duties of the Chairperson of the Board of Commissioners of the Authority in the absence or incapacity of the Chairperson; and in the case of the resignation or death of the Chairperson, the Vice-Chairperson shall perform such duties as are imposed on the Chairperson until such time as a successor to the office of Mayor may accept the office of Mayor of the City of San Bernardino. The authority of the Vice-Chairperson to participate and cast votes on the actions of the Board of Commissioners shall be the same as the authority of the Mayor Pro Tem of the City of San Bernardino to participate and cast votes on the actions of the Common Council of the City of San Bernardino.

Section 4. Secretary. The Secretary of the Authority shall be the Executive Director of the Redevelopment Agency of the City of San Bernardino (the "Agency"). The Secretary shall keep the records of the Authority, and subject to the provisions of Article VI, Section 9, below, the Secretary shall maintain a record of all votes of the Authority and records of all proceedings in a journal of proceedings and shall perform all other duties incident to the duties of document and records custodian of the Authority. The Secretary shall keep in safe custody the seal of the Authority and shall have the power to affix such seal to all contracts and instruments authorized to be executed by the Board of Commissioners.

Section 5. Treasurer. The Treasurer of the Authority shall be the Executive Director of the Agency. The Treasurer shall have the care and custody of all funds of the Authority and shall deposit the same in the name of the Authority in such banks or investments as the Board of Commissioners may direct in accordance with the financial investment and public funds deposit policies of the City of San Bernardino and applicable provisions of State law. The Treasurer shall sign all orders and checks for the payment of the money of the Authority as authorized by the Board of Commissioners. Except as may otherwise be authorized by resolution of the Board of Commissioners, all orders and checks of the Authority shall be countersigned by either the Chairperson of the Board of Commissioners or in the absence of the Chairperson of the Board of Commissioners, by the Vice-Chairperson. The Treasurer shall keep regular books of accounts showing receipts and expenditures of the Authority and shall deliver to the Board of Commissioners an accounting of all financial transactions, funds, accounts, assets and liabilities of the Authority. The Treasurer shall give such surety bond for the faithful performance of duties of Treasurers as the Board of Commissioners may determine. The Treasurer may designate such employees of the Agency as the Treasurer deems appropriate to assist the Treasurer in the performance of the duties assigned to the Treasurer by these Bylaws, by the Board of Commissioners and by applicable law.

Section 6. Terms of Office of Certain Officers of the Authority. The Chairperson and Vice-Chairperson of the Authority shall hold such offices only during the period of time when such persons hold the office of the Mayor and Mayor Pro Tempore, respectively, and upon any such officer of the Authority ceasing to hold his or her applicable elected office with the City of San Bernardino (either by virtue of resignation, rotation of assignment in office in the case of Mayor Pro Tempore, vacancy or upon the acceptance of elected office of the successor or such

officer), their successors in such City offices shall automatically succeed to the corresponding office of the Authority.

(b) The person who holds the offices of Secretary and Treasurer of the Authority shall hold such offices only during such period of time that such person holds the title of Executive Director of the Agency, and upon such person ceasing to be the Executive Director of the Agency, the duly appointed successor to the Executive Director of the Agency shall automatically succeed to the office of Secretary and Treasurer of the Authority.

ARTICLE III – COMPENSATION OF CHAIRPERSON AND COMMISSIONERS

Section 1. Per Diem Payments. The Chairperson and each Commissioner shall not be regularly employed by the Authority during his or her tenure office, but may receive per diem payment for attendance at Authority meetings in an amount set by the Board of Commissioners consistent with the Housing Authority Law.

ARTICLE IV – OTHER POSITIONS

Section 1. Executive Director. The Executive Director of the Agency shall serve as the Executive Director of the Authority. The Executive Director shall be charged with the administration and management of the Authority, subject to direction from the Board of Commissioners of the Authority. The Executive Director shall have the authority to contract on the Authority's behalf without prior Authority approval for goods and services to be furnished to the Authority when the contract price for such goods and services to be furnished to the Authority when the contract price for such goods and services does not exceed Twenty-Five Thousand Dollars (\$25,000). The Executive Director may designate such employees of the Agency as the Executive Director deems appropriate to assist the Executive Director in the performance of the duties assigned to the Executive Director by these Bylaws, by the Board of Commissioners and by applicable law. The person who serves as the Executive Director of the Authority shall hold such position only during the period of time that such person also holds the title of Executive Director of the Agency and upon such person's ceasing to be Executive Director of the Agency the duly appointed successor to the Executive Director of the Agency shall automatically succeed to the position of Executive Director of the Authority.

Section 2. General Legal Counsel. The General Legal Counsel of the Authority shall be the City Attorney of the City. The General Legal Counsel shall provide legal representation to the Authority and shall prepare and review all ordinances, resolutions and contracts and shall represent the Authority in all administrative and legal proceedings. The General Legal Counsel may designate such other lawyers employed in the Office of City Attorney as the General Legal Counsel deems appropriate to assist the General Legal Counsel in the performance of the duties assigned to the General Legal Counsel by these Bylaws, by the Board of Commissioners and by applicable law. The General Legal Counsel of the Authority shall hold such position and represent the Authority only during the period of time when such person also holds the office of City Attorney of the City of San Bernardino, and upon such person ceasing to hold the office of City Attorney of the City of San Bernardino (either by virtue of resignation, vacancy or upon the acceptance of elected office of the successor to the City Attorney) the successor in such office of City Attorney of the City of San Bernardino shall automatically succeed to the service of General Legal Counsel of the Authority.

Section 3. Assistant Secretary and Assistant Executive Director of the Authority. The Deputy Director of the Agency shall serve as the Assistant Secretary of the Authority and the Assistant Executive Director of the Authority, as applicable, and shall perform the duties of the Secretary of the Authority and/or the Executive Director of the Authority in the absence, vacancy or incapacity of the Secretary or the Executive Director, as applicable. The person who performs the duties of Assistant Secretary and Assistant Executive Director of the Authority shall hold such position with the Authority only during the period of time that such person holds the position of Deputy Director of the Agency, and upon such person ceasing to be the Deputy Director of the Agency, such person's successor shall automatically succeed to the position of Assistant Secretary and Assistant Executive Director of the Authority.

Section 4. Other Employees. From time to time the Board of Commissioners may employ or designate such other employees, agents and personnel as it deems necessary or desirable to fulfill its objectives and programs.

Section 5. Compensation of Employees and Agents. The Board of Commissioners may fix and determine the compensation of all Authority employees, agents and consultants whose compensation is not already provided for by the City or by the Agency, as applicable.

ARTICLE V – EXECUTION OF DOCUMENTS

Section 1. Signature Authority. Except as may be otherwise authorized by resolution of the Board of Commissioners, the Chairperson, or in the absence of the Chairperson, the Vice-Chairperson, and the Executive Director, shall jointly execute all deeds, contracts, agreements and other instruments previously approved by the Board of Commissioners.

ARTICLE VI - MEETINGS

Section 1. Compliance With Open Meeting Laws. The meetings of the Board of Commissioners shall be conducted in accordance with the provisions of the California Open Meeting Laws (Government Code Section 54950, et seq.)

Section 2. Annual Meeting. The annual meeting of the Board of Commissioners of the Authority shall be held at the time and place of the first regular meeting of the Authority in July of each year. In the event such date shall fall on a legal holiday, the annual meeting shall be held on the next succeeding business day of the Authority.

Section 3. Regular Meetings. Regular meetings of the Board of Commissioners shall be held at the place of the regular meetings of the Community Development Commission and shall follow such Commission meetings. In the event the day of a regular meeting falls on a legal holiday, said meeting shall be held on the next regular business day of the Authority.

Section 4. Special Meetings. Special meetings of the Board of Commissioners may be called by the Chairperson or by any four (4) Commissioners of the Authority by written notice to all Commissioners delivered at least twenty-four (24) hours before the called meeting in accordance with the applicable provisions of the California Open Meeting Laws.

Section 5. Quorum. Four (4) voting members of the Board of Commissioners of the Authority shall constitute a quorum for the purposes of conducting the business of the Authority, but a smaller number of its members may adjourn a meeting from time to time until a quorum is obtained. In the absence of any members at the time of commencement of a meeting of the Board of Commissioners, the Secretary may adjourn a meeting to another time or date.

Section 6. Order of Business. At the regular meeting of the Board of Commissioners of the Authority, the following shall be the order of business:

1. Roll call.
2. Approval of the minutes of the previous meeting.
3. Unfinished business.
4. New business.
5. Adjournment.

Section 7. Manner of Voting. The voting on formal resolutions, matters relating to any federal, state, county, or city agency or authority, and on such other matters as may be requested by a majority of the Board of Commissioners of the Authority, shall be by roll call, and the ayes and noes and members present and not voting shall be entered upon the minutes of such meeting.

Section 8. Procedural Rules. All rules of order not herein provided for shall be determined in accordance with the procedural rules followed at the meetings of the Common Council of the City of San Bernardino.

Section 9. Authority Committee Established. The Board of Commissioners shall establish a standing committee of its members to be called the "Authority Committee". The Authority Committee shall meet from time-to-time in accordance with the California Open Meeting Laws to consider and prepare recommendations to the Board of Commissioners relating to the business and policy matters of the Authority and to such other specific items of business as referred to the Authority Committee by the Board of Commissioners.

ARTICLE VII – AMENDMENT

Section 1. Amendment of Bylaws. The Bylaws of the Authority shall be amended only with the approval of at least four (4) Commissioners at a regular or special meeting of the Board of Commissioners.

EXHIBIT "B"

SAN BERNARDINO CITY HOUSING AUTHORITY

Procedure Policy Regarding Use of Consent Calendar

As a procedural matter, the Board of Commissioners of the Authority, in the conduct of its business, shall use a consent calendar in the same manner, or in substantially the same manner, as such a consent calendar is used by the Common Council of the City of San Bernardino as of the date of adoption of this policy.

All Authority resolutions placed on the agenda for a particular meeting for approval on the consent calendar shall not require any further reading of either the resolution or the title thereof and the further reading of any such resolution either by title or in its entirety shall be deemed waived if such resolution is placed on a consent calendar and no Authority Commissioner objects at or prior to the time of adoption thereof. Nothing contained herein shall preclude any Commissioner from removing an Authority resolution from the consent calendar for further discussion or consideration, and when such Authority resolution is so removed from the consent calendar by any Commissioner, such resolution shall be subject to all procedural rules of the Authority for the introduction, reading, consideration and approval of resolutions in general.

All resolutions placed on the consent calendar shall be assigned a separate resolution number by the Secretary and shall be filed with all other resolutions of the Authority in consecutive order. The approval of the consent calendar by the Board of Commissioners of the Authority at a regular or special meeting of the Authority, or at any adjourned meeting thereof, shall require that a motion to approve the consent calendar be duly made and seconded, and approved by at least four (4) Commissioners present and voting on the consideration of the consent calendar.