

Attachment B

RESOLUTION NO. 04-1345

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS
ADOPTING A MORTGAGE CREDIT CERTIFICATE PROGRAM IN
COOPERATION WITH THE COUNTY OF LOS ANGELES, AUTHORIZING
AN
APPLICATION TO THE CALIFORNIA DEBT LIMIT ALLOCATION
COMMITTEE
FOR AN ALLOCATION FOR THE ISSUANCE OF
MORTGAGE CREDIT CERTIFICATES AND THE TRANSFER OF SUCH
ALLOCATION TO THE COUNTY OF LOS ANGELES**

WHEREAS, there is a shortage in the County of Los Angeles (the "County") and in the City of Agoura Hills (the "City") of decent, safe and sanitary housing, particularly of housing that is affordable by first-time home buyers, and a consequent need to encourage the availability of homes affordable by such persons and otherwise to increase the housing supply in the City and in the County for such persons; and

WHEREAS, the Board of Supervisors of the County has declared its intent to engage in a Mortgage Credit Certificate Program (the "Program") pursuant to Part 5 of Division 31 of the Health and Safety Code of the State of California (the "Act") and to issue mortgage credit certificates pursuant to the Act to provide funds for the Program; and

WHEREAS, the City hereby finds and determines that it is in the best interest of the City to participate in the Program and to consent to the operation of the Program by the County within the geographic boundaries of the City pursuant to the Act; and

WHEREAS, the City desires to enter into a Cooperative Agreement with the County to permit the operation of the Program within the boundaries of the City; and

WHEREAS, section 146 of the Internal Revenue Code of 1986, as amended (the "Code"), limits the amount of mortgage credit certificates that may be issued in any calendar year by entities within a state and authorizes the governor or the legislature of such state to provide the method of allocation within such state; and

WHEREAS, Chapter 11.8 of Division 1 of Title 2 of the Government Code of the State of California (the "Government Code") governs the allocation of the state ceiling (as that term is defined in the Code) among governmental units in the State of California (the "State") having the authority to issue mortgage credit certificates; and

WHEREAS, Section 8869.85 of the Government Code requires a local agency to file an application for a portion of the state ceiling with or upon the direction of the

California Debt Limit Allocation Committee ("CDLAC") prior to the issuance of mortgage credit certificates; and

WHEREAS, the City has determined to transfer to the County, pursuant to Section 8869.85(d) of the Government Code, the total amount, if any, of authority to issue mortgage credit certificates allocated to the City from the state ceiling.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Agoura Hills resolves as follows:

SECTION 1: Each of the foregoing recitals is true and correct.

SECTION 2: The City hereby adopts the Program for the purpose of increasing the housing supply in the County and in the City and consents to the operation of the Program by the County with respect to all property located within the geographical boundaries of the City, including the payment to the County of the City's proportionate share (based upon the number of participants in the Program) of administration costs applicable to each allocation received from CDLAC, which share is estimated not to exceed \$2,000.

SECTION 3: The Cooperative Agreement between the County and the City (the "Agreement"), a copy of which is attached hereto as Exhibit A, is hereby approved and the City Council hereby authorizes and directs the City Manager to execute and deliver the Agreement, for and in the name and on behalf of the City. The City Manager, with the advice and consent of the City Attorney, is authorized to approve any additions to or changes in the form of the Agreement deemed necessary or advisable, approval of such additions or changes to be conclusively evidenced by execution by the City Manager of the Agreement as so added to or changed. The City Manager, with the advice and consent of the City Attorney, is further authorized to enter into such additional agreements with the County, execute such other documents or take such other actions as they may deem necessary or appropriate to carry out the purpose and intent of the Agreement or to cooperate in the implementation of the Program.

SECTION 4: The City Manager, or his designee, is authorized, on behalf of the City, to submit an application, and such other document as may be required, to CDLAC, for application to the issuance of mortgage credit certificates by the County.

SECTION 5: The City hereby authorizes the transfer to the County of all of the principal amount, if any, of mortgage credit certificates allocated to the City by CDLAC. The City Manager or his designee, on behalf of the City, is authorized and directed to take such steps and execute such documents as are necessary to effect the transfer of such allocation to the County solely for application to the issuance of mortgage credit certificates, the proceeds of which are to be used to induce the origination of home mortgage loans to qualifying persons residing within the City and the County.

SECTION 6: The officers and employees of the City are authorized and directed, jointly and severally, to do any and all things necessary or advisable in order to effectuate the purposes of this resolution or the issuance of the mortgage credit certificates by the County, and all actions previously taken by such officers and employees in connection with the application for the allocation authorized to be requested are ratified and approved.

SECTION 7: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

PASSED, APPROVED, AND ADOPTED this 10th day of November, 2004, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dan Kuperberg, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk