

RESOLUTION NO. 08-1471

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING AN AGREEMENT BETWEEN THE CITY OF AGOURA HILLS AND THE CITY OF HAWAIIAN GARDENS REGARDING THE EXCHANGE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR FISCAL YEAR 2008-2009

WHEREAS, effective July 1, 2006, the City of Agoura Hills (“City”) executed a three-year Cooperation Agreement with the County of Los Angeles concerning Community Development Block Grant (“CDBG”) funds for Fiscal Years 2006-2007, 2007-2008, and 2008-2009; and

WHEREAS, the use of CDBG funds is strictly limited by law; and

WHEREAS, although the City is a recipient of CDBG funds, the City nevertheless desires to exchange \$90,721.00 of its FY 2008-2009 allocated CDBG funds for \$54,432.60 of general funds; and

WHEREAS, the City Council of the City conducted a properly noticed public hearing on March 26, 2008, to consider the allocation of CDBG funds for Fiscal Year 2008-2009.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The “Agreement for the Exchange of Community Development Block Grant (CDBG) Funds and General Funds Between the City of Agoura Hills and the City of Hawaiian Gardens” (“Agreement”) attached hereto and incorporated herein as Exhibit A is approved.

SECTION 2. The City Manager is authorized and directed to execute any and all documents necessary to complete the exchange of funds contemplated by the Agreement on behalf of the City.

PASSED, APPROVED AND ADOPTED this 26th day of March, 2008.

John M. Edelston
Mayor

State of California)
County of Los Angeles) SS
City of Agoura Hills)

I, Kimberly M. Rodrigues, City Clerk of the City of Agoura Hills, California, do hereby certify that the foregoing Resolution No. 08-1471 was duly approved and adopted by the City Council of the City of Agoura Hills at a regular meeting of said Council held on the 26th day of March, 2008, by the following vote to wit:

AYES: ()
NOES: ()
ABSENT: ()
ABSTAIN: ()

ATTEST:

Kimberly M. Rodrigues, City Clerk

**AGREEMENT FOR THE EXCHANGE OF COMMUNITY DEVELOPMENT
BLOCK GRANT (CDBG) FUNDS AND GENERAL FUNDS BETWEEN
THE CITY OF AGOURA HILLS
AND THE CITY OF HAWAIIAN GARDENS**

The Agreement is made on this _____ day of _____, 2008, by and between the City of Hawaiian Gardens, a municipal corporation, and the City of Agoura Hills, a municipal corporation.

RECITALS

- A. The City of Agoura Hills has executed a three-year cooperation agreement with the County of Los Angeles concerning Community Development Block Grant (CDBG) Funds for Fiscal Years 2006-2007, 2007-2008, and 2008-2009;
- B. The City of Agoura Hills will receive CDBG Funds, which can be made available to the City of Hawaiian Gardens during fiscal year 2008-2009. In exchange for the assignment by the City of Hawaiian Gardens of the amount of its general funds indicated in Section 1 below, the City of Agoura Hills is willing to assign unexpended CDBG funds to the City of Hawaiian Gardens; and
- C. The two cities desire to enter into an agreement under which the City of Hawaiian Gardens would exchange \$54,432.60 of its general funds for \$90,721.00 of the City of Agoura Hills unexpended entitlement of CDBG Funds for Fiscal Year 2008-2009.

NOW, THEREFORE, the Cities agree as follows:

- 1. **EXCHANGE.** The City of Agoura Hills agrees to assign \$90,721.00 of its allocated entitlement of CDBG Funds for Fiscal Year 2008-2009 to the City of Hawaiian Gardens. In return, the City of Hawaiian Gardens agrees to assign \$54,432.60 of its general funds to the City of Agoura Hills. The exchange rate is \$.60/1.00. The table below summarizes the amount(s) to be exchanged and any public service and/or administration authority to be transferred to the City of Hawaiian Gardens.

	Amount	Public Service Authority Received	Administrative Authority Received
FY 2008-09	\$90,721	\$13,608	\$9,072
Unallocated Balance	\$0	\$0	\$0
Total	\$90,721	\$13,608	\$9,072

2. **CONSIDERATION.** The City of Agoura Hills shall assign the agreed upon CDBG Funds in one lump sum payment. The City of Hawaiian Gardens shall assign the agreed upon general funds to the City of Agoura Hills in one lump sum payment. The lump sum payments shall be due and payable on or before July 31, 2008.
3. **BEST EFFORTS.** The City of Agoura Hills shall use its best efforts to obtain any consent required of any other governmental or administrative agency to effectuate the assignment of \$90,721.00 of its CDBG Funds to the City of Hawaiian Gardens. The City of Agoura Hills and the City of Hawaiian Gardens shall agree to execute any and all additional documents that such agencies may request in connection with the assignment and receipt of the grant.
4. **TERM.** The Agreement is effective on the date above written and for such time as is necessary for both parties to complete their mutual obligations under this Agreement.
5. **TERMINATION.** Termination of this Agreement may be made by either party, so long as written notice of intent to terminate is given to the other party at least five (5) days prior to termination.
6. **NOTICE.** Notices shall be given pursuant to this Agreement by personal service on the party notified, or by written notice upon such party deposited in the custody of the United States Postal Service addressed as follows:

CITY OF HAWAIIAN GARDENS Ernesto Marquez City Administrator 21815 Pioneer Boulevard Hawaiian Gardens, CA 90716	CITY OF AGOURA HILLS Greg Ramirez City Manager 30001 Ladyface Court Agoura Hills, CA 91301
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7. **GOVERNING LAW.** This Agreement shall be governed by the laws of the State of California.

IN WITNESS WHEREOF, the parties have executed this Agreement the _____ day of _____, 2008.

CITY OF HAWAIIAN GARDENS

CITY OF AGOURA HILLS

Ernesto Marquez
City Administrator

Greg Ramirez
City Manager

ATTEST:

ATTEST:

Sue Underwood
City Clerk

Kimberly M. Rodrigues
City Clerk

APPROVED AS TO FORM:

Craig Steele
City Attorney