

ORDINANCE NO. 473

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA QUINTA, CALIFORNIA, CREATING THE LA QUINTA HOUSING COMMISSION

WHEREAS, by adoption of Resolution No. 2009-075, the City Council of the City of La Quinta ("City Council" or "City," as applicable) has established the La Quinta Housing Authority (the "Housing Authority"), in accordance with the California Housing Authorities Law (Health and Safety Code Sections 34200, *et seq.*); and

WHEREAS, the City Council has declared itself to be the commissioners of the Housing Authority; and

WHEREAS, Health and Safety Code Sections 34291 and 34292 provide that a governing body which has declared itself to be the commissioners of a housing authority may create a housing commission, whose function is to review and make recommendations on all matters to come before the housing authority prior to housing authority action, except emergency matters and matters which the commission, by resolution, excludes from its review; and

WHEREAS, pursuant to the authority granted in Health and Safety Code Section 34291, the City Council now wishes to create the La Quinta Housing Commission.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of La Quinta, California that it does ordain as follows:

- 1. Establishment of Housing Commission.** The City Council hereby creates the La Quinta Housing Commission (the "Housing Commission"). The Housing Commission shall consist of five (5) members, serving at the will of the Housing Authority. All of the members shall be residents of the City of La Quinta. Two (2) of the members shall be tenants of the Housing Authority, once the Housing Authority has tenants, and one (1) such tenant member shall be over sixty-two (62) years of age, if the Housing Authority has tenants over that age.
- 2. Compensation.** Each commissioner shall be entitled to a per diem payment for attendance at not more than one (1) Housing Commission meeting per month at a rate of \$50.00 per meeting.
- 3. Term.** Each member of the Housing Commission shall serve a two (2) year term from the date of his or her appointment, with the exception that the initial appointments for the three (3) non-tenant commissioners shall be for a one (1) year term.
- 4. Appointment and Removal of Members, Filling of Vacancies.** The members of the Housing Commission shall be appointed by the Housing Authority, at a regular Housing Authority meeting. If a tenant member ceases to be a tenant, he or she shall be

disqualified from being a member and another tenant of the Housing Authority shall be appointed by the Housing Authority to fill the remainder of the unexpired portion of the term. The successor to a tenant member shall be a tenant of the Housing Authority. Vacancies from whatever cause shall be filled by a Housing Authority appointment, and any such appointment shall be for the remainder of the unexpired portion of the term. If a member of the Housing Commission absents himself from three (3) consecutive meetings or is convicted of a crime involving moral turpitude, his or her office shall become vacant, and shall be so declared by the Housing Authority.

5. Duties. The Housing Commission shall have the authority and the duty to review and make recommendations on all matters to come before the Housing Authority prior to Housing Authority action, except emergency matters and matters which the Housing Commission, by resolution, excludes from Housing Commission review.

6. Procedures for Review and Recommendation – Further Functions. Before a matter is acted upon by the Housing Authority, the matter shall be submitted to the Housing Commission for its review and recommendation. Within thirty (30) days after a matter is submitted to the Housing Commission for its review and recommendation, the Housing Commission shall make and file its report thereon with the Housing Authority. If the Housing Commission does not report upon the matter within thirty (30) days after its submission by the Housing Authority, the Housing Commission shall be deemed to have waived its review and recommendations concerning the matter and the Housing Authority may thereafter take action on the matter without the report of the Housing Commission. From time to time, the City Council may, by ordinance or resolution, amend the procedures set forth in this Section or provide for additional procedures for review and recommendation, and for further functions of the Housing Commission.

7. Records. Accurate and permanent records of the acts of the Housing Commission shall be kept, and such records shall have the same status as records of other administrative departments of the City.

8. Organization. The Housing Commission shall elect one of its members as Chairperson and such election shall be held as soon as practicable after each new term commences. The Housing Commission shall adopt such rules and regulations as it deems necessary to provide for its other officers and their method of selection, and for other matters relative to its work and administration. Minutes, resolutions and official records of the Housing Commission shall be filed with the City Clerk.

9. Meetings. The Housing Commission shall provide by resolution for the time and place of holding their regular meetings. Special meetings may be called by the Chairperson or by two (2) commissioners, and notice thereof shall be mailed to each commissioner at least forty-eight (48) hours before the meeting. The Housing Commission shall supply to the City Council and/or Housing Authority, on request,

such information relating to its activities as are public records.

10. Prohibited Interest of Commissioner. (A) No member of the Housing Commission shall acquire any direct or indirect interest in any housing project or any property included or planned to be included in any project, nor shall he or she have any direct or indirect interest in any contract or proposed contract for materials or services to be furnished or used in connection with any housing project. If he or she owns or controls a direct or indirect interest in any such property, he or she shall immediately make a written disclosure of it to the Housing Authority and such disclosure shall be entered upon its minutes. Failure to disclose his or her interest constitutes misconduct in office. (B) Nothing contained in this Section or any provision of the Housing Authorities Law shall be construed as precluding a tenant of the Housing Authority from serving as a commissioner of the Housing Commission, provided that the fact of such tenancy is disclosed to the Housing Authority in writing and entered upon its minutes immediately upon assuming office; not shall any provisions of this Section be construed as in any manner prohibiting the right of such tenant commissioner to exercise his or her full powers vested in his or her office.

11. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of La Quinta hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

12. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

13. Posting. The City Clerk shall certify to the passage and adoption of this Ordinance, and shall cause the same to be posted in at least three public places designated by resolution of the City Council, and shall cause this Ordinance and its certification, together with proof of posting, to be entered into the Book of Ordinances of this City.

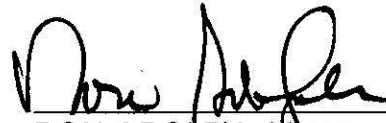
PASSED, APPROVED and ADOPTED this 20th day of October 2009, by the following vote:

AYES: Council Members Evans, Franklin, Henderson, Sniff, Mayor Adolph

NOES: None

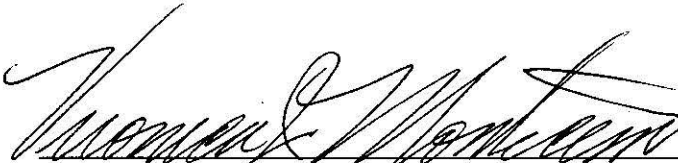
ABSENT: None

ABSTAIN: None



DON ADOLPH, Mayor
City of La Quinta, California

ATTEST:



VERONICA J. MONTECINO, CMC, City Clerk
City of La Quinta, California



APPROVED AS TO FORM:



M. KATHERINE JENSON, City Attorney
City of La Quinta, California

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF LA QUINTA)

I, VERONICA J. MONTECINO, City Clerk of the City of La Quinta, California, do hereby certify the foregoing to be a full, true, and correct copy of Ordinance No. 473 which was introduced at a regular meeting on the 6th day of October 2009, and was adopted at a regular meeting held on the 20th day of October 2009, not being less than 5 days after the date of introduction thereof.

I further certify that the foregoing Ordinance was posted in three places within the City of La Quinta as specified in City Council Resolution No. 2006-115.


VERONICA J. MONTECINO, CMC, City Clerk
City of La Quinta, California

DECLARATION OF POSTING

I, VERONICA J. MONTECINO, City Clerk of the City of La Quinta, California, do hereby certify that the foregoing ordinance was posted on October 21, 2009, pursuant to Council Resolution.


VERONICA J. MONTECINO, CMC, City Clerk
City of La Quinta, California