

RESOLUTION NO. 2021-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA AUTHORIZING THE EXECUTION AND DELIVERY OF A MEMBERSHIP AGREEMENT WITH THE FULLERTON HOUSING AUTHORITY, APPROVING THE FINAL FORM OF RELATED DOCUMENTS AND APPROVING OFFICIAL ACTIONS

WHEREAS, the City of Fullerton (the "City") and the former Fullerton Redevelopment Agency (the "Former Agency") have previously entered into a Joint Exercise of Powers Agreement dated June 2, 1998 (the "Joint Powers Agreement"), under which the City of Fullerton Public Financing Authority (the "Authority") formed pursuant to Article 1 (commencing with Section 6500) of California Government Code Chapter 5, Division 7, Title 1 (the "Joint Powers Law").

WHEREAS, the Former Agency formed as a public body, corporate and politic, under and pursuant to the provisions of the Community Redevelopment Law, beginning with California Health and Safety Code Division 24, Part 1 (commencing with Section 33000) (as amended, the "Redevelopment Law").

WHEREAS, the California Legislature enacted California Assembly Bill X1 26 on June 28, 2011, which amended provisions of the Redevelopment Law and enacted the California Health and Safety Code Division 24, Parts 1.8 and 1.85 (as amended, the "Dissolution Act"), the provisions of which had the effect of dissolving the Former Agency on February 1, 2012 and vesting certain of its powers, assets, duties and obligations in the Successor Agency to the Fullerton Redevelopment Agency (the "Successor Agency"), including the interests of the Former Agency in the Authority.

WHEREAS, the Dissolution Act includes provisions under which the Successor Agency will dissolve at a future date and in order to ensure that the Authority maintains its existence as a public entity under the Joint Powers Law, the City has requested the Housing Authority of the City of Fullerton (the "Housing Authority") to enter into a Membership Agreement for the purpose of providing that the Housing Authority will become a member of the Authority at the request of the City prior to the dissolution of the Successor Agency.

WHEREAS, pursuant to the Joint Powers Law, City Council authorizes the Housing Authority to become a member of the Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FULLERTON AS FOLLOWS:

**Section 1. Approval of Membership Agreement.** City Council hereby approves the Membership Agreement between the City and the Housing Authority in substantially the form on file with the City Clerk, together with any changes or additions deemed advisable by the City Manager or the Director of Administrative Services (each, an “Authorized Officer”). The execution by the Mayor shall provide conclusive evidence of the approval of any such changes or additions. This resolution authorizes and directs the Mayor to execute, and authorizes and directs the City Clerk to attest to, the final form of the Membership Agreement on behalf of the City.

As provided in the Membership Agreement, the Housing Authority must join as a member of the Authority within thirty days following receipt of a written request to do so from the City Manager. This resolution authorizes and directs the City Manager to execute and deliver such written request whenever appropriate to do so in the judgment of the City Manager.

**Section 2. Amendment of Joint Powers Agreement.** City Council hereby approves the First Amendment to Joint Powers Agreement among the City, the Former Agency and the Housing Authority, in substantially the form attached as Appendix A to the Membership Agreement, together with any changes or additions deemed advisable by an Authorized Officer. The Mayor’s execution of the final Agreement shall provide conclusive evidence of the approval of any such changes or additions. This resolution authorizes and directs the Mayor to execute, and authorizes and directs the City Clerk to attest to, the final form of the First Amendment to Joint Powers Agreement on behalf of the City. As provided in the Membership Agreement, the City and the Housing Authority shall execute the First Amendment to Joint Powers Agreement within thirty days following written notice from the City Manager to the Housing Authority requesting that the Housing Authority join as a member of the Authority.

**Section 3. Official Actions.** This resolution hereby authorizes and directs the Mayor, City Manager, Director of Administrative Services, City Clerk and any and all other officers of the City, for and in the name and on behalf of the City, to do any and all things and take any and all actions, including execution and delivery of any and all certificates, requisitions, agreements, notices, consents and other documents, which they, or any of them, may deem necessary or advisable in connection with the execution and delivery of the Membership Agreement and the First Amendment to Joint Power Agreement, and in connection with the actions required to make the Housing Authority a member of the Authority.

**Section 4. Effective Date.** This Resolution shall take effect immediately upon its passage and adoption.

ADOPTED BY THE FULLERTON CITY COUNCIL ON JULY \_\_, 2021.

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Bruce Whitaker  
Mayor

ATTEST:

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Lucinda Williams, MMC  
City Clerk