

**RESOLUTION NO. HA\_\_\_\_\_**

**A RESOLUTION OF THE CITY OF MILPITAS HOUSING AUTHORITY APPROVING AND ADOPTING BYLAWS FOR THE AUTHORITY**

**WHEREAS**, pursuant to the Housing Authorities Law (Health & Saf. Code, § 34200 et seq.) (“HAL”), the City Council of the City of Milpitas (“City”) permitted the City of Milpitas Housing Authority (“Authority”) to transact business and exercise any power inferred thereon by the provisions of the HAL as provided in City Council Resolution No. 8062 dated February 15, 2011; and

**WHEREAS**, the Authority is responsible for addressing insanitary or unsafe dwelling accommodations for persons of low income within the City; and

**WHEREAS**, the HAL sets forth the general procedures for creating and operating the Authority; and

**WHEREAS**, specifically, Health and Safety Code section 34311 authorizes the Authority to make bylaws and regulations, if not inconsistent with the HAL, to carry into effect the powers and purposes of the Authority; and

**WHEREAS**, the Authority is interested in adopting bylaws, as set forth in **Exhibit A** attached hereto and incorporated herein by reference (“Bylaws”) to memorialize Authority procedures and powers.

**NOW, THEREFORE**, the Housing Authority Board of Commissioners hereby finds, determines, declares and resolves as follows:

1. **Recitals.** The Recitals set forth above are true and correct and incorporated herein by reference.
2. **Adoption of Bylaws.** In accordance with Health and Safety Code section 34311, and based on the Recitals set forth above, the Board hereby approves and adopts the Bylaws of the City of Milpitas Housing Authority (the “Bylaws”), attached to this Resolution as **Exhibit A**, together with non-substantive changes and amendments as may be approved by both the Executive Director and Authority Counsel.
3. **Election of Officers.** Following adoption of this Resolution, consistent with the Bylaws, the Board shall elect officers to the Authority by vote of the Board. The manner of electing officers set forth in the Bylaws shall supersede the provision of Council Resolution No. 8062 which provides that Mayor shall serve as the first Chair of the Housing Authority Commission.
4. **Implementation.** The Board of Commissioners hereby authorizes and directs the Executive Director, or his or her designee, to take any action and execute any documents necessary to carry out the purposes of this Resolution.
5. **CEQA.** The determination given in this Resolution does not commit the City of Milpitas Housing Authority to any action that may have a significant effect on the environment. As a result, such determination does not constitute a project subject to the requirements of the California Environmental Quality Act.
6. **Severability.** If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution which can be given effect without the invalid provision or application, and to this end the

provisions of this Resolution are severable. The Authority Board hereby declare that they would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, Housing Authority Secretary

\_\_\_\_\_  
Rich Tran, Chair

APPROVED AS TO FORM:

\_\_\_\_\_  
Christopher J. Diaz, Housing Authority Counsel

**Exhibit A**

Bylaws for the City of Milpitas Housing Authority

(attached behind this cover page)