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SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY

FILED
October 13, 1981
SACRAMENTO REDEVELOPMENT AGENCY
CITY OF SACRAMENTO

CITY MANAGER'S OFFICE
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Housing Authority of the
City of Sacramento
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Redevelopment Agency of the
City of Sacramento
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County of Sacramento

OCT 13 1981

FILED
SACRAMENTO HOUSING AUTHORITY
CITY OF SACRAMENTO

Cont 40
10-20-81
OCT 13 1981

Honorable Members in Session:

SUBJECT: Resolution Implementing Report on Task Force on
Organizational Alternatives

SUMMARY

The attached resolution implements the tentative action of the Board of Supervisors and the City Council, subject to one important modification as outlined below, pertaining to the Report of the Task Force on Organizational Alternatives. It is recommended that the attached resolution be adopted by each of the Governing Bodies.

BACKGROUND

On October 6, 1981, the Board of Supervisors and the City Council acting in their respective capacities as the Governing Bodies of the addressed entities, reviewed the Report of the Task Force on Organizational Alternatives. The City Council made two changes to the recommended Alternative No. 3 as follows:

1. The Council requested the addition of certain language to the delegation resolution permitting the respective Governing Bodies, upon a majority vote, to "call up" any item which had previously been acted upon by the Commission under the delegation agreement for review and direct action by the Governing Body;
2. The Council also voted to delete any reference in the recommended Alternative to a two-step procedure for subsequent consideration of a joint powers agency to perform the Community Development Commission function.

10-13-81
All Districts

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The attached resolution incorporates the second of these changes, but does not, for the reasons outlined below, include the provision for Council review of delegated items as set forth in subsection 1 above.

The delegation concept was first proposed by the staff with a view toward streamlining the administrative processing of the Agency's many activities in those instances in which the decisions required were not, in the judgment of the Governing Body, of such sensitivity and/or magnitude as to require direct participation of the Governing Body. After extensive review by the Task Force, it was felt that approximately 75% of those matters historically considered by the Governing Board might properly be delegated to the Commission for final consideration subject to three important qualifications:

1. As provided by Section 4 of the delegation resolution, the Commission could refer action on any delegated item to the Governing Body on its own motion;
2. Pursuant to Section 5 of the delegation resolution, the Executive Director on his own motion could appeal the decision of the Commission on any delegated matter; and
3. The delegation by the Governing Body to the Commission is subject to revocation or suspension by simple resolution of the Governing Body at any time.

It was felt that a combination of these three qualifications upon the delegation provided adequate assurance to the Governing Body that the delegation of the carefully screened powers to the Commission were subject to adequate checks and balances.

However, at the meeting of October 6, 1981, the City Council determined that it desired to have the Governing Body retain an additional opportunity to call forth for direct review, at its own discretion, any determination previously made by the Commission on a delegated matter, even though neither the Commission nor the Executive Director had sought direct review of that item.

It is the view of our Agency Counsel, that this provision would present substantial difficulties relating to the finality of the Commission's determination. Mr. Bleier has advised us that a procedure would have to be established to provide for appropriate notification of the Governing Body and to provide the Governing Body with an opportunity to act upon that notification before any decision of the Commission could be deemed to be final. This

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would involve the presentation of the items submitted to the Commission and a recitation of the Commission's action thereon to the Governing Body in a properly constituted meeting so as to give the Governing Body an opportunity to call forth the item for direct review thereby nullifying the Commission's action.

Because such a system would require the same processes and procedures currently employed for the approval of those items, save only the formal vote of the Governing Body on the item being duly taken and recorded, it is the judgment of the Agency staff that there would be no administrative saving or benefit accruing from such procedure as against the procedure currently employed. Further, Mr. Bleier has advised that the additional potential confusion engendered by the method of presentation of the matter to the Governing Board and the recordation of the Governing Board's inaction, would adversely outweigh the negligible benefits to be gained. Accordingly, the staff would recommend that, if the Governing Body determines that the provision for notice and review of each decision of the Commission by the Governing Body is desirable, the entire delegation procedure as outlined herein should be abandoned and not adopted.

Agency staff and Agency Counsel remain convinced that the concerns of the Governing Body to prevent abuses of the delegated powers are adequately covered through a combined application of the Executive Director's appeal and the subsequent revocation or suspension of delegated authority by the Governing Body. Without any intent to impugn the ability, integrity and dedication of the members of the Housing and Redevelopment Commission, if one were to assume that the Commission acted arbitrarily and abusively under its delegated powers with respect to a particular item, the Governing Body would be free to act immediately to revoke the delegated powers of the Commission and prevent thereby the repetition of such abuse and simultaneously to request the Executive Director to file an appeal on the abused item to cause it to come within the jurisdiction of the Governing Body. Unless one were also willing to assume the arbitrary unresponsiveness of an Executive Director, who serves at the pleasure of the Governing Body and not the Commission, the Governing Body would still obtain original jurisdiction over the abused item and thereby nullify the Commission act.

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It is important to note that by retaining the provisions as set forth in the attached resolution, any delegated decision of the Commission would become final at the close of the second business day following that decision (the expiration of the Director's appeal period). This approach provides a clear and determinable finality of decision which would be much delayed by any other review process.

RECOMMENDATION

It is recommended that the attached resolution be adopted.

Respectfully submitted,

William H. Edgar

WILLIAM H. EDGAR
Interim Executive Director

TRANSMITTAL TO COUNCIL:

Walter J. Slipe
WALTER J. SLIPE
City Manager

APPROVAL RECOMMENDED:

William B. Richter
BRIAN H. RICHTER
County Executive

IDENTICAL RESOLUTIONS HAVE BEEN PREPARED FOR ADOPTION
BY THE REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO,
THE REDEVELOPMENT AGENCY OF THE COUNTY OF SACRAMENTO AND
THE HOUSING AUTHORITY OF THE COUNTY OF SACRAMENTO.

RESOLUTION NO.

ADOPTED BY THE HOUSING AUTHORITY OF THE CITY OF SACRAMENTO
ON DATE OF

DELEGATION OF POWERS TO SACRAMENTO HOUSING AND REDEVELOPMENT COMMISSION AND CONCEPTUAL APPROVAL OF FORMATION OF STAFF ENTITY

BE IT RESOLVED BY THE HOUSING AUTHORITY OF THE CITY
OF SACRAMENTO:

Section 1. Pursuant to Health and Safety Code Section 34292, there is hereby delegated to the Sacramento Housing and Redevelopment Commission, as it is now constituted pursuant to Sacramento City Code Section 2.250 et seq., and Sacramento County Code Section 2.20.010 et seq., or as it may hereafter from time to time be reconstituted, all of the powers, duties and responsibilities possessed by the Governing Body of the Housing Authority pursuant to Health and Safety Code Section 34200 et seq., except for the following designated powers, duties and responsibilities, which shall be retained by the Governing Body of the Housing Authority:

(a) The establishments of annual budgets and budgetary appropriations and all necessary amendments thereto;

(b) The establishment of all policies and procedures for the Authority which have application to the continuing activities of the Authority including, but not limited to rehabilitation loan and grant program guidelines, relocation assistance guidelines, conflict of interest codes, affirmative action plan, personnel policies, occupancy policies, dispute resolution and settlement policies, organization policies and management reports;

(c) Selection and award of contracts for auditors;

(d) Selection and appointment of the Executive Director, and assignment of the powers, duties and responsibilities of the Executive Director

(e) Establishment of job classifications and wage schedules;

(f) Initial proposals for the purchase or construction of new or additional housing units;

(g) Initial site decisions for the location of new or additional housing units;

(h) Assignments of property disposition and development contracts, if there is a substantial change in the scope of the proposed development; and

(i) Resolutions of necessity for eminent domain.

Section 2. With respect to the following matters only, any person having a direct interest in such matters, as distinguished from a member of the interested public generally, shall have the right of review of such matter to the Governing Body of the Housing Authority, provided that such interested person shall properly give notice of his request for review as provided in Section 3 below:

(a) Assignments of property disposition and development contracts, if the original developer selection decision was made by the Governing Body, and if there is no substantial change in the scope of the proposed development.

(b) Rejection of claims which are not covered by insurance.

Section 3. Any person who requests a review by the Governing Body of a decision made by the Commission under Section 2 above, shall request such review by either:

(a) Publicly and orally requesting review at the Commission meeting at which the decision was made; or

(b) Delivering to the office of the Executive Director of the Sacramento Housing and Redevelopment Agency a written request for review before the close of business on the fifth full business day following the date of the Commission meeting at which the decision was made.

Section 4. Notwithstanding the delegation of powers, duties and responsibilities to the Commission set forth in Sections 1 and 2 above, the Commission may in its discretion refer a matter to the Governing Body for final decision, in which case the Commission decision shall be advisory only.

Section 5. Notwithstanding the delegation of powers, duties and responsibilities to the Commission set forth in Sections 1 and 2 above, the Executive Director, in the Executive Director's sole discretion, may elect to refer a matter to the Governing Body for final decision, in which case the Commission decision shall be advisory only. Such election shall be made by written notice from the Executive Director to the Chairman of the Commission either before the Commission decision on the matter to be referred or no later than the close of business on the second full business day following the date of the Commission meeting at which the decision was made.

Section 6. As a separate matter unrelated to the foregoing delegation, the concept of the creation of an entity by and between the City of Sacramento and the County of Sacramento to jointly exercise the powers thereof to hire and retain a staff of employees to contract with this Authority for employee services is hereby approved.

Section 7. The Executive Director is authorized to take such steps as are necessary to create the entity set forth in Section 6 above and formalize the contractual relationships between the parties and report back to this Board with the appropriate legal documents to implement this action within thirty (30) days from the date hereof.

CHAIRMAN

ATTEST:

SECRETARY