

RESOLUTION NO. 2003-8

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE ADOPTING THE MORTGAGE CREDIT CERTIFICATE AND THE EXPANDED TEACHER HOME PURCHASE PROGRAMS, TERMINATING THE EXISTING COOPERATIVE AGREEMENT FOR THE MORTGAGE CREDIT CERTIFICATE PROGRAM WITH SACRAMENTO COUNTY, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A COOPERATIVE AGREEMENT WITH SACRAMENTO COUNTY FOR ADMINISTRATION OF THE PROGRAMS

WHEREAS, the Housing Element of the City's Draft General Plan identifies the City's assistance in the development and provision of adequate housing stock to meet the needs of very low, low, and moderate-income households and special needs groups; and

WHEREAS, the draft Housing Element includes policies and actions directed at providing assistance to first time homebuyers and partnering with local agencies for the provision of first time homebuyer programs; and

WHEREAS, the Sacramento Housing and Redevelopment Agency is a Joint Powers Authority created as a public agency by the City of Sacramento and County of Sacramento, serving as the lead public agency and public developer for the City of Sacramento and County of Sacramento regarding affordable housing, public housing, and redevelopment; and

WHEREAS, Sacramento Housing and Redevelopment Agency (SHRA) is the administrator of the Mortgage Credit Certificate Program (MCCP) and Expanded Teacher Home Purchase Program (ETHPP) for the County of Sacramento and the participating cities; and

WHEREAS, the City of Elk Grove and Sacramento County entered into a Cooperative Agreement in 2000 for Sacramento County to administer the MCCP for the City of Elk Grove; and

WHEREAS, the City's participation in the MCCP and the ETHPP is not a "project" subject to the California Environmental Quality Act because they are financial assistance programs having no physical effect on the environment; and

WHEREAS, the City of Elk Grove finds that adopting the MCCP and ETHPP and adopting the Cooperative Agreement with Sacramento County in order for the City to continue participation in the MCCP and ETHPP is consistent with the Draft Housing Element.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby:

- 1) Adopts the Mortgage Credit Certificate Program and adopt the Expanded Teacher Home Purchase Program, and
- 2) Terminates the existing Cooperative Agreement (August 30, 2000) with Sacramento County for their administration of the Mortgage Credit Certificate Program, and
- 3) Authorizes the City Manager to enter into a cooperative agreement and any amendments thereto with Sacramento County for their administration of the Mortgage Credit Certificate Program and Expanded Teacher Home Purchase Program.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 15th day of January 2003.



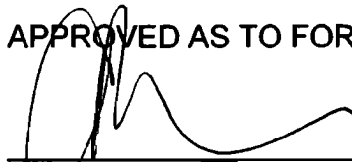
RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

AYES: Soares, Briggs, Cooper
Scherman, Leary
NOES: None
ABSTAIN: None
ABSENT: None

**COOPERATIVE AGREEMENT BETWEEN
THE COUNTY OF SACRAMENTO AND THE CITY OF ELK GROVE**

THIS COOPERATIVE AGREEMENT ("Agreement"), made and entered into as of January 7, 2003, by and between the County of Sacramento, a political subdivision of the State of California (the "County") and the City of Elk Grove, a political subdivision of the State of California (the "City"),

WITNESSETH

WHEREAS, the County has determined to engage in a home mortgage finance and mortgage credit certificate program pursuant to Part 5 of Division 31 of the Health and Safety Code of the State of California (the "Act") in connection with the construction, acquisition, rehabilitation or improvement of homes in the County, all are provided for in the Act (the "Program");

WHEREAS, the County, pursuant to the Act, has adopted a home finance program by Ordinance No. 1235, adopted on November 25, 1980, and has determined to cooperate with the City pursuant to the Act in the exercise of its powers under the Act for purposes of the Program;

WHEREAS, the City, pursuant to the Act, has adopted the Program and has determined to cooperate with the County pursuant to the Act in the exercise of its powers under the Act for purposes of the Program;

WHEREAS, the County has determined to finance the Program by the issuance of mortgage revenue bonds as authorized by the Act and/or mortgage credit certificates as authorized by the Internal Revenue Code of 1986 (the "Code");

NOW, THEREFORE, in consideration of the mutual covenants hereinafter provided, the parties hereto agree as follows:

Section 1. The terms used in this Agreement shall, for all purposes of this Agreement, unless otherwise defined herein, have the meanings assigned to such terms in the Act.

Section 2. The County agrees to undertake the Program and to issue mortgage revenue bonds and/or mortgage credit certificates pursuant to the Act and the Code from time to time to the extent that the county receives allocations from the State.

Section 3. The City hereby agrees to cooperate with the County in the exercise, jointly or otherwise, of its own powers for the purpose of financing home mortgages and/or mortgage credit certificates under the Program and by agreeing that the County shall exercise such powers to make or acquire home mortgages and issue mortgage credit certificates under the Program all as more specifically set forth in the Act, with respect to property located within the geographic boundaries of the City.

Section 4. The City agrees to undertake such further proceedings or actions as may be necessary in order to carry out the terms and the intent of this Agreement; provided, however, that nothing contained in this Agreement shall obligate the City to issue debt, acquire any interest in real property, expend or encumber funds or revenue, or take other similar actions. Nothing in this agreement shall prevent the County from entering into one or more agreements with other political subdivisions within the County, if deemed necessary and advisable to do so by the County.

Section 5. This Agreement may be amended by one or more supplemental agreements executed by the Count and the City at any time, except that no such amendment or supplement shall be made which shall adversely affect the rights of the holders of bonds or mortgage credit certificates issued by the County pursuant to the Act in connection with the Program.

Section 6. Nothing contained in this Agreement shall prevent the City in its own name from issuing mortgage revenue bonds and/or mortgage credit certificates pursuant to the Act and the Code, provided that such actions do not adversely affect the rights of the holders of bonds or mortgage credit certificates issued by the County.

Section 7. The term of this Agreement shall extend until the bonds or mortgage credit certificates issued from allocations are fully paid and retired, or shall terminate if bonds or mortgage credit certificates are not issued to finance the Program.

Section 8. This Agreement shall take effect from and after its adoption.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by their proper officers thereunder duly authorized, and their official seals to be hereunto affixed, all as of the day first above written.

COUNTY OF SACRAMENTO

By: _____
Chairman of the Board of Supervisors

[SEAL]

ATTEST

APPROVED AS TO FORM

By: _____
Clerk of the Board

By: _____
County Counsel

CITY OF ELK GROVE

By: _____
Mayor

[SEAL]

ATTEST

APPROVED AS TO FORM

By: _____
City Clerk

By: _____
City Attorney