

RESOLUTION NO.

RESOLUTION OF INTENT TO SUPPORT FORMATION OF A HOUSING SUBREGION OF SANTA CLARA COUNTY LOCAL AND COUNTY GOVERNMENTS TO FACILITATE AND IMPLEMENT COUNTYWIDE HOUSING PRODUCTION CONSISTENT WITH THE REGIONAL HOUSING NEEDS ALLOCATION (RHNA) FORMULA CURRENTLY ASSIGNED BY THE ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG)

WHEREAS, Housing Element Law (Gov. Code Sections 65580 – 65589.8) provides for a Regional Housing Need Allocation process (RHNA); and

WHEREAS, to implement such RHNA process in the San Francisco Bay Area, the State of California has delegated to the Association of Bay Area Governments (ABAG) responsibility to adopt an allocation methodology, then use the adopted methodology to assign to each jurisdiction in the Bay Area the obligation to zone enough housing development capacity to accommodate production of a specific number of housing units during the period from 2021 through 2029; and

WHEREAS, Government Code Section 65584.03 provides that certain combinations of local governments may form a subregion to perform RHNA for themselves in order to allocate among themselves the total number of housing units assigned to them collectively by ABAG; and

WHEREAS, the City/County of _____ is interested in exploring the formation of a Regional Housing Needs Allocation (RHNA) subregion consistent with the California Government Code Section 65584 *et seq* and acceptable to the Association of Bay Area Governments (ABAG) and the California Department of Housing and Community Development (HCD) to facilitate collaboration with the county and all cities in the County of Santa Clara, to efficiently and effectively deliver housing production goals; and

WHEREAS, the Board of the Cities Association of Santa Clara County has directed the review of the benefits of such a subregion and subsequently representatives of the Cities Association of Santa Clara County (CASCC) have formed a committee to evaluate and make recommendations regarding the importance of and opportunities for success through shared housing strategies which could be facilitated by a subregional effort; and

WHEREAS, housing is a countywide challenge, and housing production types, numbers, density, appropriateness and affordability levels can vary in different communities, and the Cities' recognize all production types are important to the housing supply of the County and its related economic and social health; and

WHEREAS, Cities are individually accountable for, and retain full local authority for, identifying sites for housing development and for adopting and implementing housing policies intended to facilitate production of housing to meet local, regional and state policy objectives embodied in the numbers prescribed by ABAG the Sustainable Community Strategy that will be adopted by ABAG and the Metropolitan Transportation Commission (MTC) in 2021; and

WHEREAS; through mutual cooperation and planning, the production of these housing units may be enhanced through collective efforts and resources, therefore creating a forum for developing countywide policy consensus on matters related to the Sustainable Community Strategy;

NOW, THEREFORE the City of _____ does hereby find, determine, resolve and order as follows:

Section 1: That it is in the best interest of the City to join with other cities in Santa Clara County to explore creation of the RHNA subregion and that by working together to plan for housing growth, the stage is set for implementing housing and more housing will ultimately be built to meet the needs of the entire County and its residents.

Section 2: That the City Manager is hereby authorized and directed to enter into discussions regarding the formation of a RHNA subregion and the development of a workplan and budget, and schedule of actions leading to the countywide, self-administration of the housing needs allocation process, allocating the countywide total housing needs allocation among all the Cities and unincorporated County by consensus; and to bring back a recommendation and resolution for action to join a RHNA subregion, or in the alternative, an explanation detailing the decision not to participate in the RHNA subregion.

By-laws of the Santa Clara County Subregional RHNA Process

PURPOSE & BYLAWS

The cities within the County of Santa Clara, and the County of Santa Clara, have adopted resolutions to participate as a Subregion (hereinafter referred to as “Subregion”) in the Regional Housing Needs Allocation (RHNA) Process. The Cities Association of Santa Clara County (hereinafter referred to as “CASCC”) will act as the representative for the Subregion. The Subregion hereby adopts the following bylaws for the purpose of providing for the orderly conduct of its affairs.

ARTICLE I NAME

The name of the separate entity established by the resolutions is the “Santa Clara County Sub-Regional RHNA Process” and may be referred to as “Subregion”.

ARTICLE II PURPOSES

Section 1. Subregion shall have the following purposes:

- (a) Plan, organize, and maintain the work of the Subregion and be responsible for its overall operation;
- (b) Advise City Managers, City Councils and the Board of Supervisors of all significant activities of the Subregion;
- (c) Prepare, review, monitor, present to the cities and the County, and facilitate a consensus on the Regional Housing Needs Allocation housing shares for all the cities and the County for the 2021 Housing Element;
- (d) Submit to the Association of Bay Area Governments (ABAG) for approval the housing shares for Santa Clara County (cities and County).
- (e) Provide a forum for developing a countywide policy consensus, to the greatest extent possible, on matters related the Sustainable Communities Strategy process of which the Regional Housing Needs Allocation is a part; and a channel for communicating such consensus to the Joint Policy Committee of the Metropolitan Transportation Commission and the Association of Bay Area Governments overseeing the Sustainable Communities Strategy process from time to time when such a consensus is requested or required by the Joint Policy Committee.

Section 2. Subregion shall not participate in or endorse any political activity involving any individual candidate for public office. The selection of officers within Article IV herein shall not be considered a political activity subject to this section.

ARTICLE III MEMBERS

Section 1. The County of Santa Clara and each city which has adopted a resolution of participation shall be members of the Subregion.

Section 2. The RHNA Policy Committee (PC) of the Subregion shall consist of a member of the City Council of each participating city to be selected by that city, and one member of the Board of Supervisors to be selected by the Board of Supervisors.

Section 3. Each member City Council and the Board of Supervisors may select one alternate member from its body who shall participate when the regular member is absent.

Section 4. If both the member and the alternate will be absent, the City or County, respectively, may designate a substitute for that meeting and notify CASC, in writing, of the designation.

Section 5. Any member may withdraw from the Subregion by adopting a resolution and providing a written notice of intention to do so to the chairperson of the PC. The rights and obligations of any such member shall terminate 30 days after acceptance by the PC.

Section 6. If any member, or designated representative, fails to attend two consecutive meetings, without notification of the Chairperson or the Executive Director, the Chairperson will notify the City Council or Board of Supervisors to encourage future participation.

ARTICLE IV- OFFICERS

Section 1. The officers of the PC shall consist of a chairperson and vice chairperson.

Section 2. The chairperson and vice chairperson shall be elected by the PC and shall serve at the will of the PC.

Section 3. Nomination for officers of the PC shall be made from the floor. Nominations shall be made by voting members of the PC only.

Section 4. The chairperson and vice chairperson must be voting members of the PC.

Section 5. Nominations and election of the chairperson shall precede nominations and election of the vice chairperson. Voting shall be public.

Section 6. The chairperson shall preside at all meetings and may call special meetings when necessary.

Section 7. The vice chairperson shall perform the duties of the chairperson in the absence of the chairperson.

Section 8. A special election shall be called by the Board of Directors if the chairperson and/or vice chairperson is unable to serve.

Section 9. All officers shall serve without compensation.

Section 10. The chairperson or vice chairperson may be removed from office at any time by a majority vote of those members present.

ARTICLE V STAFF SUPPORT

Section 1. The CASC Executive Director, CASC staff and contractors shall provide support to the Subregion and all the established committees.

Section 2. The PC shall have dealings with staff and contractors through the CASC Executive Director.

Section 3. All participating jurisdictions will share in the cost.

ARTICLE VI COMMITTEES/ STAKEHOLDER REVIEW

Section 1. The following standing committees shall assist in accomplishing the goals of the SANTA CLARA COUNTY SUB REGIONAL RHNA PROCESS:

- RHNA Policy Committee
- RHNA Technical Advisory Committee
- City Managers Association
- City Councils and Board of Supervisors
- Association of Bay Area Governments

Section 2. RHNA Policy Committee (PC) - 16 Members, one member from each city and the county, composed of elected officials. The primary role is to provide initial policy input to the process, review the RHNA TAC recommendations and adopt a policy consensus for transmittal to the cities and the County for ratification.

Section 3. RHNA Technical Advisory Committee (RHNA TAC) - 16 Members - One member from each city and the county. Composed of senior staff technical experts in the field of housing and land use. Member agencies may flexibly assign different technical experts as a function of the

subject being discussed. However, it is important that there be good communications between the different representatives such that issues do not need to be repeated or there are no conflicting positions from the representatives. Primary role is technical development of the issues and solutions.

Section 4. City Managers Association - Monthly reports will be provided to the City Managers through the City Managers Association. This will allow ongoing input by the City Managers in the process. The final product will be presented to the City Managers for their recommendation to the RHNA PAC for approval of the final product. Primary role of the City Managers is practical assessment of the issues and solutions.

Section 5. City Councils/ Board of Supervisors - Primary role is ratification of the RHNA Final Allocation prior to submittal to Association of Bay Area Governments (ABAG).

Section 6. Association of Bay Area Governments (ABAG) - Final approval of RHNA Final Allocation.

Section 7. An appeals process will be established by the PC in conjunction with ABAG to hear appeals by any cities or the County that disagree with their housing share as allocated by the Subregion.

ARTICLE VII MEETINGS

Section 1. The PC shall establish by resolution the date, time, and place for regular PC meetings.

Section 2. The PC may hold special meetings called in accordance with Article IV, Section 6.

Section 3. All meetings of the PC shall be held in accordance with the Brown Act, Government Code section 54950 Ct seq.

ARTICLE VIII CONDUCT OF BUSINESS

Section 1. A quorum shall consist of at least a majority of the members and shall be required for all meetings of the PC.

Section 2. Except as state otherwise in these by-laws, all decisions of the PC shall be by majority vote of those present.

Section 3. Adoption of the Final Regional Housing Needs Allocation shall require:

1. consent of a majority of all cities and the County participating in the Subregion, **and**
2. consent of each jurisdiction that has been allocated a greater share of housing than the ABAG default allocation.

Section 4. Upon adoption of the final regional housing numbers, the subregion will share support for outcome and support each other, for example the subregion releasing a resolution, annual report, and press event.

Section 5. Except as provided in these bylaws, or by a majority vote of those present, Roberts Rule of Order Revised shall constitute the parliamentary authority for the PC.

Section 6. These by-laws may be amended by a two-thirds majority vote of members present and who represent a majority of all cities and the County.

ARTICLE IX OTHER MATTERS

Section 1. No member shall receive compensation or reimbursement from PC or CASC for expenses incurred in attending any meeting or other function.