

Title 25. Housing and Community Development

Division 2. California Housing Finance Agency

Chapter 4. Procedures of Board of Directors

Article 1. Board Action

25 CCR § 13300

13300. Quorum.

A quorum shall consist of fifty-one percent (51%) of voting Board members then in office.

Note: Authority cited: Section 51050(e), Health and Safety Code. Reference: Sections 50901 and 50916, Health and Safety Code.

13301. Vote Requirement.

No action shall be taken by the Board of Directors without the affirmative vote of fifty-one percent (51%) of the voting Board members then in office at the duly called Board meeting.

Note: Authority cited: Section 51050(e), Health and Safety Code. Reference: Sections 50901 and 50916, Health and Safety Code.

13302. Approval of Contractual Agreements and Debt Obligations.

(a) The Board of Directors shall authorize any sale of obligations or securities or other debt obligations and shall approve other major contractual agreements. Any other contractual agreements or debt obligations may be approved by the Executive Director pursuant to this section. The Board of Directors may also delegate any contracting authority to the Executive Director on terms provided by Board resolution.

(b) "Major contractual obligations" shall mean operating agreements or obligations which in any fiscal year exceed, or are reasonably expected to exceed the higher of \$1,000,000, or such other sum as the Board of Directors may establish from time to time by resolution. Obligations which in any fiscal year do not exceed, or are not reasonably expected to exceed the amount established above may be approved by the Executive Director. The Board of Directors may approve any major contractual obligation either by resolution; or by approving the Agency's annual operating budget, provided that any such major contractual obligation is set forth in a line item in such budget. If the Executive Director determines that there is an emergency, and that such emergency requires the Agency to enter into a major contractual obligation on an expedited basis, the Executive Director may approve the obligation, but shall bring the

obligation to the Board for review and ratification at the next regularly scheduled Board meeting.

(c) The Executive Director may delegate his/her authority to approve contractual agreements or debt obligations to any employee of the Agency. Except in the event of extraordinary circumstances, any such delegation of authority shall be in writing and a copy filed with the General Counsel prior to the exercise of such authority. Under extraordinary circumstances, the Executive Director may delegate orally his/her authority to approve contractual agreements or debt obligations. In delegating his/her authority to approve contractual agreements or debt obligations the Executive Director may impose limitations and/or conditions on such authority and may permit further delegation of such authority to any other employee of the Agency.

(d) "Extraordinary circumstances," as used in subdivision (c) above, means such circumstances as the Executive Director shall determine are sufficient to justify an oral delegation of his/her authority to approve contractual agreements or debt obligations. A determination by the Executive Director that extraordinary circumstances exist may be validly communicated, orally or in writing, to any employee of the Agency.

(e) The Executive Director may ratify the purported approval by any employee of the Agency of any contractual agreements or debt obligations which would have been within the authority of the Executive Director to approve at the time of such purported approval.

(f) No sale of obligations or securities or debt obligations or contractual agreements shall be approved unless and until they have been approved by the General Counsel as to legal sufficiency. The General Counsel shall determine which contractual agreements or debt obligations require Board of Director approval as provided herein and which do not. The General Counsel may issue opinions which interpret this section and any employee of the Agency may act in reliance upon such opinion. The General Counsel may delegate his/her authority under this section to other attorneys employed by the Agency.

Note: Authority cited: Section 51050(e), Health and Safety Code. Reference: Sections 7 and 50914, Health and Safety Code.