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OPINION	:	No. 83-303
	:	
of	:	<u>JULY 26, 1983</u>
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THE HONORABLE GERALD J. GEERLINGS, COUNTY COUNSEL,
COUNTY OF RIVERSIDE, has requested an opinion on the following question:

Does the transfer of ownership of a farm labor center by a housing authority to a private nonprofit organization for continued operation require the adoption of a resolution that the need for the operation of such housing no longer exists?

CONCLUSION

The transfer of ownership of a farm labor center by a housing authority to a private nonprofit organization for continued operation requires the adoption of a resolution that the need for the operation of such housing pursuant to the provisions of the Farm Labor Center Law no longer exists, to wit, that it need not be operated by the housing authority.

ANALYSIS

Section 36051¹ sets forth the legislative findings and declarations with respect to the Farm Labor Center Law, as follows:

“In enacting this part, the Legislature hereby finds and declares that there is a need for farm labor centers for the assembling, domiciling, and housing of persons and families engaged in agricultural work to help assure the agricultural communities of a supply of such workers as and when they are needed; that the operation of farm labor centers is a proper function for housing authorities established pursuant to the Housing Authorities Law (Chapter 1 (commencing with Section 34200), Part 2, Division 24); and that the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination and of statewide application. It is further declared by the Legislature that its intent in enacting this part is to remedy the conditions described in this section by providing for the furnishing of the farm labor centers authorized herein to single persons and families whose principal source of income is agricultural work, without regard to whether such persons and families have low incomes.”

Section 36056 provides:

“Any housing authority may adopt a resolution stating the need for and, with the concurrence of the local governing body, may acquire through purchase or gift any farm labor center within its area of operation and own, operate, construct, reconstruct, repair, replace, maintain, and *dispose of such centers pursuant to this part.*” (Emphasis added.)²

Section 36059 prescribes the specific powers of a housing authority:

“Within its area of operation, and with reference to farm labor centers, a housing authority may:

“(a) Own, hold, and improve real or personal property.

“(b) Purchase, lease, obtain options upon, acquire by gift, bequest, devise, or otherwise, any real or personal property or any interest therein.

¹ All section references are to the Health and Safety Code.

² “Governing body” means the city council in the case of a city and the board of supervisors the case of a county. (§ 36053.)

“(c) Accept grants from any person or agency, public or private.

“(d) Borrow money and pledge any property, real or personal, as security.

“(e) Contract with any person or agency, public or private, with regard to operation of the farm labor centers.

“(f) *Sell, lease, exchange, transfer, assign, purchase, or dispose of any real or personal property or interest therein.*

“(g) Insure or provide for the insurance of any real or personal property or operations of any farm labor centers against any risks or hazards.

“(h) Employ such officers and employees, permanent and temporary, as may be required, determine their qualifications, duties and compensation, and delegate to one or more of them such powers or duties as may be necessary for the acquisition of any farm labor center.

“(i) Acquire any real property by eminent domain necessary for the purposes of the housing authority.

“(j) Lease or rent any dwellings, accommodations, lands, buildings, structures, or facilities embraced in any farm labor center, and, subject to the requirements for occupancy contained in this part, establish the rents and charges therefor.” (Emphasis added.)³

With respect to the disposition by a housing authority of a farm labor center, section 36066 provides:

“Any farm labor center may be disposed of in whole or in part by the housing authority after the commissioners of the housing authority determine by resolution with the concurrence of the local governing body that the need for the operation of the housing, or any part thereof, pursuant to the provisions of this part, no longer exists.”

³ Section 36057 further provides:

“Every housing authority shall have all the powers necessary or convenient to carry out the purposes of this part, including the powers granted by this part and any other provision of law. . . .”

The inquiry presented is whether the transfer of ownership of a farm labor center, including title to real property, improvements, and facilities, as well as responsibilities of operation, maintenance, and management, by a housing authority to a private, nonprofit corporation for continued operation as a farm labor center in accordance with contractual terms would require the adoption of a resolution that the need for the operation of such housing no longer exists. We are apprised that while the corporation would be obligated contractually to continue operation as a farm labor center, the housing authority would retain no right, title, or interest in the property or management of the center.

While such a transfer would clearly “dispose of” the center within the meaning of section 36066,⁴ it has been suggested that a resolution under that section would be inconsistent with the required continued operation of the farm labor center, and that, in any event, independent authority for such a transfer and disposition without the necessity of such a resolution is found in section 36059, subdivision (f).

In our view, a resolution that the need no longer exists does not require a determination that a farm labor center is not needed. Rather, section 36066, by its express terms, requires only a determination that “the need for *the operation* of the housing . . . pursuant to the provisions of this part, no longer exists.” It is a sufficient finding that the farm labor center need not be operated by the housing authority. Thus, the nonexistence

⁴ We interpret the words “dispose of” according to their usual and ordinary meaning: to get rid of; to put out of the way; to finish with; to transfer to the control of someone else, as by selling; to alienate; part with; relinquish; bargain away. (*Bieg v. Shamel* (1954) 129 Cal.App.2d 700, 708.) We reject categorically the notion that the use of the words “dispose of” in section 36059, subdivision (f), as one of a series of terms requires that they be given a meaning mutually exclusive of the others, including sale and transfer. In *Winkelman v. City of Tiburon* (1973) 32 Cal.App.3d 834, 846, involving the transfer of property by a housing authority to a private corporation, the court used the terms “transfer,” “dispose,” and “sell” synonymously:

“Furthermore, it is clear that the Authority had the power to *transfer* the property to TEA. Unlike many other state agencies which may only *dispose* of their surplus properties through the State Public Lands Commission, public housing authorities like the Authority in the instant case are specifically exempted from such requirements. Section 34315, subdivision (e), of the Health and Safety Code authorizes a housing authority to ‘Sell, lease, exchange, transfer, assign, pledge, or dispose of any real or personal property or any interest in it.’ Section 34320 of the Health and Safety Code states: “No law concerning the acquisition, operation, or disposition of property by other public bodies is applicable to an authority unless the Legislature specifically so states.” The broad power conferred upon housing authorities by these sections was recognized by the California Supreme Court in *Ruben v. City of Los Angeles* (1959) 51 Cal.2d 857, 862-863. It is thus clear that the Authority had the power to *sell* the site to TEA for adequate consideration to promote a public purpose.” (Emphasis added.)

of need within the meaning of section 36066 is simply the antithesis of the need referred to in section 36056 pertaining to acquisition of a farm labor center; no such need exists if presently existing facilities are adequate. Hence, a resolution under section 36066 is not inconsistent with continued need for a farm labor center as evidenced by the contractual obligation to continue its maintenance and operation as such.

Finally, section 36059, subdivision (f), authorizing a housing authority to dispose of any property, does not constitute independent authority without regard to section 36066 to dispose of a farm labor center. A contrary interpretation would render the specifications of section 36066 devoid of significance, in contravention of the well-settled rules that the various parts of a statutory enactment must be harmonized by considering each clause or section in the context of the statutory framework as a whole,⁵ and that significance should be given to every word, phrase, sentence and part of an act in pursuance of the legislative purpose. (*Evans v. City of Anaheim* (1982) 133 Cal.App.3d 853, 856.)

It is concluded that the transfer of ownership of a farm labor center by a housing authority to a private nonprofit organization for continued operation requires the adoption of a resolution that the need for the operation of such housing pursuant to the provisions of the Farm Labor Center Law no longer exists, to wit, that it need not be operated by the housing authority.

⁵ Also noted is section 36056 providing that a housing authority may dispose of such centers “pursuant to this part.”