

ORDINANCE NUMBER O- 20331 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 24 2013

AN ORDINANCE AMENDING CHAPTER 9, ARTICLE 8,
DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 98.0301 RELATING TO THE
SAN DIEGO HOUSING COMMISSION

WHEREAS, section 34291 of the California Health and Safety Code provides that a housing commission may be created by “A governing body of a county or city which has declared itself to be the commissioners of the authority”; and

WHEREAS, section 34291 states “The number of members thereof, their terms of office, their qualifications, and the method of their appointment and removal shall be as provided by ordinance”; and

WHEREAS, in 1978, the City Council adopted O-12515 to create the San Diego Housing Commission (Housing Commission), codifying it in the San Diego Municipal Code, and later renumbering the governing section as Municipal Code section 98.0301; and

WHEREAS, section 98.0301(f) of the Municipal Code provides that the seven-member Housing Commission shall be appointed by the Mayor with the approval of the Council; and

WHEREAS, section 98.0301(f)(3) requires that any vacancies on the board of the Housing Commission occurring during a term are to be filled by the Mayor, with the approval of the Council; and

WHEREAS, there is no provision in the Municipal Code to address an alternate method of appointment if the Mayor fails to make such appointments, although there is such a method for other City commissions under Charter section 41; and

WHEREAS, the Council now proposes to amend the Municipal Code to provide for the same alternative method of appointment of Housing Commission members as that which is provided to Charter section 41 commissions if the Mayor does not take action to fill appointments within 45 days of a vacancy; and

WHEREAS, the Municipal Code would be amended to provide that, “Whenever the Mayor does not appoint a member within forty-five (45) days after a vacancy occurs, the Council shall make such appointment”; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 9, Article 8, Division 3 of the San Diego Municipal Code is amended to read as follows:

§98.0301 San Diego Housing Commission

(a) through (e) [No change in text.]

(f) Appointment of Commission Members. The Commission shall consist of seven (7) members who shall be appointed by the Mayor with the approval of the City Council. Four members shall constitute a quorum and the affirmative vote of four members shall be necessary for any action by the Commission.

(1) Two (2) commissioners appointed pursuant to this section shall be tenants of housing authority units. At least one (1) commissioner so appointed shall be over 62 years of age.

(2) The term of office of each member shall be four (4) years, except that the terms of office of the two (2) members who are tenants of Housing Authority units shall be two (2) years and as set forth in

Section 34272 of the Health and Safety Code of the State of California.

- (3) Vacancies occurring during a term shall be filled for the unexpired term by the Mayor with the approval of the City Council.

Whenever the Mayor does not appoint a member within forty-five (45) days after a vacancy occurs, the Council shall make such appointment. A member shall hold office until his successor has been appointed and qualified.

- (4) Each member shall receive as compensation the sum of Fifty Dollars (\$50.00) for each Commission meeting attended; provided that the total compensation for each member shall not exceed One Hundred Dollars (\$100.00) in any one month. In addition, each member shall receive necessary travel and subsistence expenses incurred in the discharge of his duties. Any member may waive compensation by filing a written waiver of compensation form with the Executive Director.


- (5) For inefficiency, neglect of duty, or misconduct in office, a member may be removed upon the affirmative vote of a majority of the members of the City Council.

(g) through (h)[No change in text.]

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.


APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Sharon B. Spivak
Deputy City Attorney

SBS:jdf
10/18/2013
Or.Dept:Council President
Doc. No.: 650657

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of DEC 10 2013.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved pursuant to Charter section 265(i):

(date)

TODD GLORIA, Council President

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

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(g) through (h) [No change in text.]

SBS:jdf
10/18/2013
Or.Dept: Council President
Doc. No.: 656566

Passed by the Council of The City of San Diego on DEC 10 2013, by the following vote:

| Councilmembers | Yeas | Nays | Not Present | Recused |
|-----------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Sherri Lightner | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Kevin Faulconer | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Todd Gloria | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Myrtle Cole | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mark Kersey | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Lorie Zapf | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Scott Sherman | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| David Alvarez | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Marti Emerald | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Date of final passage DEC 24 2013

AUTHENTICATED BY:

TODD GLORIA, COUNCIL PRESIDENT
as interim Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Mary Zumbaya, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

NOV 21 2013

, and on DEC 24 2013

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.
By Mary Zumbaya, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- **20331**