

#63  
11-15-16

(O-2017-44 REV.)  
COR. COPY

ORDINANCE NUMBER O- 20746 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 01 2016

AN ORDINANCE AMENDING CHAPTER 9, ARTICLE 8, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY RETITLING DIVISION 3, AND BY AMENDING SECTIONS 98.0301 AND 98.0302, ALL RELATING TO HOUSING AND THE SAN DIEGO HOUSING COMMISSION AND THE RELOCATION APPEALS BOARD.

WHEREAS, the San Diego Housing Commission (Commission) currently acts in an advisory only role to the Housing Authority on certain specified matters, and the time between Commission action on an item and Housing Authority final approval can result in significant time delays and missed opportunities for the Commission; and

WHEREAS, to alleviate the Housing Authority agenda and reserve it for more significant matters, the City Council desires the Commission to take final action on additional matters; and

WHEREAS, while it is anticipated that the Commission would take action on more matters, the Housing Authority, City Council, and Mayor would retain sufficient oversight of the Commission because any of those decision makers could refer a Commission matter for Housing Authority action; and

WHEREAS, the Council desires to ensure an efficient Commission board appointment process; and

WHEREAS, the existing requirement that two Commission members be tenants of Housing Authority units is outdated since ownership of 1,366 residential units was transferred from the Housing Authority to the Commission in November 2007; NOW, THEREFORE,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 by retitling Division 3, and by amending sections 98.0301 and 98.0302, to read as follows:

**Division 3: San Diego Housing Commission and Relocation Appeals Board**

**§98.0301 San Diego Housing Commission**

(a) Creation of *Commission*. There is hereby created a *Commission* to act as a Housing Commission under the Housing Authority Law of the State of California. The name of the *Commission* shall be the San Diego Housing Commission. The *Commission* is granted all rights, powers, and duties of a Housing Authority pursuant to the provisions of California Health and Safety Code sections 34200-34380, except those expressly retained by the Housing Authority of the City of San Diego in this section.

(b) Definitions. For purposes of this section, defined terms appear in italics.

The following definitions apply in this section:

*Commission* means the San Diego Housing Commission, a public agency created pursuant to the California Health and Safety Code.

*Commission President* means the President and Chief Executive Officer of the *Commission*.

*Housing Authority Executive Director* means the *Commission President* who also serves ex officio as the Executive Director of the Housing Authority and is appointed by the *Housing Authority*.

*Housing Authority* means the Housing Authority of the City of San Diego, a public agency created pursuant to the California Health and Safety Code.

*Member* means a commissioner of the San Diego Housing Commission.

*Persons of low income* means a group or family that lacks the amount of income necessary, as determined by the *Housing Authority*, to enable it to live without financial assistance in decent, safe, and sanitary dwellings without overcrowding.

- (c) Investigatory Functions of the *Commission*. The *Commission's* investigatory functions include the following:
- (1) [No change in text.]
  - (2) Determine where there is a shortage of decent, safe, and sanitary dwelling accommodations for *persons of low income*.
  - (3) [No change in text.]
  - (4) Make recommendations to the *Housing Authority* for changes or revisions in *Housing Authority* policies.
  - (5) through (6) [No change in text.]
  - (7) Perform such other functions not inconsistent with this section that the *Housing Authority* or City Council delegates to the *Commission* by resolution.
- (d) Administrative Functions of the *Commission*. The *Commission's* administrative functions include the following:
- (1) Approve plans and specifications, authorize advertisements for bids and proposals, accept and reject bids and proposals, and approve expenditures for goods, services, public works, land clearance, loans, grants, claims, leases and other interests in real property, and other contracts and agreements; however, the

programs, projects or activities for such expenditures shall have been previously approved by the *Housing Authority*, or the expenditures shall be for items included in budgets previously approved by the *Housing Authority*.

- (2) Approve submission of applications for funds where such applications do not constitute a binding agreement to accept such funds, if awarded, and approve contracts for the receipt of such funds.
- (3) Approve guidelines for the administration of programs previously approved and funded by the *Housing Authority*.
- (4) Approve guidelines for the administration of programs previously approved and funded by *Housing Authority*.
- (5) Review conflict of interest codes and submit proposed conflict of interest codes for City Council approval in accordance with California Government Code section 82011.
- (6) Approve lease forms, grievance procedures, occupancy policies, rent and utility schedules, tenant council agreements, and other United States Department of Housing and Urban Development (HUD)-required documents for the administration of public housing and rent subsidy programs.
- (7) Act upon such other matters not inconsistent with this section that the *Housing Authority* or City Council delegates to the *Commission* by resolution.

- (8) Before a *Housing Authority* decision, hold a public hearing to consider the matter. The *Commission* shall make a written recommendation to the *Housing Authority*, or shall forward the matter to the *Housing Authority* without a recommendation.
- (9) Act upon all other administrative matters in accordance with federal, state, and local laws and regulations, except the matters set forth below in sections 98.0301(d)(9)(A)-(E), and except as provided in section 98.0301(e), in which case, the *Commission's* actions shall be advisory only, and shall be referred for *Housing Authority* action:
  - (A) The *Commission's* annual budget;
  - (B) Bond issuances and actions related to Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) hearings;
  - (C) Memoranda of Understanding between recognized employee organizations and the *Commission*;
  - (D) Adoption or amendment of any *Commission* policy; and
  - (E) Any other matters that are determined to be advisory only by City Council or *Housing Authority* resolution.
- (e) Finality of Actions.
  - (1) All *Commission* actions taken pursuant to section 98.0301(d) shall be final seven days after action by the *Commission*, except for *Commission* actions taken on the matters set forth in sections

98.0301(d)(9)(A)-(E), and except as provided in section

98.0301(e)(2).

- (2) Any *Commission* matter may be referred to the *Housing Authority* for final action, within seven days after the date of the *Commission* action by:
  - (A) *Commission* resolution.
  - (B) *Housing Authority Executive Director* written notification to the *Commission* chairperson.
  - (C) Written notice by two members of the City Council or *Housing Authority*, or the City Manager, to the *Housing Authority Executive Director* and *Commission President*.
- (3) If a matter is referred to the *Housing Authority* for final action in accordance with Section 98.0301(e)(2), the Chair of the *Housing Authority*, who shall be the Council President, as the role is defined in San Diego Municipal Code section 22.0101, shall set the matter on the next available agenda of the *Housing Authority*, and the action taken by the *Commission* shall be advisory.
- (4) The *Commission* shall provide written notice to the *Housing Authority* at least seven days prior to the *Commission* taking action on any of the following matters:
  - (A) Approval of any proposed acquisition, sale, or lease of real property for a term in excess of five years; and

- (B) Approval of any development project, rehabilitation loan commitment, or contract for the acquisition of goods or services, involving the expenditure of more than \$1,000,000.
- (f) Appointment of *Commission Members*. The *Commission* shall consist of seven *members* who shall be appointed by the Mayor subject to City Council confirmation.
- (1) Two *members* shall be tenants of *Commission*-owned units, which include those owned by limited liability companies in which the *Commission* is the sole member, or recipients of housing assistance pursuant to HUD's tenant-based housing choice voucher program (Section 8). At least one of the *members* appointed pursuant to this subsection shall be over 62 years of age. So long as required by federal law, at least one of the *members* appointed pursuant to this subsection shall be a recipient of housing assistance in the tenant-based housing choice voucher program (Section 8).
  - (2) The term of office of each *member* shall be four years, except that the terms of office of the two *members* appointed pursuant to section 98.0301(f)(1) shall be two years as set forth in California Health and Safety Code section 34272. A *member* shall hold office until the *member's* successor has been appointed and confirmed.
  - (3) Vacancies occurring during a term shall be filled for the unexpired term by appointment made by the Mayor subject to City Council

confirmation. Whenever the Mayor does not appoint a *member* within 45 days after a vacancy occurs, the Council shall make such appointment.

- (4) Each *member* shall receive as compensation the sum of \$50 for each *Commission* meeting attended, provided that the total compensation for each *member* shall not exceed \$100 in any one month. In addition, each *member* shall receive necessary travel and incidental expenses related to *member* duties. Any *member* may waive compensation by filing a written waiver of compensation form with the *Commission President*.
- (5) For inefficiency, neglect of duty, or misconduct in office, a *member* may be removed by majority vote of the City Council.
- (g) Organization of the *Commission*. The *Commission* shall determine the time, place, and frequency of its meetings. Four *members* shall constitute a quorum and the vote of at least four *members* shall be necessary for any action by the *Commission*. The *Commission* may adopt rules of procedure for the conduct of its business and do anything else necessary or proper to carry out its functions in accordance with federal, state, and local laws and regulations.
- (h) Indemnification of *Members*. To the fullest extent permitted under California Government Code sections 825, 995, and 995.2, City shall indemnify *members* of the *Commission* against civil actions brought against them in their individual or official capacities, or both, and pay



judgments and settlements for claims against the *members* for matters arising out of acts or omissions occurring within the scope of their service to the *Commission*, provided that the *member* cooperates and assists with the defense. Any indemnification shall not include punitive or exemplary damages.

**§98.0302 Relocation Appeals Board**

- (a) **Membership.** A Relocation Appeals Board shall consist of five members who shall serve without compensation. The members shall be appointed by the Mayor, subject to City Council confirmation. The members shall serve two-year terms and each member shall serve until the member's successor is appointed and confirmed. The members shall be appointed in such a manner that the terms of not more than three members shall expire in any year. The expiration date shall be October 1. During October of each year, the Mayor may designate one member as chairperson; however, in the absence of such designation, the Relocation Appeals Board shall, on or after November 15, select from among its members a chairperson.
- (b) **Qualifications.** All members of the Relocation Appeals Board shall be electors of the City of San Diego and shall be specially qualified to act as a Relocation Appeals Board member by reason of training and experience in real estate, human relations, housing, urban development, redevelopment, or other relevant business or profession.
- (c) **Meetings.** The Relocation Appeals Board shall meet regularly to transact business on the second Tuesday in November of each year or more often if

necessary for the transaction of business. It shall establish its own rules and procedures necessary for the conduct of its business.

Three members of the Relocation Appeals Board shall constitute a quorum. The vote of at least three members shall be necessary for any action by the Relocation Appeals Board.

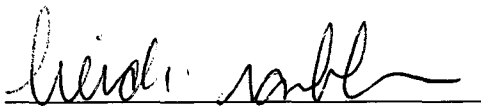
(d) Functions.

- (1) The Relocation Appeals Board shall promptly hear all complaints relating to relocation brought by persons displaced by City action.
- (2) The Relocation Appeals Board shall, after a public hearing, transmit its findings and recommendations to the City Council.

Section 2. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the 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   
Heidi K. Vonblum  
Deputy City Attorney

HKV:nja  
04/13/16  
10/11/16 Cor. Copy  
10/18/16 Rev. Cor. Copy  
Or.Dept: SDHC  
Doc. No.: 1265452

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of NOV 15 2016.

ELIZABETH S. MALAND  
City Clerk

By *Linda Bruin*  
Deputy City Clerk

Approved: 11/28/16  
(date)

*Kevin L. Faulconer*  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

(Note: The date of final passage is December 1, 2016, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 9, ARTICLE 8,  
DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY  
RETTTLING DIVISION 3, AND BY AMENDING SECTIONS  
98.0301 AND 98.Kr0302, ALL RELATING TO HOUSING AND  
THE SAN DIEGO HOUSING COMMISSION AND THE  
RELOCATION APPEALS BOARD.

**Article 8: Housing**

**Division 3: San Diego Housing Commission and Relocation Appeals Board**

**§98.0301 San Diego Housing Commission**

(a) Creation of ~~Commission~~ Commission. There is hereby created a  
~~Commission~~ Commission to act as a Housing Commission under the  
Housing Authority Law of the State of California. The name of the  
~~Commission~~ Commission shall be the San Diego Housing Commission.  
The San Diego Housing ~~Commission~~ Commission is granted all rights,  
powers, and duties of a Housing Authority pursuant to the provisions of  
the California Health and Safety Code sections 34200-34380, except those  
expressly retained by the Housing Authority of ~~the~~ City of San Diego in  
this section.

(b) Definitions: ~~As used in~~ For purposes of this article section, defined terms  
appear in italics. ~~the~~ The following definitions apply in this section:

(1) ~~“City” shall mean the City of San Diego;~~

- (2) ~~“City Council” shall mean the City Council of the City of San Diego;~~
- (3) ~~“Commission Commission” shall mean the San Diego Housing Commission, a public agency created pursuant to State the California Health and Safety Code;~~  
~~Commission President means the President and Chief Executive Officer of the Commission.~~  
~~Housing Authority Executive Director means the Commission President who also serves ex officio as the Executive Director of the Housing Authority and is appointed by the Housing Authority.~~
- (4) ~~“Housing Authority Housing Authority” shall mean the Housing Authority of the City of San Diego, a state public agency created pursuant to section 34200 et seq. of the State the California Health and Safety Code;~~
- (5) ~~“Mayor” shall mean the Mayor of the City of San Diego;~~
- (6) ~~“Member Member” shall mean a member commissioner of the San Diego Housing Commission;~~
- (7) ~~“Person of low income Persons of low income” shall mean a group or family which that lacks the amount of income which is necessary, as determined by the Housing Authority Housing Authority, to enable it without financial assistance to live without financial assistance in decent, safe, and sanitary dwellings without overcrowding.~~

(c) Investigatory and Advisory Functions of the ~~Commission~~ Commission;

The Commission's investigatory and advisory functions of the San Diego ~~Housing Commission~~ shall include, but not necessarily be limited to, the following:

- (1) [No change in text.]
- (2) Determine where there is a shortage of decent, safe, and sanitary dwelling accommodations for ~~persons of low income~~ persons of low income.
- (3) [No change in text.]
- (4) Make recommendations to the ~~Housing Authority~~ Housing Authority for changes or revisions in Housing Authority policies of the ~~Housing Authority~~.
- (5) through (6) [No change in text.]
- (7) Perform such other functions not inconsistent with this section as may be delegated from time to time to the ~~Commission~~ by ~~that~~ the ~~Housing Authority~~ Housing Authority or City Council delegates to the Commission by resolution.
- (8) ~~Review and make recommendations on all matters to come before the Housing Authority prior to their action, except emergency matters and matters which the Commission, by resolution, excludes from Commission review and recommendation.~~

(d) Administrative Functions of the ~~Commission~~ Commission. The Commission's administrative functions ~~of the Commission~~ shall include the following:

- (1) Approve plans and specifications, authorize advertisements for bids and proposals, accept and reject bids and proposals, and approve expenditures for goods, services, public works, land clearance, loans, grants, claims, leases and other interests in real property, and other contracts and agreements; however, the programs, projects or activities for such expenditures shall have been previously approved by the ~~Housing Authority~~ Housing Authority, or the expenditures shall be for items included in budgets previously approved by the ~~Housing Authority~~ Housing Authority.
- (2) Approve submission of applications for funds where such applications do not constitute a binding agreement to accept such funds, if awarded, and approve contracts for the receipt of such funds ~~if the program, project or activity for which such funds are received has been previously approved by the Housing Authority.~~
- (3) Approve guidelines for the administration of programs previously approved and funded by ~~the Housing Authority~~ Housing Authority.
- (4) Approve guidelines for the administration of programs previously approved and funded by ~~Housing Authority~~ Housing Authority.

- (5) ~~Approve Review~~ conflict of interest codes ~~prior to adoption by the Housing Authority~~ and submit proposed conflict of interest codes for City Council approval in accordance with California Government Code section 82011.
- (6) Approve lease forms, grievance procedures, occupancy policies, rent and utility schedules, tenant council agreements, and other United States Department of Housing and Urban Development (HUD) ~~required~~ documents for the administration of public housing and rent subsidy programs.
- (7) Act upon such other matters not inconsistent with this section as that the Housing Authority Housing Authority or City Council delegates to the Commission by ~~may from time to time delegate by~~ resolution ~~to the Commission.~~
- (8) Before a Housing Authority decision, hold a public hearing to consider the matter. The Commission shall make a written recommendation to the Housing Authority, or shall forward the matter to the Housing Authority without a recommendation.
- (89) ~~Notwithstanding Section 98.0301(d)(1) through (7), the actions of the Housing Commission upon the following administrative matters~~ Act upon all other administrative matters in accordance with federal, state, and local laws and regulations, except the matters set forth below in sections 98.0301(d)(9)(A)-(E), and except as provided in section 98.0301(e), in which case, the



Commission's actions shall be advisory only, and shall be referred for Housing Authority action:

- (A) ~~Approval of any proposed acquisition, sale, or lease of real property for a term in excess of five (5) years~~ The Commission's annual budget;
- (B) ~~Approval of any development project or rehabilitation loan commitment involving the expenditure of more than \$250,000 by the Housing Commission~~ Bond issuances and actions related to Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) hearings;
- (C) ~~Approval of any contract for acquisition of goods or services (other than a construction contract for a development project) involving the expenditure of more than \$100,000 by the Housing Commission~~ Memoranda of Understanding between recognized employee organizations and the Commission;
- (D) ~~The establishment or approval of any new major~~ Adoption or amendment of any Commission policy relating to the method of operations of the Housing Commission; and
- (E) Any other matters that are determined to be advisory only by City Council or Housing Authority resolution.

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~~The recommendation of the Housing Commission on these matters shall be referred for final action at the next available agenda of the Housing~~

~~Authority. By resolution passed by majority vote, the City Council may, at any time, add, delete or otherwise modify the items on which the Housing Commission is advisory.~~

~~Notwithstanding anything to the contrary in Section 98.0301(d)(8), in circumstances where it is not feasible to obtain review and approval by the Housing Authority on or before the established deadline, the Executive Director shall have the authority to execute documents required to be executed by the United States Department of Housing and Urban Development ("HUD") or other agencies in a timely manner in order to meet any deadlines imposed by those agencies. In addition, the Executive Director shall have the authority, without prior Housing Authority approval, to prepare and submit applications for funding in support of programs consistent with the Housing Commission's approved mission and goals.~~

(e) Finality of Actions:

- (1) All Commission actions of the Commission taken pursuant to ~~S~~section 98.0301(d) shall be final seven (7) days after action by the Commission Commission, except for Commission actions taken on the matters set forth in ~~of the~~ Commission for which a review by the Housing Authority has been requested pursuant to ~~S~~sections 98.0301(~~ed~~)(9)(A)-(E), and except for those actions which require final action by the Housing Authority pursuant to ~~as provided in~~ ~~S~~section 98.0301(~~de~~)(12)-(8).

- (2) ~~One or more of the persons set forth below, in the manner set forth below, may elect to refer a Any Commission matter may be referred to the ~~Housing Authority~~ Housing Authority for final action, within seven (7) days after the date of the Commission action by:~~
- (A) ~~The Commission~~ Commission, ~~by motion~~ resolution.
  - (B) ~~The Housing Authority Executive Director~~ Executive Director of the ~~Housing Authority~~, ~~by notifying~~ written notification to the Commission ~~Chairperson~~ of the Commission.
  - (C) ~~Three (3)~~ Written notice by ~~two~~ members of the City Council ~~or~~ Housing Authority, or the City Manager, ~~by~~ written notice to the Housing Authority ~~Executive Director~~ Executive Director and Commission President.
- (3) ~~If a matter is referred to the Housing Authority~~ Housing Authority for final action in accordance with Section 98.0301(e)(2), the Chair of the Housing Authority, who shall be the Council President, as the role is defined in San Diego Municipal Code Section 22.0101, ~~Executive Director~~ shall promptly set the matter on the next available agenda of the ~~Housing Authority~~ Housing Authority, and ~~the action taken by the Commission~~ Commission shall be advisory.

(4) The Commission shall provide written notice to the Housing Authority at least seven days prior to the Commission taking action on any of the following matters:

(A) Approval of any proposed acquisition, sale, or lease of real property for a term in excess of five years; and

(B) Approval of any development project, rehabilitation loan commitment, or contract for the acquisition of goods or services, involving the expenditure of more than \$1,000,000.

(f) Appointment of ~~Commission~~ Commission Members ~~Members~~. The ~~Commission~~ Commission shall consist of seven (~~7~~) ~~members~~ members who shall be appointed by the Mayor ~~with the approval of the~~ subject to City Council confirmation. ~~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~~ members appointed pursuant to this section shall be tenants of housing authority Commission-owned units, which include those owned by limited liability companies in which the Commission is the sole member, or recipients of housing assistance pursuant to HUD's tenant-based housing choice voucher program (Section 8). At least one (~~1~~) ~~commissioner~~ of the members so appointed pursuant to this subsection shall be over 62 years of age. So long as required by federal law, at least one of the

members appointed pursuant to this subsection shall be a recipient of housing assistance in the tenant-based housing choice voucher program (Section 8).

- (2) The term of office of each ~~member~~ member shall be four (4) years, except that the terms of office of the two ~~(2) members~~ members ~~who are tenants of Housing Authority units appointed pursuant to section 98.0301(f)(1)~~ shall be two ~~(2)~~ years, ~~and as set forth in Section 34272 of the California Health and Safety Code of the State of California section 34272.~~ A member shall hold office until the member's successor has been appointed and confirmed.
- (3) Vacancies occurring during a term shall be filled for the unexpired term by appointment made by the Mayor with the approval of the subject to City Council confirmation. Whenever the Mayor does not appoint a ~~member~~ 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~~ member shall receive as compensation the sum of ~~Fifty Dollars (\$50)~~ for each ~~Commission~~ Commission meeting attended; ~~provided that the total compensation for each member member shall not exceed One Hundred Dollars (\$100.00) in any one month.~~ In addition, each ~~member~~ member shall receive necessary travel and ~~subsistence~~ incidental expenses incurred in

~~the discharge of his~~ related to member duties. Any ~~member~~ member may waive compensation by filing a written waiver of compensation form with the ~~Executive Director~~ Commission President.

- (5) For inefficiency, neglect of duty, or misconduct in office, a ~~member~~ member may be removed ~~upon the affirmative vote of a~~ by majority vote of the ~~members of the~~ City Council.
- (g) Organization of the ~~Commission~~ Commission. ~~At its first meeting~~ The ~~Commission~~ Commission shall determine the time, place, and frequency of its meetings. Four members shall constitute a quorum and the vote of at least four members shall be necessary for any action by the Commission. The ~~Commission~~ Commission may adopt rules of procedure for the conduct of its business and ~~may do anything other thing else~~ necessary or proper to carry out its functions in accordance with federal, state, and local laws and regulations.
- (h) Indemnification of ~~Members~~ Members. To the fullest extent that ~~Commission would itself be permitted by law,~~ under California Government Code sections 825, 995, and 995.2 and to the extent that ~~insurance and other resources available to Commission are inadequate,~~ City shall indemnify ~~members~~ members of the ~~Commission~~ Commission, ~~including former members,~~ against all expenses, judgments, fines, ~~settlements and other amounts actually and reasonably incurred by them in~~ connection with any threatened, pending or completed action or

~~proceeding, whether civil or administrative civil actions brought against them in their individual or official capacities, or both, and pay judgments and settlements for claims against the members for matters arising out of acts or omissions occurring within the scope of their service to the Commission, provided that the member cooperates and assists with the defense. Expenses shall include, without limitation, attorney's fees and any expenses of establishing a right to indemnification. City shall, where indemnification is warranted as provided above, advance expenses incurred by a member in defending any such proceeding, before final disposition thereof, on receipt by City of an undertaking on behalf of that member that the advance will be repaid unless it is ultimately determined that the member is entitled to be indemnified by City for these expenses. Any indemnification shall not include punitive or exemplary damages.~~

**§98.0302 Relocation Appeals Board**

- (a) ~~Creation of Membership:~~ There is hereby created a Δ Relocation Appeals Board which shall consist of five (5) members who shall serve without compensation. The members shall be appointed by the Mayor, and ~~confirmed by the~~ subject to City Council confirmation. The members shall serve ~~two (2) year~~ two-year terms and each member shall serve until his the member's successor is ~~duly~~ appointed and ~~qualified~~ confirmed. The members shall be appointed in such a manner that the terms of not more than three (3) members shall expire in any year. The expiration date shall be October 1. ~~Initial appointments to the Board shall be made after the~~

~~effective date of this ordinance, and be effected so that the expiration date of the terms of three (3) members shall be October 1, 1975 and two (2) members on October 1, 1974.~~ During October of each year, the Mayor may designate one (1) member as ~~Chairman~~ chairperson; however, in the absence of such designation, the Relocation Appeals Board shall, on or after November 15, select from among ~~their~~ its members a ~~Chairman~~ chairperson.

- (b) Qualifications. All members of the Relocation Appeals Board shall be electors of the City of San Diego and shall be specially qualified to act as a Relocation Appeals Board member by reason of training and experience in real estate, human relations, housing, urban development, redevelopment, or other relevant business or profession.
- (c) Meetings. The Relocation Appeals Board shall meet regularly to transact business on the second Tuesday in November of each year or more often if necessary for the transaction of business. It shall establish its own rules and procedures necessary for the conduct of its business.
- Three ~~(3)~~ members of the Relocation Appeals Board shall constitute a quorum. The affirmative vote of ~~not less than~~ at least three ~~(3)~~ members shall be necessary for any action by the Relocation Appeals Board.

(d) Functions.

- (1) The Relocation Appeals Board shall promptly hear all complaints relating to relocation brought by persons displaced by City action, and in those cases relating to redevelopment projects shall



~~determine if the Redevelopment Agency has complied with these provisions of Chapter 4 of Part 1 of Division 24 of the Health and Safety Code (Sections 33300 et seq.) which relate to relocation and also, where applicable, federal regulations.~~

- (2) The Relocation Appeals Board shall, after a public hearing, transmit its findings and recommendations to the City Council, ~~or, in those cases relating to a redevelopment project, to the Redevelopment Agency.~~

HKV:nja  
04/13/16  
10/11/16 Cor. Copy  
10/18/16 Rev. Cor. Copy  
Or.Dept: SDHC  
Doc. No.: 1265428

Passed by the Council of The City of San Diego on NOV 15 2016, 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"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
Chris Cate	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 01 2016

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

(Seal)

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

By Gendabruin, 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

OCT 18 2016

, and on

DEC 01 2016

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 Gendabruin, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20746