

ORDINANCE NUMBER O- 21520 (NEW SERIES)DATE OF FINAL PASSAGE SEP 21 2022

AN ORDINANCE AMENDING CHAPTER 9, ARTICLE 8, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 98.0301, RELATING TO THE EXECUTIVE DIRECTOR OF THE HOUSING AUTHORITY OF THE CITY OF SAN DIEGO AND THE SAN DIEGO HOUSING COMMISSION PRESIDENT AND CHIEF EXECUTIVE OFFICER AND CLARIFYING CHANGES.

WHEREAS, on February 15, 2022, the Council of the City of San Diego (Council) established a temporary standing committee to provide oversight and consider reforms to the governance and structure of the San Diego Housing Commission (Housing Commission); and

WHEREAS, on April 8, 2022, in response to requests from Council President Elo-Rivera and Councilmember Cate, the Independent Budget Analyst provided IBA Report 22-06 titled "Follow-up Information on Housing Authorities" containing, among other things, a comparative review of employment contracts of executive directors of housing agencies in California; and

WHEREAS, on May 23, 2022, the Select Committee on San Diego Housing Commission Oversight and Reform voted to initiate amendments to the San Diego Municipal Code to clarify that the President and Chief Executive Officer of the Housing Commission serves as the Executive Director of the Housing Authority and to establish a joint performance evaluation process for this position by the Housing Authority and Board of Housing Commissioners; 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 amending section 98.0301 to read as follows:

Article 8: Housing

Division 3: San Diego Housing Commission and Relocation Appeals Board

§98.0301 San Diego Housing Commission

- (a) [No change in text].
- (b) Definitions. For purposes of this section, defined terms appear in italics.
The following definitions apply in this section:
Board of Commissioners means the governing body of the *Commission* consisting of *members* appointed through the process in Section 98.0301(f).
Commission [No change in text.]
Commission President [No change in text.]
Housing Authority Executive Director means the *Commission President*.
Housing Authority [No change in text.]
Member means a commissioner of the *Board of Commissioners*.
Persons of low income [No change in text.]
- (c) Investigatory Functions. The *Board of Commissioners'* investigatory functions include the following:
(1) through (7) [No change in text.]
- (d) Administrative Functions. The *Board of Commissioners'* administrative functions include the following:
(1) through (3) [No change in text.]
(4) Review conflict of interest codes and submit proposed conflict of interest codes for City Council approval in accordance with California Government Code section 82011.

- (5) 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.
 - (6) Act upon such other matters not inconsistent with this section that the *Housing Authority* or City Council delegates to the *Commission* by resolution.
 - (7) Hold a public hearing before the *Housing Authority* makes a decision, and (i) forward a written recommendation to the *Housing Authority*, or (ii) forward the matter to the *Housing Authority* without a recommendation.
 - (8) 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)(8)(A)-(E), and except as provided in section 98.0301(e), in which case, the *Board of Commissioners'* actions shall be advisory only, and shall be referred for *Housing Authority* action:
 - (A) through (E) [No change in text.]
- (e) Finality of Actions.
- (1) All *Board of Commissioners'* actions taken pursuant to section 98.0301(d) shall be final seven calendar days after action by the *Board of Commissioners*, except for actions taken on the matters set forth in sections 98.0301(d)(8)(A)-(E), and except as provided in section 98.0301(e)(2).

- (2) Any action by the *Board of Commissioners* may be referred to the *Housing Authority* for final action, within seven calendar days after the date of the action by:
 - (A) *Board of Commissioners'* resolution.
 - (B) *Housing Authority Executive Director* written notification to the *Board of Commissioners'* chairperson.
 - (C) Written notice by two members of the City Council or *Housing Authority*, or the City Manager, to the *Housing Authority Executive Director*.
- (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 *Housing Authority* agenda, and the action taken by the *Board of Commissioners* shall be advisory.
- (4) *Housing Authority* Notification
 - (A) The *Board of Commissioners* shall not act on any of the following matters unless the *Commission President* first provides written notification to the *Housing Authority*:
 - (i) through (ii) [No change in text.]
 - (B) The *Commission President* shall provide the notification at least seven calendar days in advance of the meeting at which the action is proposed to be considered, except that, in the event the *Commission President* determines it necessary to place such an action on an agenda fewer than

seven calendar days before a meeting of the *Board of Commissioners*, the *Commission President* shall provide the notification at the time the *Commission President* makes that determination, no later than the time the agenda is posted, and under no circumstances later than 24 hours in advance of the meeting.

(f) Appointment of *Members*. The *Board of Commissioners* shall consist of seven *members* who shall be appointed by the Mayor subject to City Council confirmation.

(1) through (3) [No change in text.]

(4) Each *member* shall receive as compensation the sum of \$50 for each meeting of the *Board of Commissioners* 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) [No change in text.]

(g) Organization of the *Board of Commissioners*. The *Board of Commissioners* 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 *Board of Commissioners*. The *Board of Commissioners* 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* 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.
- (i) *Commission President*.
 - (1) The *Housing Authority* shall appoint the *Commission President*, who may be removed from office by the *Housing Authority* at any time.
 - (2) The *Commission President* shall serve, ex officio, as the *Housing Authority* Executive Director.
 - (3) The *Housing Authority* and *Board of Commissioners* shall direct and review the work of the *Commission President*. The *Board of Commissioners* shall conduct an annual performance review of the *Commission President* and shall present the performance review to the *Housing Authority* at a properly noticed closed session meeting for approval. The *Board of Commissioners* shall recommend the

Commission President's annual compensation for Housing Authority approval at a properly noticed open session meeting of the Housing Authority.

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: MARA W. ELLIOTT, City Attorney

By /s/ Heather M. Ferbert
Heather M. Ferbert
Chief Deputy City Attorney

HMF:sc:cm
07/19/2022
08/01/2022 REV.
Or.Dept: Council District 3
Doc. No. 3030876_3

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of SEP 13 2022.

ELIZABETH S. MALAND
City Clerk

By [Signature]
Deputy City Clerk

Approved: 9/20/22
(date)

[Signature]
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

(NOTE: The date of final passage is September 21, 2022, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

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 AMENDING SECTION 98.0301, RELATING TO THE EXECUTIVE DIRECTOR OF THE HOUSING AUTHORITY OF THE CITY OF SAN DIEGO AND THE SAN DIEGO HOUSING COMMISSION PRESIDENT AND CHIEF EXECUTIVE OFFICER AND CLARIFYING CHANGES.

Article 8: Housing

Division 3: San Diego Housing Commission and Relocation Appeals Board

§98.0301 San Diego Housing Commission

- (a) [No change in text].
- (b) Definitions. For purposes of this section, defined terms appear in italics.

The following definitions apply in this section:

Board of Commissioners means the governing body of the *Commission* consisting of *members* appointed through the process in Section 98.0301(f).

Commission [No change in text.]

Commission President [No change in text.]

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 [No change in text.]

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

Persons of low income [No change in text.]

- (c) Investigatory Functions ~~of the Commission~~. The Board of Commissioners' Commission's investigatory functions include the following:
- (1) through (7) [No change in text.]
- (d) Administrative Functions ~~of the Commission~~. The Board of Commissioners' administrative functions include the following:
- (1) through (3) [No change in text.]
- (4) ~~Approve guidelines for the administration of programs previously approved and funded by the Housing Authority.~~
- (45) Review conflict of interest codes and submit proposed conflict of interest codes for City Council approval in accordance with California Government Code section 82011.
- (56) 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.
- (67) Act upon such other matters not inconsistent with this section that the *Housing Authority* or City Council delegates to the *Commission* by resolution.
- (78) Hold a public hearing before the ~~Before a Housing Authority makes a decision and, hold a public hearing to consider the matter.~~
~~The Commission shall make~~ (1) forward a written recommendation

to the *Housing Authority*, or shall (2) forward the matter to the *Housing Authority* without a recommendation.

- (89) 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)(89)(A)-(E), and except as provided in section 98.0301(e), in which case, the *Board of Commissioners' Commission's* actions shall be advisory only, and shall be referred for *Housing Authority* action:

(A) through (E) [No change in text.]

(e) Finality of Actions.

- (1) All *Board of Commissioners' Commission* actions taken pursuant to section 98.0301(d) shall be final seven calendar days after action by the *Board of Commissioners' Commission*, except for ~~*Commission*~~-actions taken on the matters set forth in sections 98.0301(d)(89)(A)-(E), and except as provided in section 98.0301(e)(2).
- (2) Any action by the *Board of Commissioners' Commission* ~~matter~~ may be referred to the *Housing Authority* for final action, within seven calendar days after the date of the ~~*Commission*~~ action by:
- (A) *Board of Commissioners' Commission* resolution.
- (B) *Housing Authority Executive Director* written notification to the *Board of Commissioners' 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*~~ agenda, and the action taken by the *Board of Commissioners* ~~*Commission*~~ shall be advisory.
- (4) *Housing Authority* Notification
- (A) The *Board of Commissioners* ~~*Commission*~~ shall not act on any of the following matters unless the *Commission President* first provides written notification to the *Housing Authority*:
- (i) through (ii) [No change in text.]
- (B) The *Commission President* shall provide the notification at least seven calendar days in advance of the meeting at which the action is proposed to be considered, except that, in the event the *Commission President* determines it necessary to place such an action on an ~~*Commission*~~ agenda fewer than seven calendar days before a ~~*Commission*~~ meeting of the *Board of Commissioners*, the *Commission*

President shall provide the notification at the time the *Commission President* makes that determination, no later than the time the agenda is posted, and under no circumstances later than 24 hours in advance of the meeting.

(f) Appointment of ~~*Commission Members*~~. The *Board of Commissioners* ~~*Commission*~~ shall consist of seven *members* who shall be appointed by the Mayor subject to City Council confirmation.

(1) through (3) [No change in text.]

(4) Each *member* shall receive as compensation the sum of \$50 for each ~~*Commission*~~ meeting of the *Board of Commissioners* 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) [No change in text.]

(g) Organization of the *Board of Commissioners* ~~*Commission*~~. The *Board of Commissioners* ~~*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 *Board of Commissioners* ~~*Commission*~~. The *Board of Commissioners*

~~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.
- (i) *Commission President.*
- (1) *The Housing Authority shall appoint the Commission President, who may be removed from office by the Housing Authority at any time.*
 - (2) *The Commission President shall serve, ex officio, as the Housing Authority Executive Director.*
 - (3) *The Housing Authority and Board of Commissioners shall direct and review the work of the Commission President. The Board of Commissioners shall conduct an annual performance review of the Commission President and shall present the performance review to the Housing Authority at a properly noticed closed session meeting*

for approval. The Board of Commissioners shall recommend the
Commission President's annual compensation for Housing
Authority approval at a properly noticed open session meeting of
the Housing Authority.

HMF:sc:cm
07/19/2022
08/01/2022 REV.
Or.Dept: Council District 3
Doc. No. 3030904_2

Passed by the Council of The City of San Diego on SEP 13 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 21 2022.

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

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

By , 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 AUG 01 2022, and on SEP 21 2022.

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 , Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21520