

MEMORANDUM OF LAW

DATE: August 11, 1986

TO: Mayor Maureen O'Connor

FROM: City Attorney

SUBJECT: Housing Commission; Appointment of Chairman by Mayor

You have asked us about the propriety of the recent appointment by Deputy Mayor Struiksma of Paul Robinson as Chairman of The Housing Commission. (prior to your election).

The Commission's creation was accomplished pursuant to Section 34291 of the California Health and Safety Code which provides:

Section 34291. Creation of housing commission by ordinance

A governing body of a county or city which has declared itself to be the commissioners of the authority pursuant to Section 34290 may, by ordinance, create a housing commission. 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.

The City Council adopted O-16511 (NEW SERIES) which created the Commission. (codified at 98.0301 of the Municipal Code) It is silent on the appointment of the Chairman, but does provide that the seven member Commission shall be appointed by the Mayor with the approval of the City Council. (98.0301(f)). Absent a specific provision of law or procedure to the contrary, we have no reason to question the propriety of Mr. Robinson's appointment.

JOHN W. WITT, City Attorney

By

C. M. Fitzpatrick

Assistant City Attorney

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