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ORDINANCE NUMBER O- 19963 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 24 2010

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 6 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 21, SECTIONS 26.2101, 26.2102, 26.2103, 26.2104, 26.2105, 26.2106, 26.2107, 26.2108, 26.2109, 26.2110, 26.2111, 26.2112, AND 26.2113 ALL RELATING TO THE CONSOLIDATED PLAN ADVISORY BOARD.

WHEREAS, the Housing and Community Development Act of 1974 established the Community Development Block Grant (CDBG) Program; and

WHEREAS, the federal administration of the CDBG Program is the responsibility of the U.S. Department of Housing and Urban Development (HUD) and the local administration of the CDBG Program is the responsibility of the City of San Diego (City); and

WHEREAS, the purpose of the CDBG Program is to provide an annual source of funds to local governments for the purpose of implementing activities to develop viable urban communities, including decent housing, a suitable living environment, and expanding economic opportunities, principally for persons of low and moderate income; and

WHEREAS, as part of the City's effort to reform the CDBG allocation process, the City Council amended Council Policy No. 700-02, effective November 24, 2009, requiring that a Consolidated Plan advisory board review applications for CDBG funding and provide recommendations to the Council beginning with the Fiscal Year 2012 allocations; and

WHEREAS, every five years the City is required to submit a Consolidated Plan for approval by HUD which sets forth the City's needs, priorities, goals and strategies for the use of CDBG and other federal entitlement grant funds received from HUD; and

WHEREAS, the creation of a Consolidated Plan Advisory Board is necessary to comply with Council Policy No. 700-02, the City's efforts to reform the City's administration of the CDBG Program, and the fair distribution of CDBG and other federal entitlement grant funds to eligible organizations; NOW, THEREFORE,

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

Section 1. That Chapter 2, Article 6 of the San Diego Municipal Code is amended by adding Division 21, sections 26.2101, 26.2102, 26.2103, 26.2104, 26.2105, 26.2106, 26.2107, 26.2108, 26.2109, 26.2110, 26.2111, 26.2112, and 26.2113 to read as follows:

Article 6: Board and Commissions

§26.2101 Purpose and Intent

It is the purpose and intent of the City Council to establish a Consolidated Plan Advisory Board to serve in an advisory capacity to the Mayor, City Council, and City Manager on policy issues related to *HUD's Consolidated Plan* and the allocation of *CDBG* and *ESG* funds.

§26.2102 Definitions

For purposes of this Division, defined terms appear in italics. The following definitions apply in this Division:

Annual Action Plan means the report written by City staff and approved by the City Council and *HUD* each year which designates how the City of San Diego proposes to spend the federal block grant funds in a given program year.

Board means the Consolidated Plan Advisory Board.

CDBG means HUD's Community Development Block Grant Program authorized under Title 1 of the Housing and Community Development Act of 1974 (42 U.S.C. § 5301 *et seq.*).

Consolidated Plan means the report written by City staff and approved by the City Council and HUD every five years which identifies the City of San Diego's needs, priorities, goals, and strategies with regard to federal housing and community development funding received from HUD. The *Consolidated Plan* includes discussions concerning the following federal entitlement grant programs: *CDBG*; *ESG* ; HOME Partnership Program; and *HOPWA*.

ESG means HUD's Emergency Shelter Grant Program authorized under Subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11371 *et seq.*).

HOPWA means HUD's Housing Opportunities for Persons with AIDS Program authorized under the AIDS Housing Opportunity Act (42 U.S.C. § 12901 *et seq.*).

HUD means the United States Department of Housing and Urban Development.

Lobbying has the same meaning as in San Diego Municipal Code section 27.3503.

§26.2103 Consolidated Plan Advisory Board Established

- (a) There is hereby created a Consolidated Plan Advisory Board to consist of nine members, who shall serve without compensation.
- (b) *Board* members shall be appointed by the Mayor subject to confirmation by a majority vote of the City Council. All members of the *Board* shall be residents of the City of San Diego unless this requirement is waived by the City Council pursuant to the applicable Council Policy.

- (c) The Mayor shall appoint *Board* members from a pool of nominees submitted by the City Council. The *Board* shall consist of at least one individual nominated by the City Council member in each City Council district.
- (d) For the initial appointment, each City Council member may submit to the Mayor two nominees for appointment to the *Board*. The Mayor shall appoint one nominee from each City Council district. The Mayor shall have the authority to nominate and appoint one member of the *Board* until such time, if any, as a ninth City Council district is established and filled in which case the City Council member from the ninth City Council district shall nominate this member of the *Board*.
- (e) For the initial appointment, or in the event of a vacancy on the *Board*, if the Mayor fails to appoint members to the *Board* within forty-five days of submittal of written nominations by City Council members, the City Council shall have the authority to appoint members of the *Board* by a majority vote of City Council.

§26.2104 Qualification of Board Members

- (a) *Board* members considered for selection shall include persons who represent the following areas of interest and expertise: affordable housing; homelessness; disability services; neighborhood revitalization; social services; fair housing; accounting; auditing; economic development; general contracting; legal; non-profit management and low- to moderate-income persons.

- (b) City Council members shall use their best efforts to nominate as members of the *Board* individuals who represent a diversity of backgrounds including gender, age, socio-economic class, geographic location, religion, sexual orientation, skills and abilities, ethnicity, political affiliation, or professional background.
- (c) An officer, paid employee, consultant, contractor, subcontractor, or member of the board of directors of an organization that has applied for, or has a contract with the City for *CDBG* or *ESG* grant funds shall not be considered for appointment to the *Board*.
- (d) A member of the *Board* who is or becomes an officer, paid employee, consultant, contractor, subcontractor, or member of the board of directors of an organization that has applied for, or that has a contract with the City for *CDBG* or *ESG* grant funds shall immediately resign from the *Board*.
- (e) In appointing members to the *Board*, the Mayor shall consider whether nominees would be able to effectively and ethically serve in light of any foreseeable conflicts of interest.

§26.2105 Length of Term for Board Members

- (a) Members of the *Board* shall serve two year terms and each *Board* member shall serve until a successor is duly appointed and confirmed. Members of the *Board* are limited to serving a maximum of four consecutive years. An interval of four years must pass before a member can be reappointed after serving four consecutive years. Any member initially appointed to a

term of less than two years shall be eligible to subsequently serve two consecutive two year terms.

- (b) Initial members of the *Board* shall be appointed so that the terms of not more than five *Board* members shall expire in any one year to allow the terms of the *Board* members to be staggered. For the initial appointments, five members of the *Board* shall be appointed to a term that will expire July 1, 2012, and four members of the *Board* shall be appointed to a term that will expire July 1, 2013. The expiration date of all terms shall be July 1st of each termination year.
- (c) Any vacancy shall be filled for the remainder of an unexpired term. A seat vacated by a *Board* member nominated by a certain City Council member shall be filled by appointment of another individual nominated by the City Council member in that Council district. A seat vacated by a *Board* member nominated and appointed by the Mayor shall be filled by another individual nominated by the Mayor until such time, if any, that a ninth City Council district is established and filled in which case the City Council member for the ninth City Council district shall nominate this member of the *Board*.

§26.2106 Designation of Board Chair

During July of each year, the Mayor may designate one member of the *Board* as Chair. In the absence of such designation, the *Board* shall on or after August 15, select a Chair from among its members. The Chair shall serve a one year term with the option of reappointment for one additional year.

§26.2107 Policies and Procedures of the Board

The *Board* may adopt rules consistent with all applicable state and local laws and regulations for the governing of its business and to establish procedures. The *Board* shall adopt an attendance policy for the members of the *Board*.

§26.2108 Board Conflict of Interest Code

A conflict of interest code shall be adopted for members of the *Board*, subject to City Council approval. All members of the *Board* shall be required to complete and file statements of economic interests in accordance with the conflict of interest code, and shall comply with all applicable ethics laws.

§26.2109 Recusal of Board Members

No member of the *Board* shall participate in any decision in which he or she has any personal or financial interest.

§26.2110 Lobbying Restrictions on Former Board Members

Former members of the *Board* are prohibited from *lobbying* or otherwise attempting to influence the *Board* or City Council members in connection with the business or operations of the *Board* for a period of no less than one year after any such individual leaves the *Board* for whatever reason.

§26.2111 Meetings of the Board and Reporting

As determined by the Chair, the *Board* will meet as necessary to fully perform its duties and functions as set forth in section 26.2113. All meetings of the *Board* shall comply with the Ralph M. Brown Act. The *Board* shall keep written records of the proceedings which shall be public records.

§26.2112 Quorum of the Board

Five members of the *Board* shall constitute a quorum authorized to transact business. Five affirmative votes of the members of the *Board* shall be necessary to make any *Board* decision.

§26.2113 Duties and Functions of the Board

The *Board* shall:


- a) Provide advice and recommendations on all policy issues relating to the *Consolidated Plan*, the *Annual Action Plan*, the *CDBG* Program, the *ESG* Program, the HOME Partnership Program, and the *HOPWA* Program;
- b) Recommend processes, policies, and procedures for the fair distribution of *CDBG* and *ESG* funds to non-profit and other organizations eligible to receive *CDBG* and *ESG* funds;
- c) Openly and impartially evaluate applications for *CDBG* and *ESG* funds, deemed eligible and complete by City staff, and provide funding recommendations to the City Council;
- d) Provide advice and recommendations regarding the establishment of goals for the *Consolidated Plan* and the *Annual Action Plan* as well as any action(s) necessary to meet or reprioritize such goals or to amend such plans;
- e) Recommend policies and procedures to ensure the greatest possible public participation in the creation of each *Consolidated Plan* and *Annual Action Plan*; and

- f) Provide a report to the Public Safety and Neighborhood Services Committee twice each year.

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 
 Kenneth R. So
 Deputy City Attorney

KRS:js
 04/30/10
 05/25/10 Rev.
 Or.Dept: CDBG
 O-2010-93
 MMS#11837

RECEIVED
 JUNE 15 2010
 CLERK OF THE CITY OF SAN DIEGO

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 15 2010.

ELIZABETH S. MALAND
 City Clerk

By 
 Deputy City Clerk

Approved: 6.24.10
 (date)


 JERRY SANDERS, Mayor

Vetoed: _____
 (date)

 JERRY SANDERS, Mayor