



EXECUTIVE SUMMARY

HOUSING COMMISSION EXECUTIVE SUMMARY SHEET

DATE: November 16, 2017

HCR17-092

COUNCIL DISTRICT(S): Citywide

ORIGINATING DEPARTMENT: Board & Executive

CONTACT/PHONE NUMBER: Charles B. Christensen/619-236-9343

REQUESTED ACTION:

That the San Diego Housing Commission authorize the Executive Director of the Housing Authority, or designee, to refer matters, which require Housing Authority approval, directly to the Housing Authority without action by the Housing Commission Board, by giving a notice to the Housing Commission Board before the referral of the item, in certain instances.

EXECUTIVE SUMMARY OF KEY FACTORS:

- The proposed action would authorize the Executive Director of the Housing Authority of the City of San Diego, or designee, to refer matters, which require Housing Authority approval, directly to the Housing Authority without action by the Housing Commission Board, by giving a notice to the Housing Commission Board before the referral of the item, in the following instances:
 - Where time is of the essence, due to legal or other time constraints, and where there is not sufficient time to schedule a meeting of the Housing Commission Board to hear the matter in advance of the Housing Authority action, on advice of General Counsel; or
 - Where there is a conflict or conflicts of interest at the Housing Commission Board level, based upon the advice of General Counsel, that will not allow the Housing Commission Board to hear a matter.
- San Diego Municipal Code 98.0301 previously provided the Executive Director of the Housing Authority with this ability to refer matters directly to the Housing Authority in these instances.
- That provision was omitted from the ordinance when it was recently amended.
- The proposed action would restore the ability of the Executive Director to refer matters directly to the Housing Authority in these instances.
- There are no fiscal impacts.



REPORT

DATE ISSUED: November 16, 2017

REPORT NO: HCR17-092

ATTENTION: Chair and Members of the San Diego Housing Commission
For the Agenda of November 17, 2017

SUBJECT: Authorization for Executive Director of Housing Authority's Referral of Items to Housing Authority in Special Circumstances

COUNCIL DISTRICT: Citywide

REQUESTED ACTION

That the San Diego Housing Commission authorize the Executive Director of the Housing Authority, or designee, to refer matters, which require Housing Authority approval, directly to the Housing Authority without action by the Housing Commission Board, by giving a notice to the Housing Commission Board before the referral of the item, in certain instances.

STAFF RECOMMENDATION

That the San Diego Housing Commission (Housing Commission) authorize the Executive Director of the Housing Authority, or designee, to refer matters, which require Housing Authority approval, directly to the Housing Authority without action by the Housing Commission Board, by giving a notice to the Housing Commission Board before the referral of the item, in the following instances:

- a) Where time is of the essence, due to legal or other time constraints, and where there is not sufficient time to schedule a meeting of the Housing Commission Board to hear the matter in advance of the Housing Authority action, on advice of General Counsel; or
- b) Where there is a conflict or conflicts of interest at the Housing Commission Board level, based upon the advice of General Counsel, that will not allow the Housing Commission Board to hear a matter.

SUMMARY

Before San Diego Municipal Code Section 98.0301 was recently amended, it provided an ability of the Executive Director of the Housing Authority of the City of San Diego (Housing Authority) to refer matters directly to the Housing Authority in instances where there was not sufficient time, or the legal ability, for the Housing Commission Board to make a decision.

That provision was omitted from the ordinance when it was amended. This action will restore the ability of the Executive Director of the Housing Authority to refer matters directly to the Housing Authority in instances where there is no time to have the Housing Commission Board hear and decide a matter, or when there is a conflict of interest, where the Housing Commission Board is unable to make a determination because of a conflict, most likely a Government Code Section 1090 violation, where there are no remote interest or non-interest exceptions available.

November 16, 2017

Authorization for Executive Director of Housing Authority's Referral of Items to
Housing Authority in Special Circumstances

Page 2

FISCAL CONSIDERATIONS

There are no fiscal impacts.

PREVIOUS COUNCIL and/or COMMITTEE ACTION

On November 15, 2016, the San Diego City Council adopted amendments to Section 98.0301 of the San Diego Municipal Code, giving additional authority to the Housing Commission Board of Commissioners and the President & CEO, by a vote of 6-0 (Ordinance O-20746).

On September 12, 2017, the San Diego City Council adopted amendments to Section 98.0301(e)(4) to provide that in cases where the Housing Commission does not have sufficient time to give the Housing Authority members seven-day advance notice of an action to be considered by the Housing Commission at one of its scheduled meetings, the advance notice be shortened to no less than 24 hours (Ordinance O-20861).

ENVIRONMENTAL REVIEW

This activity is not a project as defined by the California Environmental Quality Act (CEQA) Section 21065 and State CEQA Guidelines Section 15378(b)(2), as they are general policy and procedure making activities of a governmental entity. The determination that this activity is not subject to CEQA, pursuant to Section 15060(c)(3), is not appealable and a Notice of Right to Appeal the Environmental Determination (NORA) is not required. These activities contemplated are exempt under the National Environmental Policy Act (NEPA) pursuant to Part 58.34(a)(3) of Title 24 of the Code of Federal Regulations.

Respectfully submitted,

Charles Christensen

Charles Christensen
General Counsel
San Diego Housing Commission

Approved by,

Deborah N. Ruane

Deborah N. Ruane
Executive Vice President & Chief Strategy Officer
San Diego Housing Commission

Hard copies are available for review during business hours at the security information desk in the main lobby and at the fifth floor reception desk of the San Diego Housing Commission offices at 1122 Broadway, San Diego, CA 92101 and at the Office of the San Diego City Clerk, 202 C Street, San Diego, CA 92101. You may also review complete docket materials in the "Public Meetings" section of the San Diego Housing Commission website at www.sdhc.org.