



REVISED REPORT

DATE ISSUED: January 5, 2017 **REPORT NO:** HCR17-004

ATTENTION: Chair and Members of the San Diego Housing Commission
For the Agenda of January 13, 2017

SUBJECT: Resolution Recommending that the San Diego City Council Amend San Diego Municipal Code Section 98.0301(e)(4) to Shorten Time for Advance Notice to Housing Authority members in Cases of Special Meetings of the San Diego Housing Commission Board only, to no less than 24 hours.

COUNCIL DISTRICT: All

REQUESTED ACTION:

That the San Diego Housing Commission (Housing Commission) recommend that the Housing Authority of the City of San Diego (Housing Authority) adopt a resolution shortening the time for San Diego Municipal Code Section 98.0301(e)(4) notices in cases where the Housing Commission has duly noticed a Special Meeting of the Housing Commission Board under the provisions of the Brown Act.

STAFF RECOMMENDATION

That the San Diego Housing Commission (Housing Commission) recommend that the San Diego City Council take the following actions:

1. Amend San Diego Municipal Code Section 98.0301(e)(4) to provide that in cases where the Housing Commission has scheduled a Special Meeting of the Board of Commissioners of the Housing Commission, as special meeting is defined under the applicable terms of the Brown Act, that the seven (7) day advance written notice, required under Section 98.0301(e)(4), in the case of such special meetings only, be shortened to no less than 24 hours; and
2. If such action is taken by the City Council, that the draft ordinance be forwarded by the City Attorney, in cooperation with the Housing Commission, to the City Council for consideration at the earliest time that is feasible, for introduction and adoption of the proposed ordinance amendment.

SUMMARY

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. Among the amendments was the addition of Section 98.0301(e)(4), which states that members of the Housing Authority must receive a notice seven days prior to any action of the Housing Commission Board concerning the following matters:

Resolution Recommending that the San Diego City Council Amend San Diego Municipal Code Section 98.0301(e)(4) to Shorten Time for Advance Notice to Housing Authority members in Cases of Special Meetings of the San Diego Housing Commission Board only, to no less than 24 hours.

Page 2

1. The approval of any proposed acquisition, sale, or lease of real property for a term in excess of five years; and
2. Approval of any development project, rehabilitation loan commitment, or contract for the acquisition of goods or services, involving an expenditure of more than \$1,000,000.

In the case of a regular meeting of the Housing Commission Board, there is absolutely no problem providing the required seven-day notice to members of the Housing Authority.

However, the Brown Act allows for the scheduling of Special Meetings, provided that not less than 24 hours-notice of the Special meeting is provided, as referenced within the applicable Government Code provisions. In the cases of specially noticed meetings of the Housing Commission Board that have been scheduled and noticed, it will be impossible to provide the Housing Authority members with seven days advance notice of the meeting. For this reason, the Housing Commission is requesting that the Housing Authority adopt a resolution that requires that the Housing Commission to provide the Housing Authority members not less than 24 hours advance notice of any special meeting where an item described in San Diego Municipal Code Section 98.0301(e)(4) will be acted upon at a Special Meeting.

In the event the matter is noticed more than 24 hours in advance of the Special Meeting, the Housing Commission shall provide each member of the Housing Authority with notice of the Special Meeting at the same time as the Special Meeting Notice is posted, even if it is less than seven days before scheduled Special Meeting.

For example, if a Special Meeting Notice is posted 48 hours in advance of the Special Meeting, then the notice to each member of the Housing Authority shall be delivered 48 hours in advance of the Special Meeting. If the Special Meeting Notice is posted 72 hours in advance of the Special Meeting, each member of the Housing Authority will receive notice 72 hours in advance of the Special Meeting.

AFFORDABLE HOUSING IMPACT

This action will expedite the approval of items where it has been necessary to call a Special Meeting of the Housing Commission Board.

FISCAL CONSIDERATIONS

There are no fiscal impacts.

PREVIOUS COUNCIL and/or COMMITTEE ACTION

San Diego Municipal Code Section 98.0301 was amended by the City Council on November 15, 2016. Among the amendments was the requirement that members of the Housing Authority must receive a notice seven days prior to any action of the Housing Commission Board concerning matters set forth in San Diego Municipal Code Section 98.0301(e)(4).

KEY STAKEHOLDERS and PROJECTED IMPACTS

The adoption of the proposed Housing Authority Resolution will aid in the timely production of affordable housing and will benefit developers and members of the public who are in need of affordable housing. In some cases, there is a need to obtain an approval of an acquisition or disposition of real

January 5, 2017 – Revised Report

Resolution Recommending that the San Diego City Council Amend San Diego Municipal Code Section 98.0301(e)(4) to Shorten Time for Advance Notice to Housing Authority members in Cases of Special Meetings of the San Diego Housing Commission Board only, to no less than 24 hours.

Page 3

estate in limited period of time. This proposed Housing Authority Resolution will ensure that such actions will be taken in a timely manner.

ENVIRONMENTAL REVIEW

The proposed Housing Authority resolution 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 B. Christensen
Charles B. 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 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