



REPORT TO THE HOUSING AUTHORITY OF THE CITY OF SAN DIEGO

DATE ISSUED: April 1, 2020

REPORT NO: HAR20-016

ATTENTION: Chair and Members of the Housing Authority of the City of San Diego
For the Agenda of April 7, 2020

SUBJECT: Authorization of Electronic Signatures on Housing Authority Resolutions and Ordinances
During the Coronavirus (COVID-19) Public Health Emergency

COUNCIL DISTRICT: Citywide

REQUESTED ACTION:

Authorize authenticated electronic signatures on all Housing Authority of the City of San Diego (Housing Authority) resolutions and ordinances adopted by the Housing Authority during the COVID-19 public health emergency, with a signed document with a “wet signature” provided to the Deputy Secretary of the Housing Authority within 30 days after the COVID-19 emergency orders have been lifted or are deemed to have ended.

STAFF RECOMMENDATION

That the Housing Authority of the City of San Diego (Housing Authority) authenticated electronic signatures on all Housing Authority of the City of San Diego (Housing Authority) resolutions and ordinances adopted by the Housing Authority during the COVID-19 public health emergency, with a signed document with a “wet signature” provided to the Deputy Secretary of the Housing Authority within 30 days after the COVID-19 emergency orders have been lifted or are deemed to have ended.

SUMMARY

Local, state and national emergencies have been declared to address the novel coronavirus (COVID-19) global pandemic, as well as orders for residents to stay at home and practice social distancing to help prevent the spread of the COVID-19 disease.

On March 4, 2020, California Governor Gavin Newsom (Governor Newsom) proclaimed a State of Emergency in California as a result of the threat of COVID-19.

On March 12, 2020, San Diego Mayor Kevin L. Faulconer proclaimed the existence of a local emergency in the City of San Diego (City) as a result of COVID-19, which was ratified by the San Diego City Council (City Council) on March 17, 2020.

On March 13, 2020, President Donald J. Trump declared a National State of Emergency due to COVID-19.

On March 16, 2020, the San Diego County Health and Human Services Agency ordered that “all businesses shall enact social distancing, increased sanitation standards, and shall make every effort to use telecommuting for its workforce” and also discouraged gatherings of any size.

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On March 19, 2020, Governor Newsom issued Executive Order N-33-20, ordering everyone living in the State of California to stay home or at their place of residence, except to obtain essential services.

On March 28, 2020, the San Diego County Health and Human Services Agency issued a new order indicating that stay-at-home orders and limits on gatherings will remain in effect from 12 a.m. March 29, 2020, “until further notice.”

As of March 30, 2020, the County of San Diego has identified 734 COVID-19 cases, and nine individuals have died due to COVID-19.

City Council and Housing Authority meetings continue to be held to address important public business, with Councilmembers, Housing Authority members, City staff and San Diego Housing Commission (Housing Commission) staff participating by video conference or teleconference, and the public participating via remote access and by submitting comments electronically, which complies with Governor Newsom’s Executive Orders N-25-20 and N-29-20 and the Ralph M. Brown Act.

Resolutions and ordinances are drafted and signed by the City Attorney’s Office as General Counsel for the Housing Authority, in accordance with San Diego City Charter section 40.

The need to mitigate the risk of the spread of COVID-19 by limiting physical contact continues; however, signatures must still be collected from multiple parties on ordinances and resolutions

Authorizing the utilization of authenticated electronic signatures, if approved, would sustain essential Housing Authority actions during the COVID-19 emergency, as certain signatures are legally required on Housing Authority resolutions and ordinances for the legal documents to take effect.

The proposed utilization of authenticated electronic signatures would remain in place until a future action deems the COVID-19 emergency to have concluded, terminating the state and local declarations of emergency due to COVID-19, and until such time as social distancing is no longer legally declared to be necessary.

AFFORDABLE HOUSING IMPACT

The proposed action will support affordable rental housing by sustaining essential Housing Authority actions during the COVID-19 emergency.

FISCAL CONSIDERATIONS

No City expenditures are being approved with this action.

ENVIRONMENTAL REVIEW

The proposed actions are 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 pursuant to Part 58.34(a)(3) of Title 24 of the Code of Federal Regulations.

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Respectfully submitted,



Scott Marshall
Vice President
Communications & Government Relations

Approved by,



Jeff Davis
Executive Vice President & Chief of Staff
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 “Governance & Legislative Affairs” section of the San Diego Housing Commission website at www.sdhc.org.

HOUSING AUTHORITY OF
THE CITY OF SAN DIEGO

RESOLUTION NUMBER HA-_____

DATE OF FINAL PASSAGE _____

AN EMERGENCY RESOLUTION OF THE HOUSING
AUTHORITY OF THE CITY OF SAN DIEGO AUTHORIZING
THE ACCEPTANCE OF ELECTRONIC SIGNATURES IN
PLACE OF ORIGINALS ON RESOLUTIONS DURING THE
COVID-19 EMERGENCY.

WHEREAS, on March 4, 2020, Governor Gavin Newsom (Governor Newsom)
proclaimed a State of Emergency in California as a result of the threat of the novel coronavirus,
COVID-19; and

WHEREAS, on March 12, 2020, Mayor Kevin Faulconer proclaimed the existence of a
local emergency in the City of San Diego (City) as a result of COVID-19, which was ratified by
the City Council on March 17, 2020; and

WHEREAS, on March 16, 2020, the San Diego County Health and Human Services
Agency ordered that “all businesses shall enact social distancing, increase sanitation standards,
and shall make every effort to use telecommuting for its workforce” and also discouraged
gatherings of any size; and

WHEREAS, on March 19, 2020, Governor Newsom issued Executive Order N-33-20
ordering everyone living in the State of California to stay home or at their place of residence,
except to obtain essential services; and

WHEREAS, the Housing Authority of the City of San Diego (Housing Authority)
meetings continue to be held to address important public business, with Housing Authority
Members and San Diego Housing Commission (Housing Commission) staff participating by

video conference or teleconference, and the public participating via remote access and by submitting comments electronically, which complies with Executive Orders N-25-20 and N-29-20 by Governor Newsom and the Ralph M. Brown Act; and

WHEREAS, Housing Authority rules and past practices require that all substantive actions of the Housing Authority must be passed by adoption of a resolution; and

WHEREAS, it is the duty of the City Attorney, appointed to represent the Housing Authority, to either personally or by such assistants as he or she may designate, prepare in writing all Housing Authority resolutions and to endorse such resolutions to confirm the form and correctness; and

WHEREAS, the City Attorney's Office drafts and signs all Housing Authority resolutions, in accordance with Housing Authority practice; and

WHEREAS, upon final passage each resolution shall be authenticated by the signatures of the Deputy Secretary of the Housing Authority and shall be recorded and kept for that purpose; and

WHEREAS, as of March 25, 2020, there were more than 297 confirmed cases of COVID-19 within San Diego County, more than 2,535 in California, and at least 53 COVID-19-related deaths in California, and these statistics are increasing daily; and

WHEREAS, as of March 25, 2020, the continued spread of the virus in the City has given rise to the need to mitigate the risk of spread by limiting physical contact, however, signatures must still be collected from multiple parties on resolutions; and

WHEREAS, the Housing Authority now seeks to adopt emergency procedures, authorized by the COVID-19 emergency declarations by government officials, to satisfy legal

requirements to obtain signatures on resolutions, including requirements imposed by California laws, without violating recent state “stay at home” orders and social distancing procedures; and

WHEREAS, the procedures authorized by this resolution are necessary to sustain critical operations of the Housing Authority during the COVID-19 emergency, as certain signatures are legally required on Housing Authority resolutions in order for the legal documents to take effect; and

WHEREAS, every City employee uses a City administered account to access Microsoft OneDrive (OneDrive), a City-authorized cloud solution, and every City employee has a unique login identification (ID) and password associated with their OneDrive account (account), and a City employee can only access the account assigned to their unique login ID and password to share files, and all City employees are required to use their unique login ID and password when they login to a City’s OneDrive account; and at the time of hire each City employee has agreed to not disclose this unique login ID and password to any other employee; and

WHEREAS, under California Civil Code section 1633.9(a) an electronic signature on a document shared through a OneDrive-generated email, with language in the text of that email confirming that the attached document is signed by the user, will be attributable to the signatory; and

WHEREAS, the Housing Authority, pursuant to the applicable provisions of the housing authority law contained in the California Health and Safety Code, may enact procedures for the acceptance of electronic signatures on Housing Authority resolutions as such procedures may be deemed to be a housing authority matter during this time of emergency, in compliance with the Governor’s orders, California Constitution and other governing law; and

WHEREAS, the procedures are to remain in place until a future action deems the COVID-19 emergency to have concluded, terminating the state and local declarations of emergency due to COVID-19, and until such time as social distancing is no longer legally declared to be necessary; and

WHEREAS, state housing authority law as contained within the applicable provisions of the California Health and Safety Code vest legislative authority in the Housing Authority of the City of San Diego; and

WHEREAS, the Housing Authority finds that there is an emergency necessitating immediate adoption of this resolution pursuant to applicable law; and

WHEREAS, this resolution shall become effective immediately upon passage by the Housing Authority; and

WHEREAS, under applicable provisions of Housing Authority law, a vote of a majority of a quorum is required for passage of this resolution; NOW, THEREFORE,

BE IT RESOLVED, by the Housing Authority as follows:

1. Legally required signatures on all of the Housing Authority's resolutions adopted by the Housing Authority during the pendency of the COVID-19 emergency shall be deemed effective if the signatory authenticates the signature by sharing the electronically-signed document using the City-authorized cloud solution, which requires employees to sign on using a City authorized secure sign-on solution. This procedure shall be in place for all necessary signatories on the document, who shall include, but are not limited to, attorneys from the City Attorney's Office.

2. For purposes of this emergency resolution, signatories may sign on different hard copies, and submit separate, individual signature pages to the Deputy Secretary of the Housing Authority.

3. Each signatory shall provide a signed document with a “wet signature” to the Deputy Secretary of the Housing Authority within 30 days after the COVID-19 emergency orders have been lifted or are deemed to have ended. A signatory may elect to deliver the original document to the Deputy Secretary of the Housing Authority earlier, if the signatory desires and the original document may be delivered to the Deputy Secretary of the Housing Authority’s Office, at 1122 Broadway, Suite 300, San Diego, California, 92101, without violating any public safety order or any health or safety measures in place.

4. This resolution shall remain in effect until termination of the state and local declarations of emergency due to COVID-19, and such time as social distancing is no longer legally declared to be necessary.

APPROVED: MARA W. ELLIOTT, General Counsel

By _____
Katherine A. Malcolm
Deputy General Counsel

KAM:soc
04/02/2020
Or. Dept: SDHC
Doc. No. 2360905



The City of San Diego
Item Approvals

Item Subject: Authorization of Electronic Signatures on Housing Authority Resolutions and Ordinances During the Coronavirus (COVID-19) Public Health Emergency.

Contributing Department	Approval Date
DOCKET OFFICE	04/02/2020

Approving Authority	Approver	Approval Date
HOUSING COMMISSION FINAL DEPARTMENT APPROVER	MARSHALL, SCOTT	04/01/2020
EXECUTIVE VICE PRESIDENT	DAVIS, JEFF	04/02/2020
CITY ATTORNEY	MALCOLM, KATE	04/02/2020