



SAN DIEGO
HOUSING
COMMISSION

REPORT

DATE ISSUED: June 13, 2023

REPORT NO: HCR23-076

ATTENTION: Chair and Members of the San Diego Housing Commission
For the Agenda of June 15, 2023

SUBJECT: Appoint San Diego Housing Commission Vice Chair Ryan Clumpner to the Boards of Directors of Housing Development Partners (HDP) and HDP Mason Housing Corporation

COUNCIL DISTRICT: Citywide

REQUESTED ACTION

Appoint San Diego Housing Commission (Housing Commission) Vice Chair Ryan Clumpner to the Boards of Directors of the Housing Commission's nonprofit affiliate, Housing Development Partners (HDP), and HDP Mason Housing Corporation.

CHAIR OF THE BOARD'S RECOMMENDATION

That the San Diego Housing Commission (Housing Commission) Board of Commissioners appoint Housing Commission Vice Chair Ryan Clumpner as a member of the Boards of Directors of the Housing Commission's nonprofit affiliate, Housing Development Partners (HDP), and HDP Mason Housing Corporation.

SUMMARY

HDP is a nonprofit public benefit corporation established by the Housing Commission in 1990. HDP develops and preserves affordable housing for San Diegans with low income through rehabilitation of existing buildings and new construction.

Buildings specially designed for seniors, families, workers and tenants with special needs are among the developments in HDP's real estate portfolio.

A five-member Board of Directors that includes the Housing Commission's President and Chief Executive Officer (President & CEO) and two members of the Housing Commission Board of Commissioners governs HDP. The HDP Board of Directors also includes two at-large members who are appointed by the Housing Commission Board of Commissioners.

HDP Mason Housing Corporation is a nonprofit public benefit corporation established by HDP in 2011, with the primary mission of facilitating the acquisition and rehabilitation of The Mason in Downtown San Diego. The rehabilitation of The Mason was completed on September 28, 2012. Located at 1345 Fifth Avenue, San Diego, CA 92101, The Mason provides permanent supportive housing for 16 adults who experienced homelessness or were at risk of homelessness and who need mental health services.

HDP Mason Housing Corporation also is governed by a Board of Directors that consists of the Housing Commission President & CEO; two members of the Housing Commission Board of Commissioners; and two at-large members appointed by the Housing Commission Board of Commissioners.

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The Chair of the Housing Commission Board of Commissioners recommends that Vice Chair Ryan Clumpner be appointed to the HDP Board of Directors and to the HDP Mason Housing Corporation Board of Directors.

The Housing Commission Board of Commissioners elected Commissioner Clumpner to serve as Vice Chair Clumpner on January 11, 2019, and July 8, 2022. Vice Chair Clumpner was appointed to the Board of Commissioners by Mayor Kevin L. Faulconer and was confirmed by the City Council on August 7, 2018. He has worked in public policy and communications for more than 15 years. He also has experience in the public sector, including serving as Chief of Staff for elected officials in the California State Assembly and the San Diego City Council. In 2016, Vice Chair Clumpner launched a boutique consultancy business, focused on providing strategic advice to business associations and ballot measure campaigns. He also has worked for a national public affairs consulting agency, handling public outreach and communications for candidates and ballot measures across the country at all levels of government, from small municipalities to statewide.

EQUAL OPPORTUNITY CONTRACTING AND EQUITY ASSURANCE

The Housing Commission's Strategic Plan for Fiscal Year (FY) 2022-2024 includes the following statement regarding the Housing Commission's commitment to equity and inclusivity: "At SDHC, we are about people. SDHC embraces diverse approaches and points of view to improve our programs, projects and policies.

- We believe in delivering programs and services in innovative and inclusive ways.
- We are committed to advancing equity and inclusion both internally and externally."

HOUSING COMMISSION STRATEGIC PLAN

This item relates to the Mission in the Housing Commission Strategic Plan for Fiscal Year (FY) 2022-2024: The San Diego Housing Commission (SDHC) fosters social and economic stability for vulnerable populations in the City of San Diego through quality, affordable housing; opportunities for financial self-reliance; and homelessness solutions.

FISCAL CONSIDERATIONS

The proposed action has no fiscal impact.

KEY STAKEHOLDERS and PROJECTED IMPACTS

The key stakeholders of this action are the Housing Commission Board of Commissioners, the Board of Directors of HDP, the Board of Directors of HDP Mason Housing Corporation, the ownership partners and residents of HDP affordable housing developments, participants in Housing Commission collaborative programs and developments, and the individuals Housing Commission collaborative developments and programs assist.

ENVIRONMENTAL REVIEW

California Environmental Quality Act (CEQA)

This activity is not a project as defined by the California Environmental Quality Act Section 21065 and State CEQA Guidelines Section 15378(b)(5), as it is an administrative activity of government that will not result in direct or indirect physical changes in the environment.

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National Environmental Policy Act (NEPA)

Processing under the National Environmental Policy Act is not required as no federal funds are involved in this action.

CONFLICT DISCLOSURE:

HDP and HDP Mason Housing Corporation are 501(c)(3) nonprofit corporations, created to support the functions of the Housing Commission in developing affordable housing in the City of San Diego. Upon the approval of the recommended appointments, Housing Commission Chair Eugene “Mitch” Mitchell, Housing Commission Vice Chair Ryan Clumpner and Housing Commission Interim President & CEO Jeff Davis will serve as non-compensated Directors of HDP and HDP Mason Housing Corporation. Housing Commission Chair Mitchell and Vice Chair Clumpner are not compensated for their service on the Housing Commission Board of Commissioners. Chair Mitchell, Vice Chair Clumpner and Interim President & CEO Davis are subject to certain federal, state and local conflict of interest regulations that govern decisions and contracts made by public officials.

The California Political Reform Act (Government Code §87100 et seq.) generally prohibits public officials from making governmental decisions in which they have certain enumerated financial interests. No member of the HDP Board of Directors, the HDP Mason Housing Corporation Board of Directors, or the Housing Commission Board of Commissioners is financially interested in HDP or HDP Mason Housing Corporation as defined in the Political Reform Act, because they are not compensated for their service to these bodies and because HDP and HDP Mason Housing Corporation are not operated for-profit. (Gov. C. §87103(d); §82005.)

California Government Code §1090 generally prohibits a public official from being financially interested in any contracts made in his/her official capacity, or by anybody or board of which he/she is a member. Even though no contract is contemplated by this action, the activities of the Commissioners and President & CEO are not prohibited under Section 1090. The California Legislature has recognized certain situations in which the public official is not deemed interested in a contract. (Gov. C. §1091.5.) When the public official’s only interest in a contract is that of a non-compensated member of a nonprofit organization involved in the contract, the public official is deemed not to be interested in the contract, provided that the interest is disclosed in the official records. (Gov. C. §1091.5(a)(7) and (a)(8).) Chair Mitchell and Vice Chair Clumpner will serve HDP and HDP Mason Housing Corporation as members of HDP’s and HDP Mason Housing Corporation’s governing boards, which interest is considered a “non-interest” for purposes of §1090. Chair Mitchell and Vice Chair Clumpner are not prohibited from making any contract between the Housing Commission and HDP or HDP Mason Housing Corporation in their official capacity as Commissioners. Mr. Davis has the same non-interest in HDP and HDP Mason Housing Corporation pursuant to §1091.5(a)(7) and (a)(8) as a non-compensated director of HDP and HDP Mason Housing Corporation.

No Commissioner has a prohibited financial interest in HDP or HDP Mason Housing Corporation that would legally preclude their participation in a hearing on the matters presented in this Report, under the provisions of federal, state and local conflict of interest law. Furthermore, Chair Mitchell and Vice Chair Clumpner are legally entitled to vote and be counted for quorum purposes at any meeting of the Housing Commission Board of Commissioners discussing HDP or HDP Mason Housing Corporation. Interim

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President & CEO Davis does not vote on matters before the Housing Commission Board of Commissioners, although he too has no conflict of interest under federal, state or local law. In addition, the local Ethics Ordinance mirrors the provision of state law, as it affects Chair Mitchell, Vice Chair Clumpner and the President & CEO of the Housing Commission. None of them has any conflict of interest in connection with this matter.

It is requested by General Counsel that this disclosure be included within the official minutes of the action by the Board of Commissioners concerning this matter in accordance with the provisions of applicable law.

Respectfully submitted,



Scott Marshall
Vice President
Communications & Government Relations
San Diego Housing Commission

Approved by,



Eugene "Mitch" Mitchell
Chair of the Board of Commissioners
San Diego Housing Commission

Hard copies are available for review during business hours at the information desk in the main lobby of the San Diego Housing Commission offices at 1122 Broadway, San Diego, CA 92101. Docket materials are also available in the "Governance & Legislative Affairs" section of the San Diego Housing Commission website at www.sdhc.org