



Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **FROM: Vice Mayor Madison Nguyen Councilmember Johnny Khamis**

SUBJECT: HOUSING AND COMMUNITY DEVELOPMENT COMMISSION – MEMBERS AND APPOINTMENT PROCESS **DATE: January 31, 2014**

Approved:

Madison Nguyen
JF

RECOMMENDATION

- a) Approve an ordinance that includes staff recommendations (a)(2) and (b).
- b) Direct the City Clerk to commence a new recruitment for the Housing and Community Development Commission (HCDC) that conforms to the new appointment process in recommendation (a) (above) wherein the applications for those individuals who previously applied for HCDC membership under the existing rules will be considered without the need for these individuals to reapply.

BACKGROUND

Housing and Community Development Commission

The City Council approved changes to the composition and the appointment process of boards and commissions in January 2013. These changes consolidated most boards and commissions to eleven (11) members, and established a process whereby the Mayor and each Councilmember would nominate one of the eleven (11) members. The Housing and Community Development Commission (HCDC) was no exception, although a dispensation was made to meet federal requirements:

Housing Commission: Advisory Commission on Rents, Housing and Community Development, Mobilehome Advisory Commission (11 members appointment by District in addition to the Housing Department to consider [sic] membership distribution based on Federal requirements.)¹

Included in the ordinance that was approved in May 2013 by the City Council were additional considerations added in order to comply with existing Municipal Code that pertained to the Mobilehome Advisory Commission. One (1) member of the HCDC is required to be a mobilehome resident, and one (1) member is required to be a mobilehome park owner. Any other

¹ <http://ca-sanjose.civicplus.com/DocumentCenter/View/11595>

HCDC members that also happen to be mobilehome residents or mobilehome park owners are required to recuse themselves from items relating to mobilehome issues. These two members are counted as a part of the eleven (11) members, and nomination of all commission members is to be made by the Council Appointment Advisory Commission rather than by the Mayor and Councilmembers.

This was never the original intent or direction from the City Council, and this became apparent in December 2013 during the recruitment and nomination process to fill vacancies on the HCDC. The changes recommended in this memo would align the appointment process with the original intent of the consolidation while continuing to meet the requirements for mobilehome park owner and resident representation.

With the approval of this memo, the HCDC would be composed of thirteen (13) members, with eleven (11) nominated by the Mayor and each Councilmember, and the additional two (2) seats, specifically representing mobilehome interests, filled as required under current Code.

Quorum Requirements

Also included in the changes and consolidation of the boards and commission were changes to the quorum definition that boards and commissions must follow. Specifically, the threshold was lowered from a majority of the seats on a commission – vacant or filled, to the majority of the seats filled on a commission. While it has been difficult for some boards and commissions to consistently achieve a quorum under the older rules, it does not seem prudent to allow for such a low potential quorum. For example, a commission where only two (2) members were currently seated could, hypothetically, conduct business with one (1) member in attendance. Such a scheme would not provide the City Council with representative input on important issues addressed by the City's boards and commissions.

New Recruitment for Housing and Community Development Commission

Given the confusion over the makeup and appointment process of the HCDC, it seems most sensible to restart the recruitment and appointment process to fill the current vacancies. Although there are currently only three (3) seated members on the commission, they are allowed to meet until the new quorum requirements are formally approved by the City Council.