

RESOLUTION NO. 14-3

A RESOLUTION OF THE HOUSING AND COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF SAN JOSE AMENDING AND RESTATING ITS INTERIM BYLAWS FOR THE ORGANIZATION OF THE COMMISSION, MEMBERSHIP, OFFICERS, AND MEETINGS, AND PROVISION FOR ELECTION OF OFFICERS.

**BE IT RESOLVED BY THE HOUSING AND COMMUNITY DEVELOPMENT COMMISSION:**

WHEREAS, on May 21, 2013 the Council of the City of San Jose adopted Ordinance No. 29250 amending Chapter 2.08 of Title 2 of the San Jose Municipal Code;

WHEREAS, the amendments made by Ordinance No. 29250 included the establishment of the Housing and Community Development Commission ("HCDC") pursuant to Part 28 of Chapter 2.08 of Title 2 of the San Jose Municipal Code;

WHEREAS, Ordinance 29250 amended the San Jose Municipal Code Section 2.08.080 to provide that most commissions including HCDC shall conduct their meetings pursuant to standardized rules and regulations developed by the City Clerk;

WHEREAS, the Commission previously adopted temporary rules and regulations ("Interim Bylaws") to govern its meetings until the Clerk has completed the standardized rules and regulations;

WHEREAS, the Commission previously amended the Interim Bylaws to change its meeting night to the third Thursday of the month, and adjust the number of members on the Commission consistent with Part 28 of Chapter 2.08 of Title 2 of the San Jose Municipal Code;

WHEREAS, the Commission previously amended the Interim Bylaws to change its meeting night to the second Thursday of the month, update the quorum to reflect changes and make other technical changes;

WHEREAS, the Commission now wishes to amend and restate the Interim Bylaws to change its nomination and election calendar for Chair and Vice Chair;

NOW, THEREFORE, the following are hereby adopted by the Housing and Community Development Commission as its Interim Bylaws:

**RULES AND REGULATIONS OF THE  
HOUSING AND COMMUNITY DEVELOPMENT COMMISSION**

**ARTICLE 1**

**THE COMMISSION**

**Section 100.      Name of Commission.**

Pursuant to San Jose Municipal Code Section 2.08.2800, the Housing and Community Development Commission was established as the successor to and continuation of (a) the City commissions identified in Chapters 17.22 and 17.23 and related regulations; and (b) the Housing and Community Development Advisory Commission. The official body referred to in these Rules and Regulations shall be known and referred to as the "Housing and Community Development Commission" or, in the alternative, the "Commission" or "HCDC."

**Section 101. Office of Board.**

The official office and mailing address of the Commission shall be:

Secretary, HCDC  
Department of Housing  
200 East Santa Clara Street, 12<sup>th</sup> Floor  
San Jose, CA 95113

**Section 102. Meeting Place of Board.**

Except as otherwise may be provided by the Commission from time to time, the regular meeting place of the Commission shall be located at 200 East Santa Clara Street, San Jose, California in the room designated in the posted agenda.

**Section 103. Number of Members.**

The number of members shall be as provided in Part 28 of Chapter 2.08 of the San Jose Municipal Code.

**Section 104. Terms of Office.**

Subject to any applicable provisions of the Commission's Citizen Participation Plan, each person appointed to a seat on the Commission shall serve for a term consistent with his or her appointment and San Jose Municipal Code Section 2.08.150.

**Section 105. Vacancies in Office.**

Vacancies in the office of a member of the Commission, shall be governed by the applicable provisions of the San Jose Municipal Code, and applicable provisions of the Commission's Citizen Participation Plan, if any.

**Section 106. Brown Act, Sunshine Policy, Conflicts.**

The Commissions meetings and any subcommittee meetings shall comply with the applicable requirements of the Ralph M. Brown Act, California Government Code Sections 54950 et seq., and City policies, including the City's Sunshine policy. The absence of those requirements in these interim bylaws is not a waiver. In an event of a conflict between the provisions of these Interim Bylaws and the Ralph M. Brown Act, California Government Code

Sections 54950 et seq., other applicable State laws, City ordinances, or City policies, those laws, ordinances and policies shall control over these Interim Bylaws.

## **ARTICLE II**

### **OFFICERS**

#### **Section 200. Enumeration of Officers.**

The officers of the Commission shall be a Chair, a Vice-Chair and a Secretary.

#### **Section 201. Election of Officers.**

The Chair and Vice-Chair of the Commission shall be elected by the members of the Commission.

#### **Section 202. Term of Office of Chair and Vice-Chair.**

The term of Office of the Chair and Vice-Chair of the Commission shall be one (1) year unless a different term length is established by the Commission at or prior to the election of the Chair and Vice-Chair. To the extent feasible the following calendar shall be used for nominations and elections: nominations and elections for Chair and Vice Chair of the Commission shall be held at the **June** meeting of the Commission. The term of the Chair and Vice Chair shall commence immediately upon election. In the event of a vacancy or removal of the Chair or Vice-Chair prior to the expiration of the term of the office, the successor shall be elected for the unexpired period of the term for which the preceding Chair and Vice-Chair had been designated.

#### **Section 203. Removal of Chair and Vice-Chair from Office.**

The Commission, by majority vote, may remove the Chair or Vice-Chair from office at any time for any reason, and appoint a new Chair or Vice-Chair for the unexpired term of office of the removed Chair.

#### **Section 204. Qualifications of Chair.**

The Chair of the Commission shall be one of the members of the Commission.

#### **Section 205. Powers and Duties of Chair.**

The Chair shall have the following powers and duties:

(a) Preside at all meetings of the Commission, and at all hearings conducted by the Commission.

(b) Perform such other duties as may be required either by the City Council or by resolution or order of the Commission.

**Section 206. Qualifications of Vice-Chair.**

The Vice-Chair of the Commission shall be one of the members of the Commission.

**Section 207. Powers and Duties of Vice-Chair.**

The Vice-Chair shall have the following powers and duties:

- (a) All powers and duties of the Chair in the event of the absence or disability of the Chair.
- (b) Perform such other duties as may be required either by the City Council or by resolution or order of the Commission.

**Section 208. Chair Pro Tempore.**

In the event of the absence or disability of the Chair and Vice-Chair, at any meeting or hearing of the Commission, the Commission shall elect one of its members as Chair pro tempore to preside over such meeting or hearing.

**Section 209. Secretary.**

The Secretary of the Commission shall be the Director of the Department of Housing, City of San Jose, or authorized representative.

**Section 210. Powers and Duties of Secretary.**

The Secretary (or authorized representatives or deputies) shall have the following powers and duties:

- (a) Prepare Agendas, attend all meetings and hearings of the Commission, and prepare action minutes of such meetings or hearings.
- (b) Keep and have custody of all minutes, books, records and papers of the Commission, and certify true copies thereof whenever necessary.
- (c) Assist Chair in maintaining order in meetings and hearings.
- (d) Do all other things required by resolution or order of the Commission, provided such order or resolution is within the scope of the Commission's duties.

## **ARTICLE III**

### **MEETINGS**

#### **Section 300. Regular Meetings.**

Regular meetings of the Commission shall be held monthly without official notice at **5:45 p.m. on the Second Thursday** of each and every month. If the scheduled time for a regular meeting should fall on a City holiday, the regular meeting shall take place at 5:45 p.m. of the following Thursday; provided, that the Commission may, at its immediately preceding regular meeting, specify some other time and date.

#### **Section 301. Special Meetings.**

Special meetings of the Commission may be called at any time by the Chair, or by a majority of members by contacting the Secretary and requesting that notice of a special meeting be sent. The notice of a special meeting shall specify the time, place, and the business to be conducted or transacted at the meeting. No other business shall be considered at the special meeting. The notice shall be filed with the Secretary at the address specified in Section 101 herein. The Secretary shall cause a copy of the notice to be served upon each member of the Commission at least twenty-four (24) hours before the time of the meeting specified in the notice either by personal delivery or by mail. Each member shall, for mailing purposes, file his/her name and address with the Secretary.

Written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the Secretary a written waiver of notice. Written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

Written notice of a special meeting shall also be mailed or personally delivered to each local newspaper of general circulation, radio or television station requesting notice in writing.

The written notice shall be posted at least twenty-four (24) hours prior to the special meeting in a location that is freely accessible to members of the public.

#### **Section 302. Quorum.**

Pursuant to Section 2.08.090 of the San Jose Municipal Code, a quorum to do business shall be, a majority of the total number of seats, whether filled or vacant, although a lesser number may adjourn from time to time.

In the absence of all the members of the Commission from any meeting the Secretary of the Commission may adjourn the meeting or adjourn the meeting to a stated time.

#### **Section 303. Procedure.**

Except as otherwise provided by the Commission, the procedure to be followed by the Commission at its meetings shall be that set forth in Robert's Rules of Order.

**Section 304. Ayes and Noes.**

All voting by Commission members shall be by "ayes" and "noes", and shall be entered by the Secretary in the record of the Commission proceedings. Upon request of any member of the Commission, a roll call vote shall be taken on any matter upon which a vote is called, and shall be recorded by the Secretary in the record of the Commission's proceedings.

**Section 305. Order of Business.**

At Commission meetings, the regular order of business shall be conducted in accordance with the agenda prepared for the meeting. The Commission may modify or rearrange the order of the items or matters listed on each meeting's agenda at any meeting. The Commission may, from time to time, adopt by minute order a new or revised agenda and order of business with such agenda topics or headings listed in such order as is consistent with the Brown Act and as may be convenient or desirable for the conduct of Commission business.

**Section 306. Matters for Agenda.**

Notification of matters to be presented to the Commission shall be given or delivered to the Secretary at least in advance of the Commission meeting prior to the deadline specified by the Secretary. Agendas shall be posted at least seventy-two (72) hours before each regular meeting in a location that is freely accessible to members of the public. The Secretary shall cause the agenda to be posted.

(a) Public Discussion on Agendized Items. Upon calling the meeting to order and before any motion is adopted relating to the merits of the matter to be heard, the Chair shall inquire if there are any persons present who desire to speak on the matter which is to be heard or to present evidence respecting the matter. Any person desiring to so speak or present evidence shall submit a speakers request card and submit it to a City Staff Member before the item is heard. Upon being recognized by the Chair, such person may speak or present evidence relevant to the matter being heard.

No person shall be denied the right to speak because he or she declines to disclose his or her name, address or telephone number. However, no person shall be permitted to speak or present evidence until he or she is recognized by the Chair and given permission by the Chair to present evidence or to speak. Members of the Commission who wish to ask questions of the people or of each other, or who wish to discuss the subject matter of the hearing during the course of the hearing, may do so, but only after being recognized by the Chair.

Time limits for oral comment shall be three (3) minutes for an individual. However, the Chair, in his or her discretion, may extend such time as he or she may find reasonable under the circumstances or may further limit the time for comment if the time anticipated to complete the agenda is unusually long.

**Section 307. Matters Not on Agenda.**

If a person or group of persons wishes to present to the Commission at a Commission meeting a written or oral comment or communication regarding a subject within the jurisdiction of the Commission which has not been placed on the Commission's agenda pursuant to Section 306 (above), such will be permitted at the time the Commission takes up "Public Comment", as shown on the agenda. Any person or group of persons desiring to speak to the Commission respecting the subject matter of such comment or communication will be permitted to do so personally or through authorized representatives. No person shall be permitted to speak unless he or she first submits a speakers request card and is recognized by the Chair and given permission by the Chair to speak. Any person desiring to so speak shall submit a speakers request to speak card to City Staff Member. No person shall be denied the right to speak because he or she declines to disclose his or her name, address or telephone number on the speakers request card. However, no person shall be permitted to speak until recognized by the Chair and given permission by the Chair to speak.

Time limits for oral petition shall be three (3) minutes for an individual and ten (10) minutes for a group. However, the Chair, in his or her discretion, may extend such time as he or she may find reasonable under the circumstances or may further limit the time if the time to complete the agenda has been unusually long.

**ARTICLE IV**

**COMMITTEES AND TASKFORCES**

**Section 400. Subcommittee.**

The Commission shall have the power to create one or more subcommittees from time to time which subcommittees shall serve at the pleasure of the Commission.

**Section 401. Officers.**

Each subcommittee created pursuant to Section 400 shall have a Chair and Vice-Chair, and such other officers as may be required who shall be selected by, and serve at the pleasure of, the Commission. Such officers shall have such powers and duties as the Commission may from time to time determine.

**Section 402. Grants Subcommittee.**

The Chair of the Commission shall have the power, without the need for Commission approval, to create a Grants subcommittee which may hold hearings and take up any matters as necessary or convenient for ensuring compliance with federal and other funding requirements, to appoint and replace subcommittee members and alternates, to appoint and replace the Chair and Vice Chair of the Grants subcommittee. Provided however, such actions of the Chair shall be reported at the next Commission meeting.

**Section 403. Other City Commissions, Committees or Taskforces.**

Upon request of the Mayor, or City committee, commission or taskforce, the Chair of the Commission shall have the power, without the need for Commission approval, to appoint a member of the Commission to represent the Commission on a City committee, commission or taskforce.

Rules and Regulations of the Housing and Community Development Commission adopted the 9th day of June, 2016, by the following vote:

AYES:

NOES:

ABSENT:

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Secretary

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Chair