

Article 6: Board and Commissions

Division 21: Consolidated Plan Advisory Board ("Consolidated Plan Advisory Board" added 6-24-2010 by O-19963 N.S.)

§26.2101 Purpose and Intent

It is the purpose and intent of the City Council to establish a Consolidated Plan Advisory Board to serve in an advisory capacity to the Mayor, City Council, and City Manager on policy issues related to *HUD's Consolidated Plan* and the allocation of *CDBG* and *ESG* funds.

(Added 6-24-2010 by O-19963 N.S.; effective 7-24-2010.)

§26.2102 Definitions

For purposes of this Division, defined terms appear in italics. The following definitions apply in this Division:

Annual Action Plan means the report written by City staff and approved by the City Council and *HUD* each year which designates how the City of San Diego proposes to spend the federal block grant funds in a given program year.

Board means the Consolidated Plan Advisory Board.

CDBG means *HUD's Community Development Block Grant Program* authorized under Title 1 of the Housing and Community Development Act of 1974 (42 U.S.C. § 5301 *et seq.*).

Consolidated Plan means the report written by City staff and approved by the City Council and *HUD* every five years which identifies the City of San Diego's needs, priorities, goals, and strategies with regard to federal housing and community development funding received from *HUD*. The *Consolidated Plan* includes discussions concerning the following federal entitlement grant programs: *CDBG*; *ESG*; HOME Partnership Program; and *HOPWA*.

ESG means *HUD's Emergency Shelter Grant Program* authorized under Subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11371 *et seq.*).

HOPWA means *HUD*'s Housing Opportunities for Persons with AIDS Program authorized under the AIDS Housing Opportunity Act (42 U.S.C. § 12901 *et seq.*).

HUD means the United States Department of Housing and Urban Development.

Lobbying has the same meaning as in San Diego Municipal Code section 27.3503.

(Added 6-24-2010 by O-19963 N.S.; effective 7-24-2010.)

§26.2103 Consolidated Plan Advisory Board Established

- (a) There is hereby created a Consolidated Plan Advisory Board to consist of nine members, who shall serve without compensation.
- (b) *Board* members shall be appointed by the Mayor subject to confirmation by a majority vote of the City Council. All members of the *Board* shall be residents of the City of San Diego unless this requirement is waived by the City Council pursuant to the applicable Council Policy.
- (c) The Mayor shall appoint *Board* members from a pool of nominees submitted by the City Council. The *Board* shall consist of at least one individual nominated by the City Council member in each City Council district.
- (d) For the initial appointment, each City Council member may submit to the Mayor two nominees for appointment to the *Board*. The Mayor shall appoint one nominee from each City Council district. The Mayor shall have the authority to nominate and appoint one member of the *Board* until such time, if any, as a ninth City Council district is established and filled in which case the City Council member from the ninth City Council district shall nominate this member of the *Board*.
- (e) For the initial appointment, or in the event of a vacancy on the *Board*, if the Mayor fails to appoint members to the *Board* within forty-five days of submittal of written nominations by City Council members, the City Council shall have the authority to appoint members of the *Board* by a majority vote of City Council.

(Added 6-24-2010 by O-19963 N.S.; effective 7-24-2010.)

§26.2104 Qualification of Board Members

- (a) *Board* members considered for selection shall include persons who represent the following areas of interest and expertise: affordable housing; homelessness; disability services; neighborhood revitalization; social services; fair housing; accounting; auditing; economic development; general contracting; legal; non-profit management and low- to moderate-income persons.
- (b) City Council members shall use their best efforts to nominate as members of the *Board* individuals who represent a diversity of backgrounds including gender, age, socio-economic class, geographic location, religion, sexual orientation, skills and abilities, ethnicity, political affiliation, or professional background.
- (c) An officer, paid employee, consultant, contractor, subcontractor, or member of the board of directors of an organization that has applied for, or has a contract with the City for *CDBG* or *ESG* grant funds shall not be considered for appointment to the *Board*.
- (d) A member of the *Board* who is or becomes an officer, paid employee, consultant, contractor, subcontractor, or member of the board of directors of an organization that has applied for, or that has a contract with the City for *CDBG* or *ESG* grant funds shall immediately resign from the *Board*.
- (e) In appointing members to the *Board*, the Mayor shall consider whether nominees would be able to effectively and ethically serve in light of any foreseeable conflicts of interest.

(Added 6-24-2010 by O-19963 N.S.; effective 7-24-2010.)

§26.2105 Length of Term for Board Members

- (a) Members of the *Board* shall serve two year terms and each *Board* member shall serve until a successor is duly appointed and confirmed. Members of the *Board* are limited to serving a maximum of four consecutive years. An interval of four years must pass before a member can be reappointed after serving four consecutive years. Any member initially appointed to a term of less than two years shall be eligible to subsequently serve two consecutive two year terms.

- (b) Initial members of the *Board* shall be appointed so that the terms of not more than five *Board* members shall expire in any one year to allow the terms of the *Board* members to be staggered. For the initial appointments, five members of the *Board* shall be appointed to a term that will expire July 1, 2012, and four members of the *Board* shall be appointed to a term that will expire July 1, 2013. The expiration date of all terms shall be July 1st of each termination year.
- (c) Any vacancy shall be filled for the remainder of an unexpired term. A seat vacated by a *Board* member nominated by a certain City Council member shall be filled by appointment of another individual nominated by the City Council member in that Council district. A seat vacated by a *Board* member nominated and appointed by the Mayor shall be filled by another individual nominated by the Mayor until such time, if any, that a ninth City Council district is established and filled in which case the City Council member for the ninth City Council district shall nominate this member of the *Board*.

(Added 6-24-2010 by O-19963 N.S.; effective 7-24-2010.)

§26.2106 Designation of Board Chair

During July of each year, the Mayor may designate one member of the *Board* as Chair. In the absence of such designation, the *Board* shall on or after August 15, select a Chair from among its members. The Chair shall serve a one year term with the option of reappointment for one additional year.

(Added 6-24-2010 by O-19963 N.S.; effective 7-24-2010.)

§26.2107 Policies and Procedures of the Board

The *Board* may adopt rules consistent with all applicable state and local laws and regulations for the governing of its business and to establish procedures. The *Board* shall adopt an attendance policy for the members of the *Board*.

(Added 6-24-2010 by O-19963 N.S.; effective 7-24-2010.)

§26.2108 Board Conflict of Interest Code

A conflict of interest code shall be adopted for members of the *Board*, subject to City Council approval. All members of the *Board* shall be required to complete and file statements of economic interests in accordance with the conflict of interest code, and shall comply with all applicable ethics laws.

(Added 6-24-2010 by O-19963 N.S.; effective 7-24-2010.)

§26.2109 Recusal of Board Members

No member of the *Board* shall participate in any decision in which he or she has any personal or financial interest.

(Added 6-24-2010 by O-19963 N.S.; effective 7-24-2010.)

§26.2110 Lobbying Restrictions on Former Board Members

Former members of the *Board* are prohibited from *lobbying* or otherwise attempting to influence the *Board* or City Council members in connection with the business or operations of the *Board* for a period of no less than one year after any such individual leaves the *Board* for whatever reason.

(Added 6-24-2010 by O-19963 N.S.; effective 7-24-2010.)

§26.2111 Meetings of the Board and Reporting

As determined by the Chair, the *Board* will meet as necessary to fully perform its duties and functions as set forth in section 26.2113. All meetings of the *Board* shall comply with the Ralph M. Brown Act. The *Board* shall keep written records of the proceedings which shall be public records.

(Added 6-24-2010 by O-19963 N.S.; effective 7-24-2010.)

§26.2112 Quorum of the Board

Five members of the *Board* shall constitute a quorum authorized to transact business. Five affirmative votes of the members of the *Board* shall be necessary to make any *Board* decision.

(Added 6-24-2010 by O-19963 N.S.; effective 7-24-2010.)

§26.2113 Duties and Functions of the Board

The *Board* shall:

- a) Provide advice and recommendations on all policy issues relating to the *Consolidated Plan*, the *Annual Action Plan*, the *CDBG* Program, the *ESG* Program, the *HOME Partnership Program*, and the *HOPWA* Program;

- b) Recommend processes, policies, and procedures for the fair distribution of *CDBG* and *ESG* funds to non-profit and other organizations eligible to receive *CDBG* and *ESG* funds;
- c) Openly and impartially evaluate applications for *CDBG* and *ESG* funds, deemed eligible and complete by City staff, and provide funding recommendations to the City Council;
- d) Provide advice and recommendations regarding the establishment of goals for the *Consolidated Plan* and the *Annual Action Plan* as well as any action(s) necessary to meet or reprioritize such goals or to amend such plans;
- e) Recommend policies and procedures to ensure the greatest possible public participation in the creation of each *Consolidated Plan* and *Annual Action Plan*; and
- f) Provide a report to the Public Safety and Livable Neighborhoods Committee twice each year.

(Added 6-24-2010 by O-19963 N.S.; effective 7-24-2010.)

(Amended 10-29-2013 by O-20316 N.S.; effective 11-28-2013.)