

TO: James L. App, City Manager
FROM: Ron Whisenand, Community Development Director
SUBJECT: Housing Authority Board Appointments
DATE: August 3, 2010

Needs: For the City Council to take the following actions concerning appointments to the Housing Authority Board of Commissioners:

- Consider amending Council's Policies and Procedures to provide an exception to the requirement that members of advisory bodies be city residents; and
- Set a date to interview two applicants for a single opening on the Housing Authority Board of Commissioners (the "Board").

Facts:

1. The membership of Housing Authority Boards of Commissioners is governed by California Health and Safety Code Section 34270, which requires that the mayor, subject to the confirmation of a majority of the Council, appoint five persons as commissioners. The mayor shall appoint two additional commissioners who are tenants of the authority if the authority has tenants.
2. State Housing Authority Law, Sections 34200 et seq., do not establish any requirement that members of the Board of Commissioners be residents of the City. Health and Safety Code Section 34208 provides that a City Housing Authority's "area of operation" includes the city and the area within five miles of city limits
3. Section 3.2.2 of the Council's Policies and Procedures provides that members of advisory bodies must be residents of the City, unless a body's by-laws provide for an exception. The Housing Authority's by-laws do not provide for such an exception. (An excerpt from the Council's Policies and Procedures containing Section 3.2.2 is attached.
4. There is presently one at-large vacant position on the Board to replace Ray Hampson, whose seat expires on February 28, 2011.
5. A recruitment notice for the vacancy was placed with the local media and posted on the City's website for one month. The application deadline was Friday, June 25, 2010.
6. Two applications for the open position were filed by June 25. However one applicant does not live in City limits and is, therefore, not eligible for appointment.
7. The Council's Policies and Procedures were first adopted on December 18, 2001. They were amended on March 18, 2003 and February 2007. All actions to adopt or amend have been accomplished via minute action (voice vote).

Analysis and

Conclusion: Since State Housing Authority Law establishes requirements for composition of the boards of commissioners and authorities' area of operations, it would appear proper to amend the Council's Policies and Procedures to specify an exception to the residency requirement for the Board.

Exceptions of this nature are not new. Municipal Code Section 2.20.020 provides that membership on the Planning Commission may be granted to "qualified electors or (persons) having a vested interest in the city."

To provide the suggested exception for members of the Board, Section 3.2.2 of the Council's Policies and Procedures could be amended to read as follows:

"3.2.2 Appointees shall be residents of the City. Exceptions: (a) membership on the Planning Commission may include persons having a vested interest in the City; (b) membership on the Housing Authority Board of Commissioners may include residents of the Housing Authority's "area of operations" as defined by State Law; (c) other ~~However, when~~ exceptions as may be are warranted, provided that the reasons for exceptions shall be so stated in that committee's by-laws."

Policy

Reference: Health and Safety Code Sections 34200 et seq.; City Council Policies & Procedures

Fiscal Impact: Recruitment entails the placement of 1/8 page ads in local newspapers. For this recruitment, ads were placed in two newspapers, the *Tribune* and the *Daily Press*, for a combined cost of about \$1,624. Redevelopment Low and Moderate Income Housing Funds were used to cover the costs of these ads.

Options: That the City Council take one or more of the actions listed below.

1. Approve an amendment to Section 3.2.2 of the City Council's Policies and Procedures to read:

"3.2.2 Appointees shall be residents of the City. Exceptions: (a) membership on the Planning Commission may include persons having a vested interest in the City; (b) membership on the Housing Authority Board of Commissioners may include residents of the Housing Authority's "area of operations" as defined by State Law; (c) other exceptions as may be warranted, provided that the reasons for exceptions shall be so stated in that committee's by-laws."

2. Set Thursday, August 19, 2010 at 7:00 p.m. to interview applicants for the vacant position and make an appointment to the Housing Authority Board of Commissioners if the Council finds that an applicant possesses the pertinent qualifications for the position;
3. Amend, modify or reject the above options.

Prepared by: Ed Gallagher, City Planner

Attachment: Excerpt from Council Policies and Procedures Containing Section 3.2.2.

CITY OF EL PASO DE ROBLES

Council Policies & Procedures

ADOPTED DECEMBER 18, 2001

REVISION NO. 1 – 03/2003

REVISION NO. 2 - 02/2007

1000 Spring Street, Paso Robles, California 93446

CHAPTER 3 - COMMISSIONS, BOARDS, & ADVISORY COMMITTEES³

3.1 COMMITTEES GENERALLY

- 3.1.1 The City Council may establish standing or ad hoc Commissions, Boards, and Advisory Committees (referred to collectively herein as “committees”) as a means of gathering community input.
- 3.1.2 Citizens who are appointed to Council committees serve in an advisory capacity to the City Council (except that the Planning Commission, Library Board, & Redevelopment Agency Project Area Committee may be vested with additional responsibilities as prescribed in State law).

3.2 COMMITTEE ORGANIZATION & CONDUCT

- 3.2.1 Standing committees are established by resolution of the City Council and are organized under Council adopted by-laws specific to each.
- 3.2.2 Appointees shall be residents of the City. However, when exceptions are warranted, the reasons shall be so stated in that committee’s by-laws.
- 3.2.3 Standing committees and standing committee members shall comply with all applicable open meeting and conflict of interest laws of the State.
- 3.2.4 Committee members are expected to adhere to the Council’s Code of Ethics.

3.3 COMMITTEE APPOINTMENTS

- 3.3.1 The City Clerk shall maintain a list of all committee appointive terms.
- 3.3.2 The City Clerk shall solicit applications for vacancies in accordance with State law or City procedures, whichever is applicable.
- 3.3.3 The Council shall determine a selection methodology as needed or desired.
- 3.3.4 No person shall be eligible for appointment to one standing committee for more than three full consecutive terms, exclusive of prior appointment to fill an unexpired term.
- 3.3.5 Persons who have served three full consecutive terms may be reappointed following a one-term absence.
- 3.3.6 Appointees shall serve on only one standing committee at a time.

³ NOTE See Chapter 1.5 & 4.5 for more regarding Boards & Commissions.