

RESOLUTION NO. 07-1

A RESOLUTION OF THE HOUSING AND COMMUNITY DEVELOPMENT ADVISORY COMMISSION OF THE CITY OF SAN JOSE PERTAINING TO THE RULES AND REGULATIONS REGARDING THE ORGANIZATION OF THE COMMISSION, MEMBERSHIP, OFFICERS, AND MEETINGS, AND PROVISION FOR ELECTION OF OFFICERS.

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

WHEREAS, Part 28 of Chapter 2.08 of Title 2 of the San Jose Municipal Code provides for the creation of a nine-member Housing and Community Development Advisory Commission, and sets forth certain powers and duties of the Commission; and

WHEREAS, on November 24, 2006 the Council of the City of San Jose adopted an ordinance ; and

WHEREAS, Section 2.08.2830 of Chapter 2.08 of Title 2 of the San Jose Municipal Code authorizes the Commission to establish rules and regulations for the operation of the Housing and Community Development Advisory Commission; and

NOW, THEREFORE, the following are hereby adopted by the Housing and Community Development Advisory Commission as its official rules and regulations:

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

**ARTICLE 1**

**THE COMMISSION**

**Section 100.        Name of Commission.**

The official body referred to in these Rules and Regulations shall be known and referred to as the "Housing and Community Development Advisory 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  
Housing and Community Development Advisory Commission  
City of San Jose  
Department of Housing  
200 East Santa Clara Street  
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 at 200 East Santa Clara Street, , San Jose, California.

**Section 103. Number of Members.**

As provided in Part 28 of Chapter 2.08.2810 of the San Jose Municipal Code, the Commission shall consist of nine (9) voting members and a non-voting representative from the Senior Citizen Commission. The voting members shall consist of 1-2 representatives from Council Districts 3, 5, and 7, and 3-6 City-wide representatives. In addition, a minimum of three members on the HCDC must be lower income persons as defined in the California Health and Safety Code Section 50079.5.

**Section 104. Eligibility Requirements.**

All Commission members shall meet the eligibility requirements of Part 28 of Chapter 2.08.2820 of the San Jose Municipal Code.

**Section 105. Terms of Office.**

Subject to the provisions of the Commission's Citizen Participation Plan, each person appointed thereafter to a seat on the Commission shall serve for a term set forth in the City's Municipal Code. Any appointment to fill an unexpired term shall be for the remainder of such unexpired term.

**Section 106. Vacancies in Office.**

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

**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. Nominations for Chair and Vice Chair of the Commission shall be held at the November meeting of the Commission. The Chair and Vice-Chair shall be elected by a vote of the Commission at the December 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 vote of at least five (5) members, may remove the Chair or Vice-Chair from office at any time for any reason, and elect a new Chair or Vice-Chair for the unexpired term of office of the removed Chair or Vice 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.
- (b) Meet with Housing Department staff as appropriate to set Commission agendas.

**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 209. 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 210. Secretary.**

The Secretary of the Commission shall be the Director of the Department of Housing, City of San Jose, or authorized representative. The Secretary shall keep all records and minutes or synopsis of the Commission.

**Section 211. Powers and Duties of Secretary.**

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

- (a) Attend all meetings and hearings of the Commission, and keep a record or minutes or synopsis of all that transpires at such meetings or hearings.
- (b) Keep and have custody of all books, records and papers of the Commission, and certify true copies thereof whenever necessary.
- (c) Do all other things on behalf of the Commission as required by resolution or order of the Commission.

**ARTICLE III**

**MEETINGS**

**Section 300. Regular Meetings.**

Regular meetings of the Commission shall be held monthly with notice at 5:30 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 5:30 p.m. of the following Thursday; provided, that the Commission may, at its immediately preceding regular meeting, specify some other time and date. Notice of meetings shall be posted at least seventy two (72) hours before each regular meeting (unless otherwise amended by City Ordinance) in a location that is freely accessible to members of the public.

**Section 301. Special Meetings.**

Special meetings of the Commission may be called at any time by the Chair, or by three or more members, whenever in their opinion the business of the Commission requires it. 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 (unless

otherwise amended by City Ordinance) 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.

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 2.08.110 of the San Jose Municipal Code, a quorum to do business shall consist of five (5) members of the Commission, but a lesser number may constitute a quorum for the purpose of adjourning a meeting or adjourning a meeting to a stated 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 302. Absence from meetings.**

Pursuant to Section 2.08.060 of the San Jose Municipal Code, a member of any board or commission, shall be deemed to have automatically resigned from office if the member has unexcused absences from either:

- (a) Any three consecutive regular meetings of the board, or commission, or
- (b) More than twenty percent of the total number of regular meetings in any calendar year or if the member was appointed to fill a vacancy, more than twenty percent of the total number of remaining regular meetings in that calendar year.

For the purposes of this section, the following shall not be considered an unexcused absence:

1. An absence due to an illness of the member, or illness or death of a member's spouse, parent, child, brother or sister; or
2. An absence because a member is away on authorized board or commission business.

Within a reasonable period, but not exceeding ten days after a member has been deemed to have resigned pursuant to this section, the secretary of the board or commission shall notify the city clerk of the vacancy and the city clerk shall thereupon notify the member that the member is deemed to have resigned pursuant to this section.

For the purposes of this section, a member shall be deemed absent from a meeting if the member fails to be in attendance at a regular meeting for at least one-half of the duration of the regular meeting.

**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. The Commission may act by resolution or motion, but an affirmative vote of a majority of the members present at the meeting, shall be necessary for all decisions of the Commission except in matters of adjournment.

**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 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 a revised agenda and order of business 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 seven (7) business days in advance of the Commission meeting. 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 speaker's 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 petition shall be two (2) minutes for an individual and four (4) minutes for a group. However, the Chair, in his or her discretion, may shorten or extend such time as he or she may find reasonable under the circumstances or may further limit the time 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 petition or communication 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 petition 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 speaker's 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 two (2) minutes for an individual and four (4) minutes for a group. However, the Chair, in his or her discretion, may shorten or 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. Committee.**

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

**Section 401. Officers.**

Each committee 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. Taskforces.**

The Chair of the Commission shall have the power, without the need for Commission approval, to appoint such taskforces as are necessary for the purpose of furthering the objectives of the Commission.

**Section 403. Members of the Committees and Taskforces.**

The members of the committees and taskforces shall be selected as determined by the Commission and consistent with Section 2.08.080 of the San Jose Municipal Code. The Commission may on recommendation of any committee or taskforce, remove and replace any member of said committee or taskforce who shall fail to attend three consecutive meetings.

**Section 404. Other City Commissions, Committees or Taskforces.**

Upon request of the Mayor, or City committee, commission, board 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, board or taskforce.


Rules and Regulations of the Housing and Community Development Advisory Commission adopted the 15<sup>th</sup> day of March, 2007, by the following vote:

AYES: Chair Fink, Vice Chair Moreno, Commissioners Muñoz, Roberson, Sidbury Jr., and Talivaa.

NOES:

ABSENT: Commissioner Bock

  
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Secretary  
LESLYE KRUTKO  
Director of Housing

  
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Chair  
Tom Fink  
Housing & Community Development  
Advisory Commission