

County of Santa Clara
Housing and Community Development Advisory Committee



90854

DATE: June 5, 2018

TO: Board of Supervisors

FROM: Consuelo Hernandez, Program Manager II

SUBJECT: Housing and Community Development Advisory Committee (HCDAC) -
Amendment to Bylaws

RECOMMENDED ACTION

Approve Amendment to Bylaws for the Housing and Community Development Advisory Committee.

FISCAL IMPLICATIONS

There are no fiscal implications associated with the recommended action.

REASONS FOR RECOMMENDATION

An amendment to the current bylaws is needed in order to reflect the current composition of the Housing and Community Development Advisory Committee (HCDAC). The Office of Supportive Housing (OSH) has worked closely with the HCDAC and each of the cities to understand the impact of the changes. The proposed changes to the HCDAC bylaws were integrated into the updated 2017 Joint Powers Agreement (the agreement required by the U.S. Department of Housing and Urban Development for the Community Development Block Grant program – CDBG). Each of the Urban County members have agreed to the changes.

Currently, the HCDAC is comprised of 16 members. The changes reduce the HCDAC to nine members. Eight seats have remained vacant as a result of the anticipated changes. Unfortunately, the HCDAC did not review and approve the bylaws before the vacancies occurred and the HCDAC does not currently have enough members to meet the quorum requirements. As a result, the Board needs to approve the amended bylaws in order for the HCDAC membership to be updated to allow the HCDAC to meet.

Revisions to the HCDAC bylaws contain a number of minor technical updates and also updates to reflect current practices and reflect the updated composition of the HCDAC. The following is a high-level summary of the changes:

- Updated Article I, Section I to include the HOME Investment Partnership Act (HOME) Consortia members.
- Updated Article III, Section I relating to the membership of the HCDAC by adding one member of the City Council from each of the jurisdictions participating in the HOME Consortia and eliminating the citizen appointments, and specifying the designation of an alternate for each member.
- Updated Article III, Section II to specify a term is one year and until a successor is appointed.
- Updated Article VI to reflect that the Clerk of the Board of Supervisors provides secretarial support to the HCDAC and the Office of Supportive Housing provides staff support.
- Added Article XI to reflect the process for County boards/commissions' creation of subcommittees.
- Added Article XIII to identify the required trainings for members of the HCDAC.

CHILD IMPACT

The recommended action will have no/neutral impact on children and youth.

SENIOR IMPACT

The recommended action will have no/neutral impact on seniors.

SUSTAINABILITY IMPLICATIONS

The recommended action will have no/neutral sustainability implications.

BACKGROUND

The primary role of the HCDAC is to advise the Board of Supervisors regarding the use of CDBG and HOME funds. The HCDAC is a result of the merger of the Housing and Community Development (HCD) Citizens Advisory Committee (CAC) and the HCD Council Committee (CC) for the Urban County CDBG program that took place in 2007. Over the past two years OSH has been working on making changes to the bylaws to better reflect the current operation of the HCDAC and to streamline the Urban County Program.

CONSEQUENCES OF NEGATIVE ACTION

If the Board does not approve the recommended action the HCDAC would not have a quorum and would be unable to meet. As a result, the Board would be required to review funding recommendations for the Urban County program without a recommendation from the HCDAC.

STEPS FOLLOWING APPROVAL

Upon approval, the Clerk of the Board is asked to notify Consuelo Hernandez (Consuelo.hernandez@hhs.sccgov.org), Eloiza Murillo-Garcia (Eloiza.murillogarcia@hhs.sccgov.org) and Tracy Cunningham (Tracy.Cunningham@hhs.sccgov.org).

ATTACHMENTS:

- Attachment A: Amended HCDAC Bylaws (clean version) (PDF)
- Attachment B: Amended HCDAC Bylaws (redline) (PDF)
- Attachment C - Changes to Urban County Program (2015) (PDF)

BYLAWS
Housing and Community Development Advisory Committee
(HCDAC)

ARTICLE I – ESTABLISHMENT

Section I

The **Housing and Community Development Advisory Committee (HCDAC)** for the Urban County is a result of the merger of the Housing and Community Development (HCD) Citizen's Advisory Committee (CAC), and the HCD Council Committee (CC) for the Urban County Community Development Block Grant (CDBG) Program and HOME Consortia.

ARTICLE II – ROLE AND RESPONSIBILITIES

Section I – Role

The HCDAC is the policy recommending body to the Board of Supervisors on planning, monitoring, and implementation of the HCD Program and the development of a comprehensive, coordinated Housing and Community Development Program. The body, consisting of representatives of the Urban County jurisdictions selected by the City Councils and the Board of Supervisors, and a City Council member from each of the cities participating in the Urban County CDBG and HOME Investment Partnerships (HOME) Programs, will review program materials and develop recommendations from an urban county perspective.

Section II – Responsibility

The responsibilities of the HCDAC are to:

- a) Develop recommendations on the Five-Year Urban County Consolidated Plan and the Annual Plan which provides the framework for funding projects.
- b) Develop recommendations on projects to be funded addressing the objectives approved in the Consolidated Plan.
- c) Monitor the progress of approved projects on a quarterly basis and prepare recommendations on projects facing significant delays.
- d) Evaluate the overall direction and implementation of the program on a yearly basis and prepare recommendations on housing policies and procedures. This will include site inspections of projects, review of quarterly and annual performance reports, and overall program performance evaluation.
- e) Transmit the HCDAC recommendations on project proposals to the Board of Supervisors in order to make final funding recommendations on the CDBG and HOME projects and programs.

Section III – Relationship to the Board of Supervisors

The Board of Supervisors is the legal recipient of funds from the U.S. Department of Housing and Urban Development (HUD) for the CDBG and HOME programs.

The Board of Supervisors will consider all recommendations submitted by the HCDAC regarding the HCD program.

The HCDAC will submit recommendations to the Board of Supervisors on all matters dealing with planning, funding, monitoring, and evaluation of the HCD program.

ARTICLE III – MEMBERSHIP

Section I – Membership

Membership on the HCDAC consists of nine members as follows:

- a. One member of the County of Santa Clara Board of Supervisors, who will serve as Chairperson of the HCDAC, to be appointed by the President of the Board of Supervisors.
- b. One member of the City Council from each of the non-entitlement cities participating in the Urban County CDBG and HOME programs, consisting of five members from the cities of Campbell, Los Altos, Town of Los Gatos, Morgan Hill, and Saratoga, appointed by the City Council of that city.
- c. One member of the City Council from each of the jurisdictions participating in the HOME Consortia, consisting of three members from the cities of Cupertino, Gilroy, and Palo Alto appointed by the City Council of that city.
- d. Each member shall have a designated alternate who shall be appointed by the member's jurisdiction in the same manner the member is appointed. A member's designated alternate may attend and vote when the member is unable to attend a meeting.

Section II – Term

- a) Term of membership is effective from the day of appointment to the HCDAC.
- b) Each member shall have a term of one year and until his or her successor is appointed.
- c) There is no limit on the number of consecutive terms a member may serve.
- d) The term of an elected official will automatically terminate upon leaving the elective office.
- e) Upon appointment, each member and alternate shall take the Oath of Office. A certified copy of the Oath shall be filed with the Clerk of the Board of Supervisors.

Section III – Attendance

- a) Any member not in attendance at three (3) consecutive meetings, unless excused by the majority of the HCDAC members, may be removed from the HCDAC with a request to the appointing jurisdiction to appoint a replacement.
- b) An alternate may not represent a member for more than three (3) consecutive meetings without prior approval of the majority of HCDAC.

Section IV – Replacement of a member

In the event that a member wishes to resign from the HCDAC or is recalled by the appointing authority, the appointing jurisdiction shall be requested to appoint a new member. A resignation by a member shall be in writing and shall be filed with the Clerk of the Board of Supervisors and the Chairperson of the HCDAC.

ARTICLE IV – OFFICERS

Section I – Officers

The officers of this organization will be:

- a) Chairperson
- b) Vice-Chairperson

The Chairperson and Vice-Chairperson will be regular voting members of the HCDAC.

Section II – Chairperson

The permanent Chairperson will be the appointed Supervisor from the County of Santa Clara Board of Supervisors.

Section III – Vice-Chairperson

The Vice-Chairperson will be elected at the first meeting of the fiscal year (July 1 – June 30) and will serve a 12-month term of office.

Section IV – Nominations

Nominations for the Vice-Chairperson will come from the members of the HCDAC. Nominations may be submitted from one month prior to the meeting date on which the election is to be held, up to and including the day of the election.

Section V – Term

There is no limit on the number of consecutive terms the Vice-Chairperson may serve.

Section VI – Chairperson Vacancy

In the case that the Chairperson's seat is vacated, as through resignation, death, or leaving elective office, a new Chairperson will be appointed by the President of the Board of Supervisors. The Vice-Chairperson will stand in for the Chairperson until the new Chairperson is appointed.

Section VII – Vice Chairperson Vacancy

In the case that the Vice-Chairperson's seat is vacated, as through resignation, death, or leaving elective office, a special election of the HCDAC will be held at the earliest meeting at which such election is practicable. At the time of the election, nominations from the HCDAC membership may be submitted. Such election shall be for the unexpired term of the office.

ARTICLE V – DUTIES OF OFFICERS

Section I – Duties of Chairperson

The Chairperson will:

- a) Preside at meetings of the HCDAC.
- b) Appoint subcommittees as required, subject to confirmation by the membership.
- c) Coordinate the work and recommendations of the HCDAC.
- d) Prepare work and recommendation reports for presentation to the Board of Supervisors.
- e) Perform other duties customarily performed by a Chairperson.

Duties of the Chairperson can be delegated by the Chairperson to other members of the HCDAC.

Section II – Duties of the Vice-Chairperson

The Vice-Chairperson will:

- a) Upon temporary absence or incapacity of the Chairperson, serve as Chairperson.
- b) Assist the Chairperson in serving as liaison to the Board of Supervisors.

ARTICLE VI – SECRETARY SUPPORT

Section I – Secretary

The Clerk of the Board of Supervisors shall be ex-officio secretary of the HCDAC and shall be responsible for providing secretarial assistance to the HCDAC, such as preparation of HCDAC agendas, attendance at meetings, preparation of minutes, meeting room support, and maintenance of HCDAC records. However, the Clerk of the Board of Supervisors does not provide secretarial assistance to any subcommittees of the HCDAC.

ARTICLE VII – MEETINGS

Section I – Regular Meetings

Meetings of the HCDAC shall be properly noticed in accordance with the Ralph M. Brown Act (Government Code section 54950 *et seq.*) and the County Open Government Ordinance (Division A17). One regular meeting of the HCDAC will normally be held approximately five times a year, at the County Government Center, at 6:15 p.m. Each year the HCDAC shall approve its schedule of regular meeting dates prior to the first meeting of the calendar year. The schedule of regular meeting dates can be amended, with the Chairperson's approval, by a majority vote of the HCDAC members.

Section II – Special Meetings

Special meetings of the HCDAC may be called by the Chairperson, with the provision that written notice is given to all members at least seven days prior to the meeting.

Section III – Quorum

A quorum of the HCDAC is a majority of its membership seats, whether filled or vacant (5 of 9). A member who abstains from an item is counted to determine whether a quorum exists. However a member who is disqualified from participating and recuses from an item due to a conflict of interest is not counted toward the quorum for that item.

ARTICLE VIII – VOTING PROCEDURES

Section I

At the time of voting on any issues before the HCDAC, each member will cast one vote.

Section II

Only members or their authorized alternates who are present may vote. An alternate may only vote when serving in the absence of a member.

Section III

Except as otherwise provided herein, a motion passes only when a majority of the membership seats (5 of 9) votes in support of the motion.

In compliance with Government Code section 54953(c)(2) of the Ralph M. Brown Act, the HCDAC shall publicly report any action taken and the vote or abstention on that action of each member present for the action. Items cannot be approved by consensus.

ARTICLE IX – GENERAL RULES OF PROCEDURE

Section I

No member or officer of the HCDAC will issue any public statement which purports to be an official opinion or stand of the HCDAC unless such statement has been authorized by a majority vote in a meeting at which a quorum is present, subject to any applicable requirements of the Board of Supervisors' Policy Manual.

Section II

Except as provided in these bylaws or to comply with state or county law or policy, Roberts Rules of Order will be used in the conduct of all meetings.

ARTICLE X – PUBLIC PARTICIPATION

Section I

All meetings of the HCDAC and any subcommittees subject to the Ralph M. Brown Act are open to the public.

Section II

Agenda and minutes of all meetings of the HCDAC will be made available to the public on the County of Santa Clara's website and upon request at the Office of the Clerk of the Board of Supervisors. Reports will be made available to the public at the same time they are available to the HCDAC. Copies for public review will be available in the Office of the Clerk of the Board of Supervisors located at 70 West Hedding Street, 10th floor, East Wing, San Jose 95110. Interested persons may request to be placed on the notification list for HCDAC minutes and agendas.

ARTICLE XI – SUBCOMMITTEES

Section I – Creation of Subcommittees Generally

The HCDAC may establish standing and ad hoc subcommittees, as prescribed in these bylaws and the County of Santa Clara Boards and Commissions Handbook, to assist in furthering the purposes of the HCDAC.

Any subcommittee will have the duties provided by its mandate, but will not have the power to exercise the authority of the HCDAC or to bind the HCDAC. Subcommittees report their recommendations to the full HCDAC for consideration.

Subcommittees may be composed of members from the HCDAC as well as individuals not on the HCDAC. However, a subcommittee may not include a quorum of the entire HCDAC membership.

In creating any subcommittee, the HCDAC will:

1. Define the purpose and scope of the subcommittee's charge;
2. Identify if the subcommittee will have an ongoing role in a particular subject area/issue or if the subcommittee is being created for a limited duration to address a single issue/purpose;
3. Only set a meeting schedule if the subcommittee is to be subject to the Brown Act;
4. Define the membership of the subcommittee;
5. Document the creation of the subcommittee in the HCDAC's minutes;
6. If the subcommittee is subject to the Brown Act, immediately notify the Clerk of the Board's Records Unit; and
7. If the subcommittee is to be a standing subcommittee, update the bylaws for approval by the Board of Supervisors.

Section II – Creation of Standing Subcommittees

A standing subcommittee has a continuing subject matter it oversees or a meeting schedule fixed by formal action.

A standing subcommittee may be created following majority approval of the HCDAC and designation in the HCDAC's bylaws, approved by the Board of Supervisors. A majority is defined as a majority of the entire HCDAC membership seats.

The Chairperson of the HCDAC shall appoint a chair and members to each subcommittee subject to confirmation by the HCDAC.

All standing subcommittees are subject to the Brown Act and must be properly noticed, open to the public, and have a quorum of the subcommittee membership present to transact business. Each standing subcommittee is required to prepare an agenda for each meeting and ensure the agenda is properly posted. Minutes (in summary form) of each subcommittee meeting shall be prepared and shall include a record of attendance of the members and the vote taken on each matter. Copies of the minutes shall be submitted to the next meeting of the subcommittee for approval.

Section III – Standing Subcommittees of the HCDAC

The HCDAC has no standing subcommittees.

Section IV – Creation of Ad Hoc Subcommittees

An ad hoc subcommittee may be established by the HCDAC, as the need arises, to carry out a specific task for a limited duration.

An ad hoc subcommittee may be created following majority approval of the HCDAC. A majority is defined as a majority of the entire HCDAC membership seats.

The Chairperson of the HCDAC shall appoint a chair and members to each subcommittee subject to confirmation by the HCDAC.

If an ad hoc subcommittee includes as a member one or more individuals who is not a member of the HCDAC, the ad hoc subcommittee is subject to the Ralph M. Brown Act. For ad hoc subcommittees subject to the Brown Act, meetings must be properly noticed, open to the public, and have a quorum of the subcommittee membership present to transact business. Each ad hoc subcommittee that is subject to the Brown Act is required to prepare an agenda for each meeting, ensure the agenda is properly posted. Minutes (in summary form) of each subcommittee meeting shall be prepared and shall include a record of attendance of the members and the vote taken on each matter. Copies of the minutes shall be submitted to the next meeting of the subcommittee for approval.

Section V – Disbanding Ad Hoc Subcommittees

The HCDAC shall agendize the disbanding of an ad hoc subcommittee when the subcommittee's specific task is completed. The disbanding of the ad hoc subcommittee shall be noted in the HCDAC's meeting minutes.

ARTICLE XII – CONFLICTS OF INTEREST

Section I

Members of the HCDAC shall comply with the requirements of all applicable federal, state, and local laws and regulations relating to conflicts of interest, including, without limitation, California Government Code section 1090, *et seq.*, the California Political Reform Act (California Government Code section 87100 *et seq.*), and the regulations of the Fair Political Practices Commission concerning disclosure and disqualification (2 California Code of Regulations section 18700 *et seq.*).

Generally, if a member is disqualified from participating in a decision because of a conflict of interest, the member must (1) publicly recuse him or herself and announce the source of the conflict of interest, (2) leave the room during any discussion or deliberations on the matter in question, and (3) not participate in the decision or be counted for purposes of a quorum.

ARTICLE XIII – TRAININGS

Section I – AB 1234 Ethics Training

Each member must receive training in public service ethics laws and principles within 12 months of assuming membership on HCDAC and every two years thereafter. If a member has already received the training prior to assuming membership, the member may submit proof of his/her last training completion. The signed certification of completion must be sent to the Clerk of the Board as soon as practicable upon completion of the training.

Section II – AB 1661 Sexual Harassment Prevention Training

Each member must receive training regarding the federal and state statutory provisions concerning the prohibition against, and the prevention and correction of, sexual harassment and the remedies available to victims of sexual harassment in employment within six months of assuming office on HCDAC and every two years thereafter. If a member has already received the training prior to assuming membership, the member may submit proof of his/her last training completion. The certification of completion must be sent to the Clerk of the Board as soon as practicable upon completion of the training.

ARTICLE IV – APPROVAL AND AMMENDMENTS

Section I

All amendments to these bylaws must be approved by the HCDAC membership and the Board of Supervisors, following approval as to form and legality by County Counsel.

Approved as to Form and Legality



Christopher Cheleden
Lead Deputy County Counsel

Bylaws of the HCD Council Committee were approved by the Board of Supervisors on November 19, 1979.

Prior amendments to bylaws approved by the Board of Supervisors:

01/09/90

05/22/07

1785606