



MINUTES

**SAN DIEGO HOUSING COMMISSION
MINUTES OF THE SPECIAL MEETING
AUGUST 19, 2022
VIDEO CONFERENCE PURSUANT TO
CALIFORNIA GOVERNMENT CODE SECTION 54953(e)**

ATTENDANCE

Present:

Chair Eugene “Mitch” Mitchell
Vice Chair Ryan Clumpner
Commissioner Stefanie Benvenuto
Commissioner Johanna Hester
Commissioner Kellee Hubbard
Commissioner Melinda K. Vásquez
Interim President & CEO Jeff Davis
General Counsel Charles Christensen

10 CALL TO ORDER

Chair Mitchell called the Special Meeting to order at 10:01 a.m. Chair Mitchell convened the Closed Session at 10:06 a.m.

CLOSED SESSION

The San Diego Housing Commission convened in closed session on August 19, 2022, at 10:06 a.m. with the following agenda:

- I. Announcement by Counsel of the Matters to be discussed in Closed Session and the basis upon which each will be discussed, as referenced within the Brown Act.
- II. Public Testimony and Comment, if any, concerning any matter on the Closed Session Agenda.

There were no public comments.
- III. Commissioner comments, if any.

There were no Commissioner comments.
- IV. Commission convened in closed session to consider the following agenda:



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- A. Conference with Legal Counsel – Existing Litigation, pursuant to California Government Code section 54956.9

San Diego Housing Commission, et. al. v. Jim Neil, et al. San Diego Superior Court Case No. 37-2021-00033006-CU-BC-CTL

This case arises from the San Diego Housing Commission's purchase of two hotel properties. The City Attorney's Office will update the Housing Commission Board of Commissioners on the status of the litigation and seek direction, on recommendations concerning a proposed settlement, if any.

- V. Announcement of Actions Taken in Closed Session.

The item was discussed and direction to general counsel was given by unanimous vote.

Chair Mitchell reconvened the Open Session at 11:01 a.m.

20 NON-AGENDA PUBLIC COMMENT

Seana Erevia submitted a written comment about the need for programs to make affordable housing available to help parents of children with disabilities.

Alexandra "Sasha" Doppelt submitted a written comment and made verbal comments regarding a situation with the San Diego Housing Commission First-Time Homebuyer Program.

30 COMMISSIONER COMMENTS

There were no Commissioner comments.

DISCUSSION AGENDA

- 100 HCR22-102 Settlement of a Lawsuit brought by the San Diego Housing Commission, the Housing Authority of the City of San Diego and the City of San Diego against Jim Neil, Kidder Mathews of California, Inc., Kidder Mathews, Inc., RT San Diego, LLC and Chatham RIMC, LLC; San Diego County Superior Court Case No. 37-2021-00033006-CU-BC-CTL**

Meghan Wharton, Senior Deputy City Attorney, City of San Diego, presented the request for approval.

Motion by Commissioner Vásquez to take the staff-recommended actions. Seconded by Commissioner Hubbard and passed by a vote of 4-1, with Vice Chair Clumpner voting no. Commissioner Benvenuto, abstained.



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That the San Diego Housing Commission (Housing Commission) Board of Commissioners (Board) recommend that the Housing Authority of the City of San Diego (Housing Authority) and the San Diego City Council (City Council) take the following actions:

Housing Authority:

- 1) Authorize the Housing Commission’s President and Chief Executive Officer (President & CEO), or designee, to execute the Settlement Agreement attached to this report on behalf of the Housing Commission in a final form as approved by counsel for the Housing Authority.
- 2) Authorize the Executive Director of the Housing Authority, or designee, to execute the Settlement Agreement attached to this report on behalf of the Housing Authority in a final form as approved by counsel for the Housing Authority.
- 3) Authorize the Housing Commission’s President & CEO, or designee, on behalf of the Housing Commission, to accept \$845,000.00 from Kidder Mathews, Inc. and Jim Neil.
- 4) Authorize the Housing Commission’s President & CEO, or designee, to execute all necessary documents and instruments that are necessary and/or appropriate to implement the Settlement Agreement in a final form as approved by counsel for the Housing Authority. Housing Commission staff will notify the Housing Authority and the City Attorney’s Office about any subsequent amendments or modifications to the transaction, and other required documents, including amendments to any documents.

City Council:

- 1) Authorize the Mayor, or designee, to execute the Settlement Agreement attached to this report on behalf of the City of San Diego in a final form as approved by counsel for the Housing Authority.
- 2) Authorize the Mayor, or designee, on behalf of the City of San Diego, to accept \$155,000.00 from Kidder Mathews, Inc. and Jim Neil.
- 3) Authorize the Mayor, or designee, to execute all necessary documents and instruments that are necessary and/or appropriate to implement the Settlement Agreement in a final form as approved by counsel for the Housing Authority.

101 HCR22-098 Authorization for the San Diego Housing Commission (Housing Commission) to Accept Additional Federal Emergency Rental Assistance (ERA1) Funds Allocated by the U.S. Department of the Treasury and Authorization to Expend These Funds to Repay State of California Rental Assistance (SRA) Program Emergency Rental Assistance Short-Term Cash Flow Loan Funds Awarded to the City of San Diego Pursuant to State Senate Bill 115 for the COVID-19 Housing Stability Assistance Program



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Jeff Davis, Interim President and CEO, and Azucena Valladolid, Executive Vice President, Rental Assistance & Workforce Development, presented the request for approval.

Motion by Commissioner Benvenuto to take the staff-recommended actions. Seconded by Commissioner Vásquez and passed by a vote of 5-0, with Vice Chair Clumpner not present.

That the San Diego Housing Commission (Housing Commission) Board of Commissioners (Board) recommend that the Housing Authority of the City of San Diego (Housing Authority) and the San Diego City Council (City Council) take the following actions:

Housing Authority:

- 1) Authorize the Housing Commission to amend its Fiscal Year 2023 budget in the amount of \$5,019,573.68 in federal Emergency Rental Assistance Program (ERA1) funds, which the U.S. Department of the Treasury allocated directly to the City of San Diego, to be administered by the Housing Commission to support the COVID-19 Housing Stability Assistance Program (HSAP), in accordance with federal and state funding requirements.
- 2) Authorize the Housing Commission to accept and expend \$5,019,573.68 federal ERA1 funds to repay a portion of the State of California Rental Assistance (SRA) Program Emergency Rental Assistance Short-Term Cash Flow Loan Funds pursuant to State Senate Bill 115, contingent on the U.S. Department of the Treasury authorizing the use of ERA1 funds for this purpose.
- 3) Authorize the Housing Commission's President & CEO, or designee, to modify the COVID-19 Housing Stability Assistance Program, if necessary, but only if and to the extent that such changes comply with the terms of the executed amended Memorandum of Understanding (MOU) between the Housing Commission and the City of San Diego for the oversight and administration of the COVID-19 Housing Stability Assistance Program and are necessary to fulfill federal and state funding requirements. Housing Commission staff will notify the Housing Authority and the City Attorney's Office about any subsequent amendments or modifications to the COVID-19 Housing Stability Assistance Program and other required documents, including amendments to any documents.
- 4) Authorize the Housing Commission's President & CEO, or designee, to execute all necessary documents and instruments that are necessary and/or appropriate to implement these approvals, in a form and format approved by General Counsel, and to take such actions necessary and/or appropriate to implement these approvals, provided that a copy of the documents, signed as to form by General Counsel, are submitted to each Housing Commissioner.

City Council:

- 1) Authorize the City of San Diego's Chief Financial Officer, or designee, to accept, appropriate and transfer to the Housing Commission for the COVID-19 Housing Stability Assistance Program, an amount not to exceed \$5,019,573.68 in federal ERA1 funds, allocated by the U.S. Department of the Treasury directly to the City of San Diego, to repay a portion of the State of California's Rental Assistance (SRA) Program Emergency Rental Assistance Short-Term Cash



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Flow Loan Funds pursuant to State Senate Bill 115, contingent upon the funds being secured from the U.S. Department of the Treasury and contingent on the U.S. Department of the Treasury authorizing the use of the ERA1 funds for this purpose.

ADJOURNMENT

Chair Mitchell adjourned the Special Meeting at 11:42 a.m.

Respectfully submitted,

Scott Marshall

Scott Marshall
Vice President
Communications and Government Relations
San Diego Housing Commission

Approved by,

Jeff Davis

Jeff Davis
Interim President & Chief Executive Officer
San Diego Housing Commission