

HOUSING AUTHORITY OF THE COUNTY OF BUTTE

BOARD OF COMMISSIONERS MEETING

MINUTES OF February 17, 2011

Chair Lobo called the meeting of the Housing Authority of the County of Butte to order at 2:02 p.m.

1. ROLL CALL

Present for the Commissioners: Patricia Besser, Christine Boyle, Rebecca Graham, Larry Hamman, Clarence “Bino” Lobo, Gene McFarren and Laura Moravec.

Present for the Staff: Ed Mayer, Executive Director; Roy Peters, Deputy Executive Director; Sue Kemp, Finance Officer; and Tamra Young, Executive Assistant.

Others Present: Tom Lewis, Silveira Mattos & Lewis (5.1) and Doug DeSoto, HACB Special Programs Coordinator (5.2).

2. AGENDA AMENDMENTS

None.

3. CONSENT CALENDAR

Commissioner Hamman moved that the Consent Calendar be accepted as presented. Commissioner McFarren seconded. The vote in favor was unanimous.

4. CORRESPONDENCE

4.1 PHAS Score – The 2010 HACB Public Housing Assessment System (PHAS) score was 91/100 which is a High Performer. This is the first time that the HACB has been a High Performer in the last seven (7) years.

4.2 Reappointment of Gene McFarren – The Board of Supervisors re-appointed Commissioner Gene McFarren. Congratulations Gene.

4.3 Re-Appointment of Laura Moravec – The Board of Supervisors re-appointed Commissioner Laura Moravec. Congratulations Laura.

5. REPORTS FROM EXECUTIVE DIRECTOR

5.1 Brown Act – Tom Lewis, attorney from Silveira Mattos & Lewis, provided Brown Act training to the Board. First, Mr. Lewis briefly went over his

professional experience. Some highlights from his Brown Act training were:

- In order to pass a resolution or motion, there must be 4 votes in favor out of 7 to pass; 4 votes must carry any action, regardless of the number in attendance;
- The posted Board agenda must include a brief description of each agenda item;
- If a Board member uses a remote location to call into a Board meeting (i.e., at their home) an agenda must be posted at the location of the call 72-hours in advance, any member of the public must be allowed to attend at that location;
- When the Chair reports out from Executive Session, if there is a vote, he must report what action was taken, for example, if there is not a vote the Chair could report that “No action taken – direction given to staff”;
- In the event of an emergency meeting 24-hour notice must be provided to local newspapers;
- In the event a Board meeting is willfully interrupted, the meeting room can be cleared and the meeting continued in closed session;
- An item can be added to the agenda for cause by motion vote after it has been posted;
- Video taping, use of voice recorder, and pictures taking must be allowed at meetings;
- Having a complaint against employee in open vs. closed meeting is the employee’s choice.

The Board requested a current copy of the Brown Act be provided at a future meeting.

5.2 Family Self Sufficiency Program – Special Programs Coordinator Doug DeSoto made a presentation to the Board. The focus of his presentation was the FSS program’s process and participants’ obligations. HACB program size is required by HUD to be 15 (original program size was 50, minus 35 FSS graduates to date). However due to the success of the program, HACB has elected to keep the program size at 50. Of those who elect to participate in the FSS program, approximately 75% select it for its financial incentive component. Minimum contract requirements for FSS participation is the creation of a five (5) year individual training and services plan and reporting of job-related activities. In order to graduate from the program, the head of household must be suitably employed (32 hours/week at \$8.00/hour, or equivalent), and all family members must be free of cash aid at least twelve (12) months prior to end of the contract. Commissioner Moravec commended Mr. DeSoto on a “job well done” and commented that he really seems to care about the participants.

5.3 Personnel – The HACB entered into a Voluntary Compliance Agreement (VCA) with the US Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity (FHEO) on October 8, 2010. In order to address one of the Concerns listed in the VCA, the HACB requires revision of the

Housing Director position description to include required Section 504 Coordinator duties. Section 504 Coordinator duties and responsibilities include development and implementation of Section 504 policies; management and administration of Reasonable Accommodation requests from employees and clients, and coordination of implementation of Section 504-related physical accessibility improvements to HACB properties. The Section 504 Coordinator duties were added as an attachment to the Housing Director position description, as ongoing program and policy review by VCA-related and other consultants may require further modification of the Section 504 portion of the position description.

RESOLUTION NO. 4388

Commissioner Hamman moved that Resolution No. 4388 be adopted by reading of the title only: “REVISE POSITION DESCRIPTION FOR HOUSING DIRECTOR - ADDITION OF SECTION 504 COORDINATOR DUTIES.” Commissioner Moravec seconded. The vote in favor was unanimous.

- 5.4 Public Housing Personnel – HACB management staff recommended that the Public Housing Manager position, vacated in January 2009 and unfilled since, be eliminated due to economies and efficiencies achieved in administration of the program since vacancy of the position. HACB management also requested re-classification of one (1) Maintenance III position to a Maintenance II position, since it has been determined to be in the best interest of the HACB both for efficiency and effectiveness in the management of maintenance work, as well as to address and integrate the outcome of a related personnel action. Earlier this month, one of the Maintenance personnel voluntarily stepped down from a Maintenance III to II. There was a typo in Resolution No. 4389, strike “and” at the end of Resolution title.

RESOLUTION NO. 4389

Commissioner Moravec moved that Resolution No. 4389 be adopted by reading of the title only: “ELIMINATION OF PUBLIC HOUSING MANAGER POSITION - RE-CLASSIFICATION OF MAINTENANCE III TO MAINTENANCE II POSITION”. Commissioner McFarren seconded. The vote in favor was unanimous.

- 5.5 Public Housing – In September 2005, the US Department of Housing and Urban Development (HUD) implemented a regulation change that requires Public Housing Authorities (PHA’s) with greater than 250 Public Housing units to implement Asset Management. Asset Management requires PHA’s to divide their Public Housing stock into Asset Management Properties (AMP’s). Currently, the HACB has two AMP’s, North County and South County. Annually, Congress has authorized PHA’s with less than 400 units of Public Housing to elect exemption from Asset Management, which the HACB has done with Board approval. As an exempt PHA, the Public Housing financial data schedule can be submitted to HUD in one AMP and Public Housing can be budgeted as one AMP. However, the HACB is still required to submit the Public Housing Operating Subsidy calculation and all other data sets to HUD in two (2) AMP’s. The

administration of two AMP's is burdensome and does not reflect the HACB's actual operations, which utilize a central office for property management. Management believes that the budgeting, funding and administration of our Public Housing units can best be accomplished utilizing one (1) county-wide AMP, while continuing to allocate and account for costs to specific sites by way of operational control and property accountability.

MOTION

Commissioner McFarren moved that the Board approve consolidation of two (2) Public Housing AMP's to one (1) AMP. Commissioner Boyle seconded. The vote in favor was unanimous.

- 5.6 Public Housing – The HACB has \$2.5M in Public Housing reserves. It appears that HUD is going recapture those funds, leaving approximately \$500,000 (4-6 months of operating subsidy) through a funding subsidy “offset”. Management staff presented a list of potential projects that can be completed quickly in order to spend down the reserves once the HACB receives guidance. The top six (6) projects on the list could be covered by the capital fund should HUD recaptured the reserves retroactively. The consensus of the Board was to be “ready”.

- 5.7 Public Housing – At the NorCal/Nevada Chapter NAHRO conference in Napa, the HACB received the “2010 Public Housing Program of the Year Award” from HUD. HUD-San Francisco oversees 66 housing authorities, so receipt of this award is an honor. The award was accompanied by the following HUD comment: “The Public Housing program of the year is a High Performer that keeps improving itself and its housing. The agency has a diverse portfolio that serves multiple communities in urban and rural areas of its county. Focused on maintaining a stable, service-oriented agency with a long-term vision for its communities, it truly has impressed us with its thoughtful and compassionate approach in developing its policies and providing housing and services.” Executive Director Mayer recommended that the Board of Supervisors and jurisdictions with whom the HACB has cooperation agreements be made aware of the award. The consensus of the Board was to share the information.

- 5.8 Farm Labor Housing – Governor Brown has placed all State bond debt issuance on hold. Therefore, all pending projects were cancelled, including the HACB's \$2.5M award of Joe Serna Jr. Farmworker Housing grant funds. This leaves \$6.5M in secured loan, grant and property reserves funding for the rehab project at FLH. HACB's is struggling with project feasibility with the loss of the Joe Serna funds. The concern is whether or not enough rehab can be completed to justify the rent increases necessary to pay the debt service on the \$4M loan, which must be drawn down first. The USDA-RD subsidized property is categorically exempt from National Environmental Protection Act (NEPA), which is the federal-level environmental review. Since Joe Serna Jr. funds are no longer available, the HACB no longer has to address the California Environmental Quality Act (CEQA), which includes both cultural and historic (SHPO) considerations. The question to the Board was whether the HACB, as a public

agency, should expend funds necessary to address State CEQA/SHPO issues. After meeting with HACB consultants, management recommendation was “no”. The scope of planned rehab will not affect the historic character of the property – it does not change the layout of the site, developed by the federal government in the 1930’s by the Teledyne Group out of Berkely, remove or alter the structure allegedly visited by author John Steinbeck, or, ultimately determine the fate of the twenty-four (24) 1930’s era wooden dwelling units. The HACB’s environmental consultant did not feel it was necessary, even given political considerations, to pursue CEQA clearance at this time. It was the consensus of the Board of put the CEQA on hold as it is an extraordinary effort not required by USDA for rehab of the property.

6. MEETING OPEN FOR PUBLIC DISCUSSION

None.

7. MATTERS CONTINUED FOR DISCUSSION

None.

8. SPECIAL REPORTS

None.

9. REPORTS FROM COMMISSIONERS

- 9.1 NorCal/Nevada NAHRO Conference, Napa – Commissioner Boyle reviewed the sessions she attended at the conference. Ms. Boyle attended sessions on the HUD Enterprise Income Verification (EIV) system, Section 8 Housing Choice Voucher program – Optimizing Utilization, Section 8 Voucher Management Systems – Validation Review, and Family Self Sufficiency (FSS) and Home Ownership Programs. Some of the highlights of the EIV session: there is a new EIV system coming out in April, which HUD is very excited about it; use of EIV system requires Security Awareness Testing every year; a PHA cannot pay a landlord after the death of a tenant even if the unit is occupied by personal items – the PHA is required to recover overpaid Housing Assistance Payments; and a PHA should run a deceased tenant report from EIV every month before checks are cut. Some of the HCV – Optimizing Utilization highlights were: using new tools available (i.e., monthly spreadsheets, projection tools, share-point platform) to track program utilization; HCV funding is under a continuing resolution through March 4, 2011; and PHA’s should have landlord outreach programs.

10. MATTERS INTIATED BY COMMISSIONERS

None.

11. EXECUTIVE SESSION

None.

12. COMMISSIONERS' CALENDAR

- **Next meeting – March 17, 2011.**
- PSWRC-NAHRO Annual Spring Conference, San Francisco CA, May 21-24, 2011.

13. ADJOURNMENT

Commissioner Hamman moved that the meeting be adjourned. Commissioner McFarren seconded. The vote in favor was unanimous. The meeting was adjourned at 4:30 p.m.

Dated: February 17, 2011.

Clarence Lobo, Chair

ATTEST:

Edward S. Mayer, Secretary