

HOUSING AUTHORITY OF THE COUNTY OF BUTTE

BOARD OF COMMISSIONERS MEETING

MINUTES OF November 17, 2011

Chair Lobo called the meeting of the Housing Authority of the County of Butte to order at 2:56 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; Larry Guanzon, Housing Director; and Tamra Young, Executive Assistant.

2. AGENDA AMENDMENTS

None.

3. CONSENT CALENDAR

Executive Director Mayer pulled Item 3.6 Public Housing from Consent Calendar for discussion. He reported that Congress has determined that the HUD budget for the next fiscal year will be funded from Public Housing operating reserves. “Excess” operating reserves from housing authorities, who have been diligent with their fiscal responsibilities, will be recaptured and redistributed. HUD has allowed for an exclusion application. HACB Management Staff put together an application with supporting evidence to exclude \$900,000 for water conservation measures and landscape improvements already approved. We are waiting for a response from HUD. There is \$2.3M in HACB Reserves that are eligible for recapture. Finance Officer Kemp and Executive Director Mayer researched where did these reserves come from? Prior to 2008, 80-90% of the funding came from rent reserves. In other words, these funds came from the lowest income people in Butte County and not HUD subsidy, which translates into local money going to fund the federal government. Executive Director Mayer recommended that he draft a letter to Secretary Donovan with copies to Congressmen, Senators, local officials, and local newspapers. The Board consensus was to forward a tactful letter.

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

4. CORRESPONDENCE

- 4.1 2011 Agency Plan – The US Department of Housing and Urban Development sent notice of acceptance of the HACB Annual Plan effective October 1, 2011.

5. REPORTS FROM EXECUTIVE DIRECTOR

- 5.1 Farm Labor Housing – Adoption of the California Environmental Quality Act (CEQA) Resolution on behalf of Gridley Farm Labor Housing rehab project in support of Joe Serna grant is required. PMC prepared the CEQA document on behalf of the HACB. The thirty (30)-day notice and comment period has expired. There are two negative declaration(s) of note. Each has its own mitigation plan. The first negative declaration is that it is a seasonal nesting area for migratory birds. The mitigation plan is that if nesting occurs during construction, construction will be postponed until the near-by nesting birds have moved on. The second negative declaration has to do with the historical significance of the twenty-four (24) wood units scheduled for demolition. The mitigation plan is to not demolish them at this time (hold for another day). Commissioner Moravec questioned why the buildings are historically significant. Executive Director Mayer said that the buildings themselves are not important but the layout is because it is a sample of unique depression era settlements and represents socialized architecture. Commissioner Boyle expressed concern that she had not had the opportunity to read the document yet. Executive Director told the Board that PMC said that in these cases that the Board trusts and relies on Staff expertise. Chair Lobo opened the Public Hearing at 3:18 p.m. Executive Director Mayer presented into the record an email from Caltrans and a letter from the State of California Governor’s Office of Planning and Research State Clearinghouse and Planning Unit; neither party had any comments. There were no public present. Chair Lobo closed the Public Hearing at 3:23 p.m. The next step is the 30-day lawsuit period. Once that passes, the CEQA process is complete.

RESOLUTION NO. 4425

Commissioner Moravec moved that Resolution No. 4414 be adopted by reading of title only: “MAKING CEQA FINDINGS AND ADOPTING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE GRIDLEY FARM LABOR HOUSING REHABILITATION PROJECT”. Commissioner McFarren seconded. Commissioner Boyle abstained. The vote in favor was six (6) for; one (1) abstention.

- 5.2 Section 8 – Board approval of the Resolution to submit the annual Section Eight Management Assessment Program (SEMAP) to HUD was requested. The SEMAP is the self-report card for Section 8, which is auditable. The SEMAP score was High Performer.

RESOLUTION NO. 4426

Commissioner Hamman moved that Resolution No. 4426 be adopted by reading of title only: “APPROVAL OF SECTION 8 MANAGEMENT ASSESSMENT PROGRAM (SEMAP) CERTIFICATION”. Commissioner Graham seconded. The vote in favor was unanimous.

- 5.3 Banyard Management Agreement – The 2012 renewal of the Management Agreement between Banyard Management and the Housing Authority of the County of Butte was presented for approval. This Agreement is entered into for the provision of managing general partner services by the HACB. This Agreement has been in effect for many years and although it is an annual contract; it has not be formally renewed in many years but it has in actuality has remained in effect since its inception. The renewal of this Agreement has already been approved by Banyard Management. All contract terms and conditions remain the same, except the term of the contract has been changed from annual renewal to run concurrently with the term of the partnership agreement.

RESOLUTION NO. 4427

Commissioner McFarren moved that Resolution No. 4427 be adopted by reading of title only: “AUTHORIZATION TO ENTER INTO MANAGEMENT SERVICES AGREEMENT WITH BANYARD MANAGEMENT FOR CHICO COMMONS APARTMENTS”. Commissioner Boyle seconded. The vote in favor was unanimous.

- 5.4 Chico Commons Management Agreement – Banyard Management, as managing general partner of Chico Commons, has determined that it is in the best interest of the limited partnership and property to retain the HACB as property management agent for the property. HACB has indicated that it wishes to be retained. The proposed property management agreement is similar in scope and compensation to the Walker Commons Management Agreement. Staff feels that property management by HACB will provide “better controls”.

RESOLUTION NO. 4428

Commissioner Boyle moved that Resolution No. 4428 be adopted by reading of title only: “AGREEMENT WITH BANYARD MANAGEMENT FOR PROPERTY MANAGEMENT OF CHICO COMMONS APARTMENTS”. Commissioner McFarren seconded. The vote in favor was unanimous.

- 5.5 Walker Commons Management Agreement – The 2012 renewal of the Management Agreement between Butte County Affordable Housing Development Corporation and the Housing Authority of the County of Butte was presented for approval. This Agreement is entered into annually for the provision of management, operations and maintenance services by the Housing Authority to the project. All contract terms and conditions remain generally the same, except the funding methodology was changed to match the private sector.

RESOLUTION NO. 4431

Commissioner Graham moved that Resolution No. 4431 be adopted by reading of title only: “RENEWAL PROPERTY MANAGEMENT AGREEMENT WITH BUTTE COUNTY AFFORDABLE HOUSING DEVELOPMENT CORPORATION FOR THE WALKER COMMONS APARTMENTS”. Commissioner Moravec seconded. The vote in favor was unanimous.

- 5.6 Independent Living Services of Northern California (ILSNC) – The US Department of Fair Housing and Equal Opportunity (FHEO) entered into a Voluntary Compliance Agreement (VCA) with the HACB. As part of this VCA, the HACB is required to establish and maintain a vacant accessible unit(s) listing. Upon reviewing what it would take to develop and maintain such a list, it was determined that an agency such as ILSNC, which already provides outreach services to the elderly and disabled, would be better equipped to provide these services and that partnering with ILSNC would be in the best interest of our clients. Therefore, the HACB proposed an agreement wherein ILSNC will work with our clients to assist them in locating a unit (accessible or adaptable) and assist them in negotiating with the landlord. Once the proposed Memorandum of Understanding with ILSNC has been adopted by both parties, a copy will be forwarded to FHEO for their records.

RESOLUTION NO. 4432

Commissioner Moravec moved that Resolution No. 4432 be adopted by reading of title only: “APPROVE MOU WITH INDEPENDENT LIVING SERVICES OF NORTHERN CALIFORNIA FOR MUTUAL REFERRAL OF PROGRAM PARTICIPANTS REGARDING OUTREACH, ADVOCACY AND HOUSING FOR DISABLED PERSONS.” Commissioner McFarren seconded. The vote in favor was unanimous.

- 5.7 Farm Labor Housing – Project operations are in good shape. There was a water line break yesterday, which is being repaired. Rehabilitation process is moving forward; we are getting ready to close on Joe Serna grant and have received approval from USDA-RD for Phase II of the architectural contract. Also, the pilot well identified an aquifer of really good water. The well bid specs have been approved by USDA-RD; the ICE on the 26” commercial well is \$550,000, which meets State’s requirements for fire flows. There will be a separate bid process for the well head; ICE on well head is \$200,000. The Butte Sutter Flood Control Agency is moving forward; levy work scheduled to start in 2013 and FLH property is in the first phase. Due to the decrease in vacancy loss, Commissioner Boyle proposed that the HACB not re-apply for ineligible tenant waivers. Executive Director Mayer said that the issue of ineligible households will work itself out through the rehab process i.e., the unit count will drop from 130 units to 86. He also told the Board that the use of the ineligible tenant waiver is a condition of the USDA-approved Workout Plan. Executive Director Mayer proposed that staff conduct a demographic analysis to see who is being served at FLH: eligible vs. non-eligible, legal vs. illegal, etc. in order to determine which factors will need to be considered in deciding whether or not to renew the ineligible application. The analysis will be presented for discussion at next meeting.

6. MEETING OPEN FOR PUBLIC DISCUSSION

None.

7. MATTERS CONTINUED FOR DISCUSSION

None.

8. SPECIAL REPORTS

None.

9. REPORTS FROM COMMISSIONERS

None.

10. MATTERS INITIATED BY COMMISSIONERS

None.

11. EXECUTIVE SESSION

Adjourn: 4:08 p.m.
Reconvene: 4:12 p.m.

- 11.1 Government Code 54957.6: Conference with Labor Negotiators – Executive Director Mayer reported that the Board has reached an Agreement with the Union affirming the one-year Memorandum of Understanding and 3.5% Employee contribution to CalPERS.

12. COMMISSIONERS' CALENDAR

- **Next meeting – December 15, 2011.**
- **Holiday Luncheon – 12:00 p.m. December 16, 2011 at Basque Norte**

13. ADJOURNMENT

Commissioner Hamman moved that the meeting be adjourned. Commissioner McFarren seconded. The vote in favor was unanimous. The meeting was adjourned at 4:13 p.m.

Dated: November 17, 2011.

Clarence Lobo, Chair

ATTEST:

Edward S. Mayer, Secretary