

Board of Commissioners Regular Meeting
March 12, 2009
5:30 p.m.

AGENDA

1. Call to Order
2. Invocation
3. Roll Call
4. Approval of Agenda
5. Approval of Minutes for February 12, 2009 BOC meeting
6. Tenant concerns
 - a.) Lucia Garcia – Unit 36 – Project 7
7. Old Business
 - a.) Residential Lease (*tabled until March 2009*)
 - b.) Rehabilitation & Maintenance Policy (*to remain tabled*)
 - c.) Personnel Policy (*to remain tabled*)
 - d.) MHOA – Monthly Housing Payments
8. New Business
 - a.) Economic Stimulus
 - b.) FEMA Trailer Project

9. Department Updates
 - a.) Development
 - b.) Housing Services
 - c.) Finance
 - d.) Executive Director's Report
10. Announcements & Schedule Next BOC Meeting

11. Adjournment

PAHA Board of Commissioners Meeting Minutes
February 12, 2009 – PAHA Conference Room

I. **Call to order:**

Meeting was called to order by Chair, Tim Chavez at 5:36 p.m..

II. **Invocation**

Ernest Vallo, Sr., Tribal Ex-Officio

III. **Roll call:**

BOC **Present:** Chair, Tim Chavez, Secretary/Treas., Robert Jock; Member, Don Shields; Member, Gary Louis, Sr.

Ex-Officio **Present:** Ernest Vallo, Sr. **Absent** Tribal Sec'y/PAHA Oversight, Keith Tenorio

PAHA Staff **present:** Floyd Tortalita, Executive Director; Tracey S. Young, Finance Manager; Nathan Leon, Maintenance Supervisor; N. Ann Martinez, HOS; & Veralyn Farias, Recording Sec'y.

Guest(s): 1) Ms. Claudia Valdo; 2) Mr. & Mrs. Riley Jim

IV. **Approval of Agenda:**

Agenda was approved as presented. No motion was made. Executive Director, Floyd Tortalita requested an Executive Session with the Board. Board agreed to meet with him.

V. **Approval of Minutes of January 8, 2009**

With no corrections and or additions/deletions BOC Member Don Shields made a Motion to accept the January 8, 2009 Minutes as presented, seconded by BOC Secretary/Treas., Robert Jock.

VI. **Tenant concerns:** Chair, T. Chavez informed the above mentioned guests will be given the opportunity to voice their concerns.

1) Ms. Claudia Valdo – Came to discuss the \$2,000+ in Admin. Fees including late charge PAHA states she owes. She indicated when she signed her deed in July 2008 she was under the impression she had paid her house off and no longer owed anything. There was no communication from PAHA informing her that she was to continue paying the \$79.00 administrative fee which includes insurance coverage until she receives her deed. She was informed by Ann Martinez, PAHA's HOS that she had paid off her home several years back. Ms. Valdo informed the Board she was unable nor unwilling to pay what was owed to PAHA. She concluded by saying if she was have insurance coverage for her home until she received her deed then she ought to have been given an option of buying her own insurance. Mr. Chavez explained to Ms. Valdo that PAHA has been going through a process of trying to correct the accounting functions after taking it back from the tribe. He expressed hope things will be straightened out soon. Mr. Tortalita also stated that PAHA would have answers for her by as early as next week. With that Ms. Valdo appeared satisfied with the response and thanked the Board for their time.

2) Mr. & Mrs. Riley Jim – Their concerns center around two areas, 1) Percentages used for calculating house payments and 2) Utility Allowances. They feel the current percentage of 30% is a bit too steep. Mr. Jim stated he is aware that there is a margin between 15% – 30% that can be used. When they (Jim's) initially moved into their home, their payments were calculated at 30%. Also, they were never given the deduction allowances (dependents & travel) they were entitled to receive. 2) Utility Allowance the Jim's are requesting the current Utility Allowance rate be increased from \$78.00 to an amount more comparable to what they pay in utilities (gas & electricity) which is approximately 170.00+/month. Mr. Jim mentioned in a conversation he had with former housing director, Raymond Concho, Jr. in 1998, the Board at that time had agreed on a 20% rate calculation. Mr. Concho stated a resolution was passed to confirm Board's decision. They are hopeful the Board will look further into this matter. Mr. Jim stated everything has increased except his salary. He is currently on payroll deductions and therefore is confident in knowing his house payments are paid on time. Board Chair responded by telling Mr. & Mrs. Jim that they will look further into their concerns.

VII. **Old Business: -**

a) **TABLED** - Residential Lease (until March, 2009) b) **TABLED** - Rehabilitation & Maintenance Policy c) **TABLED** -Personnel Policy

d) Homeownership Programs – Admission & Occupancy Policy (Mutual Help & Lease Purchase)

Based on a finding during the Monitoring Review, HUD suggested that PAHA make amendments to the Mutual Help and Lease Purchase Program policies. Both policies are quite different. And as HUD stated, policies read one way and PAHA is doing another. Suggestions (by HUD) were to make amendments to the policies to avoid any contradictions and in order for calculations to be done fairly and evenly. The Mutual Help program payment schedule states the adjusted family income should be calculated between 15 – 30%, whereas the Lease Purchase states 20% and has a ceiling rent. Project 7 was reduced to 15% and has remained at that amount. If the percentage were reduced to 15% across the board it would mean a reduction, (estimated), \$175,000 to \$225,000/annum coming in to PAHA. Mr. Tortalita stated we are should not depend on low income families to fund our projects. In their discussion Board was leaning toward the 15% ruling, however topic can be further discussed and a decision was not required at this time. However, the amendment to the policy requires Board's attention tonight in order that the finding can be cleared even if no decision on what amount to use is reached. The other concern HUD had is how housing applicants are chosen from the waiting list. HUD wants to see certain language written into the policy to avoid an appearance of a conflict of interest should an applicant be related to a member of PAHA Board/staff or Contractor. The policy should be posted publicly in the community and a copy to be placed in the selected homebuyer/renter's file, with a copy forwarded to HUD. Denise Zuni, PAHA's legal counsel made the changes to be incorporated into the policy which is now being presented tonight for Board's acceptance in a Resolution. A motion was made by Board member Don Shields to accept the Homeownership Programs Admissions & Occupancy policy with the changes, seconded by Sec'y/Treas. Robert Jock. With all in favor Motion passed unanimously.

VIII. New Business – Personnel - **Organizational Chart**

Floyd informed the Board he *recreated* the Organizational Chart. The new chart will reflect current PAHA job positions and separates the Development Project Manager into two (2) positions. If approved, PAHA will have a Development Manager, Project Manager and a Homeownership Services Manager formerly titled Homeownership Supervisor. These positions have all been added to the Org. Chart. Also, Tribal Council has been added showing that it has overall authority of PAHA. PAHA's Ex-Officios will be added as a link to the chart although in Title 16, it states Tribal Administration does not have authority over All position descriptions were reformatted by Floyd and are being presented to the Board for their acceptance/approval and signature. Floyd added there were no changes made to the current job/position descriptions. Board questioned if there was an immediate need for the additional positions, and is PAHA in a good financial position to pay these salaries. Floyd stated PAHA's current budget will be able to handle these salaries. Board wanted to know estimated costs. No numbers were available at this time. Floyd did state that the Development Manager and Homeownership Services Manager were two positions that were needed. An update budget will be provided at next Board meeting. After some discussion, Board member Don Shields made a motion to accept the Organizational Chart to include the changes, adding of positions and or title changes and to include Tribal Council, seconded by Board Secretary/Treasurer Robert Jock. With all in favor, motion carried.

New Business - Personnel - **Position Descriptions**

No changes were made, just re-formatted. Title changes were made to reflect what is in the Org. Chart. Due to liabilities associated for the Plumber Journeyman, a suggestion was made by Board member Don Shields to exclude *electrical* within the position description. A suggestion to use MM2 or MM1 Residential would be more appropriate. MM98 must have journeyman's license.

New Business – Housing Services Conveyance Issues

b. PAHA's MHOA is currently unclear when a homebuyer has reached conveyance. Such as in the cases of Beverly Valley and Claudia Valdo who were informed by PAHA they had reached conveyance with a

large credit balance showing only to find out — later they owed a large sum to PAHA. PAHA cannot use their credit balance without the homebuyer's knowledge. If PAHA is to charge the Adm. Fee toward the homebuyer's credit balance, PAHA must inform the homebuyer, and also provide them with a receipt showing this transaction was made. Excerpts were read from the MHOA showing PAHA cannot use their credit balance to pay the fee without the knowledge of the homebuyer. Currently there are 40 homebuyers who may be owed money from PAHA. A Motion to reimburse homeowners (in the conveyance process) monies that were taken from their credit balances/accounts was made by Board member Don Shields seconded by Board member Gary Louis, Sr.. With all in favor, motion carried.

b. Courtney Joe Project 7 unit – Ms. Joe became successor to her mother's home upon the death of Ms. Nadine Taylor (mother) who died on 8/21/08. On or about that time an inspection of the unit was scheduled. Because of this situation, inspection was rescheduled to 9/29/08. Around October 31, 08 after PAHA received income verification on both Courtney and her sister who was to reside in the home as well, PAHA calculated their new house payment at \$350.00. Their mom who was unemployed at the time of her death was paying the minimum/administrative fee of \$79.00. Since the payments increased PAHA informed Courtney the new payments would begin 12/1/08. The Joe's made arrangements with their employers for payroll deductions to be set up. After further review of the file, PAHA noticed an error, 1) they (PAHA) had used the wrong calculations from another project, and 2) because of this their payments had increased to \$679.00 per month. PAHA notified Ms. Joe about the error and held a meeting with the family on 1/22/09 to explain what happened. It was at this meeting Mr. Floyd Tortalita, Executive Director made a decision to official give notice to Ms. Joe and her sister of the change. Therefore their new payments of \$679.00 would begin 3/1/09. Ms. Joe accepted this decision. However, the question now is, did PAHA do something out of Board policy? There are no provisions in the policy for waiving payments, so does this require a Resolution? Tracey stated, according to policy the payments are calculated a certain way, there are no provisions in the policy for waiving payments to a different amount. Tracey stated it only needs to be cleared by the Board. Mr. Tortalita said he will write up statement on what transpired for BOC's signature.

c) HUD Monitoring Review: Four more findings were closed. HUD sent back a list of units they want to review regarding maintenance documents. HUD also had questions on Contracts and Environmentals. Floyd stated PAHA is currently working on responding to their questions.

Department Updates: Refer to narratives

- a) Development Report (missing) E.D. & Finance Mgr are working on that for next BOC meeting.
- b) Maintenance and Housing Services – refer to narratives.
- c) Finance – As for Expenditures Tracey and Floyd are currently working on this information. More information will be provided at next BOC meeting. Is there a cap on rehab. work? Answer is around 40% (value of the home) staff is working on clarifying what the costs are.

VIII. **Announcements:** Upcoming Legislative Conference in Washington, DC Feb. 24, - 27, 2009. Floyd and Governor are scheduled to attend.

IX. **Schedule next BOC meeting:** March 12, 2009@5:30 p.m.

X. **Adjournment:** Meeting adjourned @9:00 p.m.

Respectfully submitted,


Veralyn S. Farias, Recording Secretary