



P.O. Box 620  
Pueblo of Acoma, NM 87034

"Providing Safe and Affordable Housing Opportunities"

Phone: (505) 552-7528  
Fax: (505) 552-9093

## Board of Commissioners Meeting

April 14, 2016  
5:30 p.m.  
PAHA Conference Room

### AGENDA

1. **Call to Order** – Robin Cruz, BOC Chair
2. **Invocation**
3. **Roll Call** – Robin Cruz, BOC Chair
4. **Approval of Agenda**
5. **Approval of Minutes BOC meeting** – March 15, 2016
6. **Opening Remarks** – Floyd Tortalita, Executive Director
7. **New Business**
  - a.) Residential Leasehold – *Tribal Administration*
  - b.) 2015 Home Rehab Project – Phase I-1 - *Francisco Carr, Development Manager*
  - c.) 2015 Home Rehab Project – Phase I-2 - *Francisco Carr, Development Manager*
  - d.) 2015 Home Rehab Project - Phase II-1 - *Francisco Carr, Development Manager* ✓
8. **Executive Session**
  - a.) Legal update – Housing Services - *Jennette Steward, Housing Services Manager*
9. **Department Reports -**
  - a.) Finance – *Owen Ondelacy, Finance Manager*
  - b.) Housing Services – *Jennette Steward, Housing Services Manager*
  - c.) Development – *Francisco Carr, Development Manager*
  - d.) Executive Director's Update – *Floyd Tortalita, Executive Director*
10. **Announcements & Schedule Next BOC Meeting**

May BOC Meeting – May 17, 2016 - 5:30 pm – PAHA Conference Room
11. **Adjournment**



Minutes of March 15, 2016  
PAHA Board of Commissioners Regular Meeting  
PAHA Conference Room- 5:30pm

1. **Call to Order:** 6:11 p.m.

2. **Invocation:** Tribal Councilman, Ernest Vallo, Sr.

3. **Roll Call:** **PRESENT:** Chairwoman, Robin Cruz; Vice-Chair, Patrick Ortiz; Commissioner, Ezilda Paytiamo; PAHA Staff: Executive Director, Floyd Tortalita; Development Manager, Francisco Carr; Housing Services Manager, Jennette Steward; Finance Manager, Owen Ondelacy, and Recording Secretary, Krystal Vallo; Ex-Officio's: 1<sup>st</sup> Lt. Governor, Raymond Concho, Jr.; Tribal Councilman, Ernest Vallo, Sr.; **ABSENT:** Commissioners, April Estevan and Damian Garcia.

4. **Approval of March 15, 2016 Agenda:**

Vice- Chair, P. Ortiz motioned to approve 3/15/16 Agenda, seconded by Commissioner, E. Paytiamo. Motion carried.

5. **Approval of February 16, 2016 Meeting Minutes:**

Vice-Chair, P. Ortiz motioned to approve 2/16/16 Minutes, seconded by Commissioner, E. Paytiamo. Motion carried.

6. **Opening Remarks:** Floyd Tortalita, Executive Director

Mr. Tortalita informed the Board that the 2015 APR will be presented and does require approval, but PAHA would still like to get the Boards approval. There is one endeavor Mr. Tortalita would like to present to the Board on one of our existing buildings that the Tribe made a proposal on when it comes to his report and would like to get the Boards feel on this before PAHA moves forward.

7. **New Business:**

a) 2015 PAHA Annual Performance Report (APR) – Owen Ondelacy, Finance Manager

Summary of 2015 APR Grant Activities: for the year 2015 PAHA had seven activities identified in the IHP: **1) 1937**

**Operating Act:** this activity supports the maintenance and operations of the 1937 Act housing units that are still under PAHA management. This category is used to maintain the rental units only. Homeownership units are the responsibility of the homeowner. In addition counseling and training to housing tenants and homebuyers is provided throughout the year. Also, salaries, fringe benefits, supplies, utilities and other operating costs are included in this activity. Goals accomplished. Total expended \$494,171.00; **2) Housing Services:** this activity states dissemination of service/products at no cost to the families, such as counseling and training of housing tenants and homebuyers. Also, Housing Services conducts annual inspections, annual recertification's, policy enforcement, and home upkeep. Homeownership Week is also included in this activity, which is open to the community. Homeownership Week involves Tribal programs and surrounding businesses to relay information to the Acoma community. Goals accomplished. Funds expended \$9,704.00; **3) Traditional Home REHAB:** Seven (7) homes were renovated in 2015, which were not completed in 2014 and carried over into 2015. Renovation of homes was completed February 2015. Five homes required ADA compliance and the other two were prepared for future ADA needs. Due to changeover in management staff, the goal of renovating thirteen homes was not met. The Development Manager position was vacated and created a four month lapse in the completing the renovation work. Funds expended \$239,179.00; **4) Wastewater Sewer Main Extension project** was not completed. The Tribe and the State resolved issue to allow IHS

to perform the planning & engineering design. Environmental assessments will be completed by both Tribe and PAHA. This activity is anticipated to be complete by 12/31/16. Funds carried over \$1,000,000.00; **5) PAHA Administration Office Rehab:** Upgrades were made to the Main office to bring the office into compliance with ADA and correct deficiencies. PAHA staff re-occupied building in February 2015. Funds expended \$49,856.00; **6) Modernization project** of three (3) Lease Purchase homes to correct settlement problems was not completed due to changeover in management staff. This component will be pursued in 2016. No funds expended; **7) Planning & Administration** is 20% of IHBG grant, but is an activity that HUD does not require to be reported. Funds expended \$414,329.00. **Total funds expended in 2015- \$1,207,239.00**, of which \$935,590 (IHBG) and \$271,649 (Program Income). Notices were posted for Public Comment Period on 2015 APR, which begins March 16, 2015 and ends

March 20, 2015. Copy of APR was sent to the Tribe for comment along with a copy of the self-monitoring report. Commissioner, E. Paytiamo motioned to approve the 2015 APR, seconded by Vice-Chair, P. Ortiz. Motion carried.

## **8. Department Reports- Refer to reports attached to Board Packet**

### Finance Department – Owen Ondelacy

Activities for the month of February 2016, Mr. Ondelacy sent out letters of non-select to the seven audit firms that responded to the 2015 audit RFP. Also, the award letter and contract were sent to Mr. Le Compte (selected audit firm) to conduct the audit beginning May 2016. In the month of February the Executive Director and Managers held four conference calls with Travois in regards to the application for Affordable Home Program (AHP) loan. The loan will be used in conjunction with the tax credit program, if awarded. On 2/9/16 all PAHA staff attended the Tribal Advisement Day. Mr. Ondelacy presented 2015 APR and public comment notices were posted. Heidi Harnist, Amerind/Inspired Wellness, meet with PAHA staff to review Inspired Wellness plan. Another meeting has been scheduled for 3/1/16 to go into further detail about current benefits and Inspired Wellness plan. Mr. Ondelacy submitted the 2015 ICDBG grant agreement for new construction of four homes to the Albuquerque HUD Office. Once received HUD will then obligate funds through eLOCCS. On 2/25/16 Mr. Ondelacy attended the Coalition Meeting held at the MFA office in regards to mortgaging codes and leasehold mortgages. Upcoming tasks for Mr. Ondelacy are the submission of APR to HUD by 3/23/16 and scheduling commencement of 2015 audit; tentatively scheduled for the first or second week of May 2016. **Robin:** The inspired wellness, because that \$6,000.00 wasn't paid was this a result of why VSP was cut off? **Response:** No, what happened was Pueblo Insurance was our broker and we worked with Chris Rierson and when he left we had to get another broker. So going from Pueblo Insurance to Amerind there was some mix up. However, we got it all figured out and settled. **Ernest:** Council asked what is happening with Section 184? **Response:** It is currently in the Tribe's hands, Peter Chestnut. **1<sup>st</sup> Lt. Gov.:** Yes, I met with Peter Chestnut and Joe Tenorio, basically they gave me three documents. The first was the mortgage code and the second was the latest revision, and they had revisions that they marked up. No language was deleted, but language was added. The third document was a summary for us to see their changes. A copy was forwarded to Denise Zuni, PAHA attorney for review. Did she receive it? **Response:** Yes, she received it. **1<sup>st</sup> Lt. Gov.:** They were also going to send a copy to the Cacique's attorney, but I said no because their contract has not been updated. So I said I would give the copy to the Cacique and I did to Conroy Chino. So there are two things that are surfacing, one is the payment because it does sound like the Cacique want to continue legal services to get their legal review, but the question of course is who is going to pay for that. The second is to regroup together to review those final edits. No date has been set when we can come together to review those edits. So technically it's still in tribal administrations court to do review and push the Cacique. We will keep you updated when that meeting will occur and what will be agreed to. **Ernest:** So as far as a payment is concerned, does the Tribal Council have to say okay to pay? **1<sup>st</sup> Lt. Gov.:** Basically it is going to be a request to Tribal Council to cover the cost. **Robin:** What is the bill amount? **1<sup>st</sup> Lt. Gov.:** It is about \$3,200.00 and they want additional funds to review this latest draft. **Patrick:** What more does the Cacique need to understand that the land will not be taken away? They have educated individuals within the Cacique. So no more money should be given to the Cacique for legal services. **Ezilda:** What happens when a will is written to give it to someone, but the land gets taken away, what happens? **1<sup>st</sup> Lt. Gov.:** The Cacique's concern is what if the land is given to a male or non-tribal member, but we hope that your will be honored. I think the language should be excluded. Typically it is the uncle's who will say who the land will go to if the land assignment assignee passes away. I haven't seen that in any document. **Ezilda:** In the tribal law it does state the uncle's will decide who the land will go to if the land assignment assignee passes away. **Patrick:** With all due with respect to the comments that have been made I think Councilman Vallo went off track and we need to get back on track with our meeting. We can talk about Section 184 at another time. **Patrick:** Who is your carrier for your health insurance? **Response:** Presbyterian. **Patrick:** And PAHA has been dealing with Presbyterian for how long? **Response:** Amerind is our broker and they are the ones who go out and get our insurances and they also cover our homes. **Patrick:** So we do have health insurance for the employees and vehicle insurance for the vehicles that you do drive, because I was told that the health insurance was canceled and the vehicles were not insured: **Response:** The broker change caused a mix up as mentioned, but all was resolved. **Expenditure report:** Fees under Planning & Administration are over due to tax credit project and adjustments will be made. There were no further inquiries on Mr. Ondelacy's report.

Housing Services Department – Jennette Steward

On-going activities for the month of February, H.S. staff continues to enforce the Collection and Evictions policy for current tenants and homebuyers. Process of notices continues to be followed each month and for February there were 6 Notices of Delinquencies sent to housing participants and 5 entered into Plan of Action. 2016 Annual Inspections/Recertification's are being conducted along with follow-up inspections. H.S. staff continues to work with clients to remain compliant with PAHA Policies and Procedures. Also, H.S. staff continues to meet with community members, tribal officials, and other interested parties pertaining to housing. On 3/1/16 PAHA had a scheduled status hearing with Tribal Courts in regards to Leon vs. PAHA. Mr. Leon is contesting the purchase price of his home. Mrs. Steward has been meeting with Tribal Service Providers to receive letters of support for LIHTC project. On 2/12/16 PAHA was notified that it had been awarded the ICDBG. Therefore, Mrs. Steward will begin the final eligibility for those four applicants who have been selected for the project. As of 2/29/16 PAHA has a total of 64 applicants on the Waiting List- 50 Low Rent and 14 Lease Purchase. Mrs. Steward continues to send application renewal letters to applicants on waiting list. Meeting and Trainings: Nina Jaramillo, Housing Counselor will be attending HDS Conference in Denver, Co on March 30-31, 2016. **Robin:** When are we actually going to know something on the tax credit? **Response:** In April. **Robin:** I like to see going forward on your reports updates on the court hearings. I did not know the Leon case was still pending. What about the Clemons hearing? Did you all turn in your comments? **Response:** Yes, the Board who were present did submit their statements. I did not receive anything from Tribal Councilman, because Denise mentioned it would be good to get their responses and how they were a part of this meeting. Ms. Clemons is stating that we are not being consistent with the policy as far as the One Strike You're Out and the process. We have done a whole synopsis of every tenant that we have done the One Strike You're Out on and everything is consistent. Denise just responded last week Thursday, she did a response back to the attorney and our scheduled hearing for that is based on his response. So there may be another status hearing. **Robin:** I think what is important is that even the mandatory meetings be documented within the BOC meetings. Because you have provided those updates that they are happening. **Patrick:** Mrs. Steward says that we are being consistent with the policy. If we were consistent with the policy we won't be going through the court process with Ms. Clemons. I think it should have already been taken care of here like how we have and I know that I have only sat in one where the individual lost the home. So really, like I told Director it's going to a deferred sentence and judge already knows it. Meaning if it goes to a deferred sentence she is going to keep going and we will lose. **Response:** It's like any of the other units we have gone through. Many of times when we get to that point of eviction some families move willing, I shouldn't say willing, but they pick up and go. In this case she was held in trespass because she didn't vacate the unit. The only way we could evict is then is to walk up there physically and take everything out and put it on the street, but we cannot do that. What do we do if she does not want to vacate the unit? We file in court for trespass and from there that is where everything goes on and that is why we are still in court. **Response:** Furthermore, she also went before the Board and did not care what the Board's final decision was and that is why we are in court. **Robin:** I do remember one case where they did come before the Board to reconsider but it still went to court. **Response:** One more addition is that PAHA was playing the nice guy in this and it always comes to the point where someone messes it up for someone else. In the process that is laid out in our policy in our eviction procedures is the homeownership department will make their decision and there is a right to appeal to the executive director and that is it. It does not come to the Board. So no longer will we bring issues from our housing clients to the Board. We go with what states in the policy from here on out. **Ezilda:** So from today anything that happens with any of the tenants since there is a zero tolerance, is there a zero tolerance? **Response:** There is the One Strike You're Out that states what those issues are. **Ezilda:** So my question is the next time a tenant breaks policy it will not go before the Board, PAHA will deal with it? **Response:** That's the process it goes, we were adding the extra step of going before the Board. It will no longer go before the Board. In this case it kind of bit us in the behind with the timelines because it does not state in the policy that it comes to the Board it states that it ends at the Executive Director and that is it. **Robin:** So in those instances was the tenant requesting the Board hearing? **Response:** They were given the option to go before the Board, verbally. So, legal counsel told us to stick to policy, so we are. Furthermore, it does not eliminate going to court, because even if PAHA upholds the decision to vacate and the tenant refuses to leave we have to go to Tribal Court and file for criminal trespass. **Robin:** Regardless in the end they still have the option of going to court but having all that being said I think what was important that the Board should note and just seeing that process is that PAHA is going by the policy and procedures and the instances that we have heard from the tenants, because we back them up. **1<sup>st</sup> Lt. Gov:** Typically when you have a public meeting like the BOC meeting you have an agenda item for executive session and that is when you discuss legal cases and you don't want it the minutes because what you discuss in executive session will go into the tenants file. You might want to double check on that with legal. Another thing you will discuss in executive

session is any personnel actions because that should not be public record. There were no further inquiries on Mrs. Steward's report.

#### Development Department – Francisco Carr

Development department staff continues to accept rehabilitation applications and as of 2/29/16 there are 48 applicants on the rehab waiting list, 6 on the modernization waiting list, and 8 on the rehab waiting list for those over the 80% median income level. Also, 2 new applications were received and one removal due to not meeting renewal due date. **2015 Rehabilitation (14 homes):** Phase I was publicly advertised for the fourth time on 2/28/16 and 3/6/16, and broken into two phases (Phase I-1 Four Homes & Phase I-2 Three Homes). Bid packet pick up was on 3/8/16, walk-thru on 3/15/16 with 17 General Contractors, and bids due 3/31/16. Phase II was publicly advertised on 2/14/16 and 2/21/16. Bid packets picked up on 2/16/16, walk-thru on 2/23/16 with six General Contractors, and bids due on 3/4/16. Two bids received but were deemed non-responsive. Therefore, Phase II will be broken into two phases. PAHA conducted a survey to determine reasons for not receiving minimum bids or no bids. (Surveys were attached for Boards review.) **Delivery and Rehabilitation of Two (2) FEMA Trailers:** Project awarded to Jackhammer Construction, LLC. On 2/19/16 Notice to Proceed and contract were signed. Work to commence on 3/7/16 and to be completed on April 20<sup>th</sup> (45 days). **2015 Acomita Sewer Main Extension Project:** on 1/19/16 PAHA, Utility Authority, and IHS meet to discuss project update. IHS will conduct own preliminary Environment Report and shall have completed by end of month. Once report is approved PAHA will receive IHS report and submit own internal Environmental report. Two environmental reports are being done to satisfy each entities project requirements. On 3/10/16 we meet again and at meeting received environmental reports from IHS. Next meeting is scheduled for 4/19/16. Projects pending are **2015 Modernization (3 homes)** budgeted amount is \$105,000.00. Scopes of work still need to be developed and once developed environmental assessments will be submitted; **2016 IHBG Rehabilitation (10 homes)** budgeted amount is \$969,595.00. Cutoff date was 2/29/16 and the families for the 2016 IHBG Rehab project have been identified. Therefore, scopes of work and environmental assessments are being developed; and **2015 ICDBG New Construction (4 homes)** budgeted amount is \$1,100,000.00. In-fill homes sites need to be finalized. Companies to conduct archeological assessments and endangered species need to be identified as well. PAHA will meet with LHDME to discuss possible use of Floyd Tortalita's floor plans and technical specifications he developed during his employment with LHDME. As of 2/29/16 maintenance has 12 open work orders and had 6 courtesy calls. Three courtesy calls were completed by the maintenance staff and the other three were handled by the homeowner. As of 3/8/16 Steve Mendiola, maintenance worker, is no longer employed with PAHA. By 3/16/15 advertisement for the position will be put out. Development and Housing Services staff's continue to meet to develop training programs for basic home repair for the community. Scheduled training on 2/24/16 was postponed. There were no inquiries on Mr. Carr's report.

#### Executive Director Report – Floyd Tortalita

Mr. Tortalita gave updates on the 2017 Appropriations and Congressional Update, NAHSDA Reauthorization, and 2015 Indian Community Development Block Grant (ICDBG). Shawn Pensoneau, the NAIHC Director of Government Affairs, gave an update on President Obama's proposed FY 2017 budget. The budget requests a \$50 million increase for IHBG, and a \$20 million increase for ICDBG, however it requests \$2 million less than FY 2016 for the Section 184 Loan Guarantee program. Another area of concern is HUD's proposal to move the \$3.5 million IHBG training and technical assistance funding set-aside from HUD's Office of Native American Programs to HUD's Office of Policy Development and Research. The concern is that the Office of Policy and Development and Research do not have experience in Indian Country. Budget is currently under review. NAIHC provided its members an update on the status of NAHASDA Reauthorization and has reported no major action since latest NAIHC meeting. There are currently two active bills, Congress: H.R. 360 and S. 710. NAIHC has been working with the Hawaiian delegation to draft compromise language that may satisfy Senator Lee. The Senator's objection is one of the main reasons blocking reauthorization. PAHA has been awarded ICDBG in the amount of \$825,000 for the construction of four new homes. The endeavor mentioned early is the building that was the old PAHA office, which is now currently occupied by the Social Services department. There is a lease agreement in place, which expires in 2017. They wanted to renegotiate rental fee of \$750, but we have an active lease. Recently PAHA has had discussions with Marvis Vallo, POA Controller and he talked about the possibility of Tribe purchasing building out right from PAHA. So we decided to have an appraisal done because we weren't sure of the value and it is still considered a PAHA housing unit. Appraisal will be presented to Mr. Vallo and the appraised value is \$161,800.00. So with that we would like to make the

proposal to Tribe to purchase the unit. **1<sup>st</sup> Lt. Gov.:** Tribe is interested in purchasing the unit/building. Set up the meeting with Marvis and we will go from there. Reason for wanting to purchase unit is because rental fee takes away funding that the Social Services could put towards other services. **Floyd:** Back into discussion about the residential lease. It is in the hands of the Pueblo of Acoma attorney. Most tribes have adopted the residential lease template, however Acoma did not and changes made cause concern. There were no inquiries on Mr. Tortalita's report.

**9. Announcements & Schedule April 2016 Meeting:**

BOC meeting will be held on Tuesday, April 12, 2016 at 5:30 p.m. – PAHA Conference Room.

**Robin:** For the next meeting what I would like to see on the agenda is just a short executive session that will cover personnel, tenant, and legal issues. It would fall on the agenda after opening remarks.

**10. Adjournment:**

Meeting adjourned @ 8:17 p.m., motioned made by Commissioner, E. Paytiamo, seconded by Vice-Chair, P. Ortiz. Motion carried.

Respectfully submitted,



Krystal Vallo,  
Transcribing Secretary