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"Providing Safe and Affordable Housing Opportunities"

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Special Board of Commissioners Meeting

May 15, 2013
5:30 p.m.

AGENDA

1. Meeting with the Pueblo of Acoma Tribal Administration
 - Pueblo of Acoma Tribal Council Resolution No. TC-OCT27-11VIIb



Board of Commissioners
Regular Meeting Minutes
April 10, 2013

1. Call to order: By Vice-Chair, Robin Cruz at 5:37 p.m...
2. Invocation: Mr. Ernest Vallo, Sr., Tribal Ex-Officio
3. Roll Call: **Present:** BOC: Vice-Chair, Robin Cruz, Members: Bernard Lewis, Patrick Ortiz
Ex-Officio, Ernest Vallo, Sr...
Housing Manager and Acting Director, Jennette Steward, Development Manager,
Lawrence Ramirez, Finance Manager, Owen Ondelacy & Recording Secretary, Veralyn Farias
Absent: BOC Members: April Estevan, *Damian Garcia & Tribal Secretary, Philip Riley
Executive Director, Floyd Tortalita
* BOC Member, Damian Garcia arrived after roll call.
4. Approval of Agenda: Ms. Steward requested to add under New Business, Item b: **Tribal Council's Directive to PAHA Ref: (C.D.) Certificate of Deposit.** With no other additions/changes, Member, Bernard Lewis motioned to accept the 4/10/13 Agenda with the addition of item b under New Business, seconded by Member, Patrick Ortiz.
5. Approval of March 13, 2013 Board Minutes: With no changes/corrections, Member, Bernard Lewis motioned to accept the Minutes as presented, seconded by Member, Patrick Ortiz.
6. Opening Remarks – Jennette Steward
Ms. Steward expressed hope that this evening's meeting will be a successful one.
7. New Business
 - a) BOC Officers Election – Vice-Chair announced she will *Table* the elections until next Board meeting.
 - b) Tribal Council's Directive - Certificate of Deposit (C.D) issue – J. Steward
On Friday 4/5/13 PAHA was invited to appear before Council to discuss the C.D. issue. PAHA's Executive Director and Managers reported to Tribal headquarters. They were later dismissed and informed Council made a decision to meet without PAHA's presence. Tribal Sec'y informed PAHA any decision by Council would be conveyed to PAHA by that afternoon. At COB (4/5/13), there was no contact from either Tribal Council or Tribal Admin.
On Monday, 4/8/13 Tribal Secretary called to inform Mr. Tortalita a meeting had been scheduled with him, Governor Shutiva and Tribal Admin... The purpose of this meeting was for Governor and his staff to convey the directives from last week's Tribal Council meeting. Mr. Tortalita was on leave, and Ms. Steward who was acting on his behalf notified Mr. Tortalita of the scheduled meeting. Mr. Tortalita instructed Ms. Steward to attend the meeting in his absence. Managers, Lawrence Ramirez and Owen Ondelacy accompanied Ms. Steward. When PAHA was called, Ms. Steward was the only person allowed into the meeting. The following directives from Tribal Council were conveyed by Governor and his staff:
 - Tribal Council wishes to revisit the issue of the Certificate of Deposit.
 - Tribe wants an update on the balance. There are (2) C.D.'s. (6-month & a 12-month), one valued at \$485K the other at \$619K.
 - Tribal Council is aware both C.D.'s were in PAHA's name as "Restricted Draw downs".
 - Tribal Council acknowledges PAHA's Accounts were managed by former accountant, Ernest Sakeva. Tribe also acknowledges former Governor, Jason Johnson signed a document indicating CD's were in PAHA's name and labeled "laddered".
 - Ms. Steward reiterated PAHA has remitted all information to the tribe pertinent to the CD issue.

- Tribal Admin. then alluded to Resolution #TC-OCT-27-11VIIIb dated, 10/27/11 which mandates PAHA to remit to the Tribe's Accts. Receivables the amount of \$619,413 by COB 11/18/11.
- On behalf of Tribal Council, Governor Shutiva and current administration the 2011 letter was reissued instructing PAHA to remit the \$619,413.00. The deadline date is by COB: 04/11/13. Failure to remit these funds will be cause for insubordination.
- Ms. Steward stated to Governor Shutiva and Tribal Admin., as acting director she will make no inquiries, comments nor promises to return the funds. She will convey the directive(s) expressed today to the Board and Mr. Tortalita.

At the conclusion of this meeting, Ms. Steward asked Tribal Secretary to provide PAHA with notes/minutes of this session. As of today, 4/8/12 no documentation has been received at PAHA.

Ms. Steward and the two managers met the following day to review what transpired the day before. Mr. Tortalita was advised on the outcome of the meeting. He advised Ms. Steward to contact PAHA's attorney regarding the directives. Ms. Zuni, (attorney) is also in receipt of the "re-issued" letter.

Discussions expressed at the Board Meeting – 4/10/13

Vice-Chair, R. Cruz asked if any documentation was provided to back up tribe's claim regarding Mr. Sakeva and Mr. Johnson's involvement with the accounts/C.D's... Ms. Steward replied no.

Vice-Chair asked Owen about the second C.D. which is not in question. Mr. Ondelacy states found the second C.D. identified as #9064 in the amount of \$485K. Mr. Ondelacy believes the other C.D. #9065 the one in question were both taken out on 06/19/2006. The 9064 C.D. was valued @ \$485K. This, along with #9065 was continually rolled over (possibly) every 6 months w/accrued interest. Mr. Ondelacy states at some point the tribe cashed in #9064 @ \$502K. The tribe then gave PAHA the other C.D., #9065. This C.D. was cashed in on 9/19/2008, during the time Ben Baca and Tracey Young were at PAHA. In a previous audit performed by Filner & Co., CPA's the auditor asked where the funds originated. Mr. Ondelacy states there are two issues to the C.D. one in the amount of \$530,827 and the other as an Accts. Payable for \$88,584.30 totaling: \$619,413. The main issue is the C.D. Tribe is requesting the Accounts Payable of \$88K.

PAHA's legal counsel presented five (5) options (see attached) for PAHA to consider and decide upon. After outweighing the pros and cons of all options Board selected to go with Options 3 & 5. Option 3 reads: *PAHA will conduct a forensic audit and ask Pueblo of Acoma to pay ½ the cost of this audit and;* Option 5 reads: *to ask HUD's guidance on the issue of whether PAHA will be in breach of their fiduciary responsibility should PAHA turn over funding to the tribe without requiring supporting documentation from the tribe.* Also, Board is requesting a 90-day extension to prepare for the audit.

Advantages and disadvantages were also listed with each option. PAHA feels they must move with extreme caution as this could mean a number of issues which may also hinder future funding. Now that Board has decided on the options PAHA's legal attorney will generate a letter to the tribe informing them how PAHA plans to resolve this issue. PAHA has requested from the tribe to provide an invoice or some documentation to back up their claim they rendered financial services to PAHA. As of to date, those request(s) have gone unheeded. PAHA's Board is requesting a copy of the resolution regarding the Certificate of Deposit transaction(s). For the record, Member Bernard Lewis motioned to proceed with Options 3 - to conduct the forensic audit, and have the Tribe pay for ½ of the costs and Option 5 to ask HUD's guidance and to request a 90-day extension to conduct this audit seconded by Member, Damian Garcia. With all in favor, motion passed.

Member Patrick Ortiz made a motion for Tribe to submit to PAHA documentation/invoice of Financial Services they claim was rendered to PAHA, seconded by Member Damian Garcia. With all in favor motion passed.

The outcome of this issue will now be forwarded to PAHA's legal attorney who will generate a letter to the Tribe in reference to PAHA's response to this issue.

Department Reports

Finance – Owen Ondelacy – refer to report in packet.

PAHA's budgets remain within budget limits.

Housing Services – Jennette Steward – refer to report in packet.

Development/Maintenance – Lawrence Ramirez – refer to report in packet.

Lucero Family – Due to the unresolved matter between CDEC and Acoma, this project continues to remain at a standstill. Other discussions ensued concerning which dept. /entity at Acoma was responsible for this project when the flooding occurred. It appears no documentation was ever generated as to who was to handle this situation. Ex-Officio, Mr. Vallo stated the Lucero family was given until the end of this month to move from the Sky City Casino where they have been residing since the flooding of their home.

Executive Director – Floyd Tortalita – refer to report in packet

Announcements:

Next scheduled BOC meeting is May 8, 2013, PAHA Conference Room, 5:30 p.m...

Adjournment:

With no other business as at hand, Member Bernard Lewis motioned to adjourn meeting, seconded by Member Damian Garcia, meeting therefore adjourned @ 8:05 p.m...

Respectfully submitted,



Veralyn Farias,
Recording Secretary