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"Providing Safe and Affordable Housing Opportunities"

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## **Board of Commissioners Meeting**

May 17, 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** – April 14, 2016
6. **Opening Remarks** – Floyd Tortalita, Executive Director
7. **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*
8. **Announcements & Schedule Next BOC Meeting**  
June BOC Meeting – June 14, 2016 - 5:30 pm – PAHA Conference Room
9. **Adjournment**
10. **Executive Session**
  - a.) Executive Director's Evaluation – *Floyd Tortalita, Executive Director*



**Minutes of April 14, 2016**  
**PAHA Board of Commissioners Regular Meeting**  
**PAHA Conference Room- 5:30pm**

1. **Call to Order:** 6:12 p.m.

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

3. **Roll Call:** PRESENT: Chairwoman, Robin Cruz; Commissioners, Ezilda Paytiamio & April Estevan; PAHA Staff: Executive Director, Floyd Tortalita; Development Administrative Assistant, Laureen Cheromiah; 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.; Guest: Governor, Kurt Riley; ABSENT: Vice-Chair, Patrick Ortiz & Commissioner, Damian Garcia.

4. **Approval of April 14, 2016 Agenda:**

Commissioner, E. Paytiamio motioned to approve amended 4/14/16 Agenda, seconded by Commissioner, A. Estevan. Motion carried. (Two items added under New Business.)

5. **Approval of March 15, 2016 Meeting Minutes:**

Commissioner, E. Paytiamio motioned to approve 3/15/16 Minutes, seconded by Commissioner, A. Estevan. Motion carried. (A couple words misspelled and will be corrected before filed.)

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

Mr. Tortalita welcomed Tribal Administration to PAHA's BOC meeting. Mr. Tortalita then informed the Board that there are several action items that will require the Board's approval. There will be some discussion in regards to the Residential Leasehold, three rehab project contracts that are over \$100,000.00 that require the Board's approval, and a legal update will be given during the executive session followed by department reports. Tonight's meeting will be lengthy and some new information has come up, which will be discussed in the Executive Director's report.

7. **New Business:**

a) Residential Leasehold – Tribal Administration

**Floyd:** Tribal Administration did request to have a discussion with the Board of Commissioners in regards to the issue with the Residential Leasehold and the issue has to do with the outstanding bill with Ledger Law Offices in regards to the contract that the Antelope Clan had with Ms. Ledger for legal services. In the past PAHA did approve two amounts for services. First the Antelope Clan came before PAHA in 2014 requesting an allocation of \$2,500.00, which was authorized. PAHA then authorized another \$2,500.00. The contract did specifically end on June 30, 2015. Without anything being said at the time PAHA assumed contract was closed, it's over there is nothing more we had heard nothing and apparently in September 2015 services were rendered to the Antelope Clan once again now without a valid contract because the contract had expired, which was almost 90 days after its expiration date. Yet we were stilling receiving those bills at that time, because we did not have a valid contract we sent the bills back down to Tribal Administration, bills were sent back up to PAHA and back and forth. PAHA and the Board sent a letter to Tribal Administration stating PAHA's concern with the bills and why PAHA could not make payment on the bills. Just recently this issue has come to Tribal Administrations attention once again and now the total bill is \$4,300.00 and that is where we are at now with this bill that needs to be taken care of. I did speak with 1<sup>st</sup> Lt. Governor last week Thursday in regards to this issue. Copy of letter from Tribal Administration to Chairwoman, Robin Cruz was provided to all Board members. So, I think there are some issues that they would like to bring to us and I like to see if we could come to some type of agreement on how we can address this issue as a group together, so we can march in with the same ideals and the same theories on what we need to do to maintain this issue. Floor was turned over to Tribal Administration. **1<sup>st</sup> Lt. Governor:** Tribal Administration provided an update to Tribal Council in regards to the bill, but Tribal Council's response was that we need to get the Residential Leasehold passed. So, at this point Tribal Administration is appealing the Executive Director's decision on no further payment of the Ledger bill to the Board of Commissioners. **Governor Riley:** As 1<sup>st</sup> Lt. mentioned this has been going on back and forth with PAHA and Tribal Administration. I first became aware of this issue in 2015 when I was 2<sup>nd</sup> Lt. Governor. Governor Vallo at the time

was in receipt of the work from Ledger Law & Strategy, LLC on the Residential Leasehold agreement that had been developed on behalf of the Antelope Clan. So he provided to all of Tribal Administration last year and gave us time to review. When I started to read it I got lost after the second page. I really did not understand the wording it was very difficult to read, it was written in a lot of legal language. We talked about it and Governor Vallo at the time decided to forward it on to Chestnut Law offices or general council. Since then we received the redline version of Ledger's work from Chestnut Law, but we have not provided to anyone, it has just been internal. Last year when we did sit down in our staff meeting, Governor Vallo gave his opinion as to whether or not the Pueblo of Acoma should pay the outstanding bill as requested by the Antelope Clan and we talked about it then and we were in concise all of the Tribal Administration at that time said no we should not pay for the obvious reasons that is exceeded the specific dollar amount, end date, and work continued. We felt it was the responsibility of the Antelope Clan themselves or PAHA. Reason being that nowhere in the contract was the Pueblo of Acoma mentioned, so we are really not a party to the agreement or contract. So, we informed the Antelope Clan that the Pueblo of Acoma was not going to pay and that was the last we heard of it. So at the beginning of this year when the new Administration came in I was contacted by Conroy Chino asking if he could set up a meeting to discuss the outstanding bill. As you all know I have been out for three weeks and when I returned he made an appointment and it was like three weeks ago. I thought he was going to come himself, but he brought Priscilla Jim, Manual Lewis, Michael Torivio, Alden Pedro, and Brian Hepting. So we sat around and discussed it and I basically told them what I told you about the history that I knew and why we were not going to pay for it last year. There was a lot of discussion as to the reasons why they included a lot of our traditional, not really beliefs, but process on how homes are handed down to the youngest daughter within the clanship. Their biggest concern was the loss of the land and all of these other issues in regards to landholding and households and that is the reason why they sought out their own legal attorney to incorporate Acoma traditional culture beliefs into the document. I told them that I got lost and if I was applying for a mortgage under this agreement I do not know if I would sign it. They even admitted during the meeting that they called in their attorney to interpret sections of the agreement. I said well if you have an attorney available to interpret what you wrote how is someone from the community to interpret it with no lawyer what they are signing. Do they agree to it? Do they understand it? I said it is very hard reading but I also told them why last year we as a group came to the concise that we were not going to pay for it, but I also told them you know if this was an agreement in the outside world you would still be responsible for it. It did not matter if you exceeded the contractual agreements or not you are the party to the agreement it's your attorney. I also told them that any good attorney should have advised you that I am running out of money, I still need work to do and are you going to pay. I do not know if that conversation ever went on between the lawyer and the Antelope Clan. Any good lawyer should advise their client that they are running out of money and besides that they should have also advised you of the term of the contract. They did not really say anything, but I also told them whoever is monitoring this contract also should have advised the rest of the group that we were going to need money and the term is ending. They did not take that very well. Their justification was that the work was not complete and that work still needed to continue. The bottom line is that the Pueblo of Acoma is not a party to this contract. I also told them that since its been approved, been reviewed and approved by HUD, as far as Acoma's use its hard to change it now, which means that you will have to send it back to your lawyer and have them re-write it. It was a fairly long discussion and at the end of it they said they still like for the pueblo to consider it. The only option is to override Tribal Administration and go straight to council. So, I said what I can do for you is present it to council and tell them about our conversation and receive direction from council as to what to do and so I did. Basically I told them and I do not know if Councilman Vallo would like to relay some of the story behind that but there was a lot of discussion on this and it was very frustrating I think for many of the councilman because this has been available since 1989 and a lot of people are waiting for this leasehold agreement to come to the pueblo so that they can begin to seek out a mortgage and build their own home. It still has to go through the same traditional process to obtain a piece of land. A lot of people are just waiting for this to happen but it has taken since 1989 to get to this point. So after much discussion this is what council has instructed me to do. Obviously you have the letter to Chairwoman that was one of the directives is to generate a letter and send it forward to all of you to reconsider the payment. I asked Conroy Chino at the meeting if this was the final figure because it has been creeping up a little each month and he said yes. Council said they would be willing to pay after we discussed it, if the standardized agreement was used. So in other words what Ledger had developed for the Antelope Clan would not be used, if you all did not pay. So the first option is for PAHA to reconsider paying for the work that Ledger has done using the product that Ledger has provided to the Antelope Clan. Option two, if you deny is that council would pay but the standardized leasehold agreement would be used. Any attachments would be incorporating all of the traditional means of transfers of homes as an attachment and

if they didn't want that then they would liable for the payment. So that is why I am here to tonight to relay the message. So you have your letter and so what we are asking is for the Board to consider paying the outstanding amount of \$4,385.98 using the proceeds of sale funds. During the discussion with council there were aware that we wouldn't be accessing the federal dollars (HUD dollars) to pay for this. So they were really specific as to what they were requesting not use to federal funds. So with that I will end my comments and answer any questions the Board has. **Robin:** I think we are in the same kind of predicament because on your end not to use federal funding would indicate an audit finding if that was used. Same here on this side even though we have the proceeds of sale what we would typically call the non-program income. Then my question is if the council did pay, were talking about going back to initial template before all the revisions, right? And that was something that, correct me if I am wrong, we had all initial agreed to then before the antelope clan stepped in and started making their revisions and it just got bigger and bigger. Is that right? **Governor:** I am not sure of the history before that but the last two years I know the history of and you are right and I expressed that to the antelope clan as well. What you are asking us to do is violate our own procurement policies on the Tribal side because we do not have any procurement documents leading up to the invoice of Ledger. If that particular file was pulled, it's a pretty small dollar amount and probably would not be pulled, but if by chance it did get pulled it would be an audit finding and would be included in the final audit. I told the antelope clan that there are consequences to findings both in seeking federal dollars and of course presenting the final audit to the public they going to question what happened. So there are consequences of the Pueblo paying for it and I think that is the reason why council wanted to use to standardized template and knowing that we would be at risk for an audit finding. **Robin:** It's also concerning to me that the bill is still creeping up there and both sides are not definite that is the final number either. If you know you do not have the funds to pay for it why are continuing services when you do not even know the outcome of both parties are even going to initiate anything to try and cover the cost. That is just beyond me. **Floyd:** Governor and 1<sup>st</sup> Lt. Governor I just handed you a copy of the December 17, 2015 letter that was sent to the Antelope Clan which stated the position of the PAHA and we did carry those same concerns in the letter. This was our direct position. *December 17, 2015 letter was read aloud.* This was the position of the Board of Commissioners when it came to it and we did have those same concerns in regards to procurement and our policies. The funds we did use to pay for this was non-program income, which was formally known as proceeds of sale the correct term now is non-program income. So it is the proceeds of sale we are using to pay for this endeavor but those are the concerns we have because it does take of us beyond that thresh hold of \$5,000.00 and the contract expired and we cannot pay out of a contract that has expired regardless if work gets completed or not the contract was not renewed, it's done. So this is the position we have. So Governor, Madame Chair, and I did have a lengthy conversation last week in regards to this issue. There continues to be issues with the document. It has become a very complex document. The waters have been muddled very much. As we all know back in 1999-2000 around the time this was introduced there was a template that was pre-approved by HUD, BIA, many banks, and many housing authorities to use for residential leaseholds. Many tribes just adopted that leasehold document and moved forward with it. My understanding of this issue and I hope I am not speaking out of my own opinion, but this is the way I understand it in what happened. In 2000 around that time the issue of the residential leasehold was moving forward at that time Mr. Chandler Sanchez had presented to tribal council the residential leasehold document and the mortgage code. The Mortgage Code has been accepted by Tribal Council that's already been put into tribal law, its sitting there. The last portion there is this, residential leasehold, a letter that needs to be signed by Governor and another notice of, well there are three documents that needs signature but it is a requirement. When it was presented to council the only concern at that time that I know that the council had and these were discussion I had with past councilmen at the time was merely to ask the Antelope Clan if the land assignment process was correct and that was it. Somewhere along the way it got lost. We kind of all left PAHA. I left, Chandler left, Owen, Jennette, and Raymond. We all left in 2004. So anything that happened then got left on the back burner. It kind of got revived with the new Executive Director at the time, Ben Baca in 2008, but within that time that it sat it now turned to where we were asking the antelope clan permission to do the residential leasehold. That was never the intention. Council already made the decision we are moving forward with it. They merely went back to ask them is the process for land assignments, are we okay with that. Now eight years later or sixteen years later were stilling dealing with the issue and it's like we are asking for approval and when that was not the intention. Council already made the decision that we were going to move forward with it. We thought we had a document that was ready to move in 2011, we were ready we had a document. All the concerns that the Antelope Clan had were addressed by Denise Zuni at that time and we had the document and we sat in this room with all of them and Denise said your edits are in this, are we ready to go to council? And they sat there, well my uncle isn't here. So we had another meeting and this time Alvin Lewis was there. We asked them again one

more time; here it is we are ready. They said yeah let's go talk with Tribal Council and so we set up a meeting with council, but our Board Chairman at that time Tim Chavez had directly asked Mr. Alvin Lewis at that time, because his question to the Board was does the council understand what this is all about? Yes, they are the ones who directed us to move forward with this and then he asked him if council says yes and they understand what are you going to say? They did not answer us and the meeting ended. So we went to council and all of a sudden they had this whole new list of concerns of what we had just addressed and they started talking about the legal parts of whatever and started getting deeper into some other stuff and has just become so complex since. I did speak with Chairwoman Cruz earlier, as the Executive Director here and my understanding of the residential leasehold and the hindrance it has on any future development without it being passed or the hindrance that it is creating. I would like to recommend that we support and we move with Tribal Administration into option two and support one another in that in front of them that we go back to the original document (template) that was presented and we use that as our residential leasehold because it has become too complex. What they have presented also, their concerns I am not sure what the review came back from Chestnut law offices or if you discussed that with him yet, but there are concerns in there because it does limit the number of tribal members that will be eligible. It narrows down our target audience. It makes it even smaller. The leasehold is complex. Some of the issues that are in such a leasehold is that the right place to address them? There are already tribal laws, tribal ordinances that are in place here that you just need to make reference to, but do we need to write about that stuff. It's just become too complex. We turned a document that was three pages long into a nightmare. So by me saying that we support Tribal Council or the Pueblo of Acoma in supporting option number two and trying to go back to the original document. Governor did mention that if option two is moved forward the Pueblo of Acoma is willing to make that payment. I am requesting to the Board that we share those costs with them. Spilt the cost and we support one another in that position that we got back to the original document. That we support one another and PAHA will cover half those costs along with the Pueblo. **Ezilda:** When that issue came about with the Antelope Clan, then who initiated to seek for legal advice when they have no money to get that support? Did they even forecast that they have to pay someone that's going to give them that consultation? That's my question. Who really initiated that and did he really understand what he was getting his relatives involved in, because to me you have Conroy Chino and that Hepting guy, you would think that those two would find and seek someone to give them that advice, because now it has escalated into something big. With people who are trying to get land and they are making it hard on everybody. I have a will and if something happens down the line, are they even honoring those wills? **Floyd:** Those have been a question in there and correct me if I am wrong, I think you have read the lease too, there are some instances that we could not recognize and we never seen before with any document. To jump back real quick, the leasehold is no different than any leasehold we have entered into, there is no difference. This is just to protect banks to get their money back that is all they are interested in. They could care less about the land or the home. There is one instance in there that also draws concern, if a passing of a person who has the leasehold the family will have to take it back to the Antelope Clan to get their approval to get it moved to another person, which never happens. Once they have made the assignment to a family that is done now it is up to the head uncles to decide who it goes to next without a will. That was one thing that I caught that was different. **Ezilda:** Well now they are just making it harder for themselves. **Floyd:** With this process it is only an option if you are willing to that risk. A residential lease is not for everybody, but it does give those families who are responsible an opportunity to come home and build a home. I make a recommendation that we do support the Pueblo of Acoma in option two and we share those costs with them. **Governor:** Just a few comments. After reading the document provided by Ledger it excludes males and single females. It excludes a lot of people who are waiting to take advantage of it. I gave myself as an example that I could not get land and the Antelope Clan said sure you can but you have to ask your sisters. True, but what if I have a dispute with my sister and she kicks me off. Where are the jobs, education, and opportunities? Off the reservation. When we looked at the product of Ledger it excludes a lot of people just because of the way it was written. For instance, what happens when an Acoma woman is married to a non-Acoma man will he be willing to invest in a home that he will not own, then what if they get divorced he is still liable for the mortgage. There are these different scenarios that can happen. You have to be very low-income to qualify for those homes. Low-income is being taken care, middle-income is not being taken care, and higher-income if there is, is not being taken care of either. So your only clients are low-income and the middle-income people won't be able to get in and take advantage of this. It is a really issue because when we talked about it last year we have issues with teachers being recruited, ACL has issues with professional staff, police officers, rangers, EMS people and the big issue is housing and quality of education, amenities (banks, entertainment, and so forth) we do not have it here. So in order to provide great services to our community and the longevity we have to move home, but where are you going to live is the issue. I am not saying the

PAHA should solve the housing issue but it is part of the hope that the mortgage leasehold agreement would at least begin to address the middle-income people to move home. **Floyd:** It is a huge issue and there is a lot that goes to it and the main thing is being able to provide a home and I know it's not going to be the fix all but it just provides opportunities to some families that are not here. I had this discussion with Tribal Secretary last year and there is the real facts of what we do have of who is here, as Governor as mentioned we have our circle of people our young educated people are leaving and they are the ones who are going because the opportunities are not here for them. Who are we assisting those below the median income level and who else gets served by those services here those same people. We are creating a social drain. That is just the harsh reality of it. Majority of our population are those people that qualify for those services. We were lucky enough if some families were young enough and starting out where they could qualify for a home, progressed and got here. The time has changed. There are males that have valid land assignments. It is not a new thing. The residential leasehold is not a new thing it's just for private institutions to get their money back. When PAHA builds a home we enter into a Residential Leasehold while under the 1937 act, we don't do that anymore, but at that time we did. The building, the community center sets on is a huge leasehold over there it had to go through a leasehold agreement with the BIA. **1<sup>st</sup> Lt. Governor:** Just too hopefully expedite discussion there's probably two things that have happened here, it is good we are having this discussion, which will probably set another date to actually review and finalize the leasehold agreement is one thing, but the primary purpose of tonight was to look at that payment, so if we can come to an agreement mainly by the Board of Commissioners to get your blessings on option one or two that way we can leave here tonight. That way we can communicate back to Tribal Council which direction we are going and then once that payment is taken care of then yeah we probably need to set a date and time to meet with the key people, hopefully we can leave out the attorney's, but we can meet together to finalize the agreement and get it implemented this year would be good otherwise you are going to have another change in administration and maybe council as well. I think were to the point where we want to get it approved and if we can collective agree that we can do it soon this year hopefully that would be good, that would be a huge accomplishment for all. Let's take care of that payment and again I understand Floyd's letter and it's a good letter that he wrote but he has that authority to make he's decisions at his level that's the reason why this letter was addressed to the Board of Commissioners. I have been in that position too before when I was the Executive Director here I made decisions but the Board of Commissioners at times over turned my decisions to go in another direction it's there in the minutes and I executed what the Board of Commissioners had decided years past. Option one can be done that's good but we are still stuck with that language in there and council saw that we can simply open it back up but just open it back up as intended. Option two is good. **Councilman Ernest:** I think also the cacique just because let me put it this way, just because they consider them as executive people they figure well if we do it this way they are going to pay anyway, but I think what needs to happen and Conroy should know, he should have known, that you don't do things that way. What they should have done was ask permission if there is money. Can you help us? We are looking at this direction this is how much we need can you help us? If the money is there fine but we just can't put up the money at any split moment it has to go through the process and these are the things they need to understand. Whatever decision the Board decides then that is what it will be. I know I have been involved with this thing from the beginning we meet several times here about the issue and it was Hepting that was really disagreeing with a lot of things when we meet here. We are really in a big chaos. I would say majority of this here is to blame the Antelope Clan. They should have asked if there is money. If there was then they could have gone forward. Ledger's new proposal that she had written for the Antelope Clan, we haven't seen that because as administration said it was so difficult to read. You can't even interpret it sometimes. You need some legal individual who wrote this to explain the process. **April:** That was actually part of my notes to split the cost with the tribe and for option two. Governor you brought up a lot of interesting concerns of overall with the whole lease and I am one of those women, I am not married and I want to come home and I have always worked off the reservation as well. I was a tenant with PAHA for a few years with my daughter when she was very young and have always commuted to Albuquerque and I moved up to Farmington and I am like okay I am now in my forties and I am ready to go home. When this whole thing came up I was like finally because I know that I won't qualify to go back to this home that I once lived in but this was really exciting for someone like myself and I know there are other women out there like myself who want to come home and do the same thing. It gets pretty intense and exciting then all of sudden whoa something else comes up and it's like now what. **Robin:** I am in a similar circumstance too. I would like to see movement on it. My opinion on this is number one is not an option same understand that it's not an option for the tribe and it being an audit finding. Number two I am in agreement that we split the cost however I'm thinking what is the fallout of that, is that a presentation that the Tribal Administration will have with the Antelope Clan in giving those options. We go back to the original template

or you pay for it yourselves. So, what is going to happen at that point it could be another drawn out battle, we do not know. Plus I don't want it to be where we made the payment we move forward and get stuck again. We don't want another twenty, thirty, or forty years and we don't go anywhere. I kind of like to see where we put our foot down and move forward. I think the consensus is to go with option two and splitting the cost. **1<sup>st</sup>Lt. Governor:** Any document can be amended down the road. Let's implement it and look at it and see where it's working, where it is good and where it needs to be tweaked. That is an option too. **Floyd:** That is going back to the original document? **Response:** Yes. **Governor:** Can I ask the Director to go through the three documents that need my signature? The reason I am saying that is to avoid this being dragged on. If option two is approved by the Board the first thing I would do is get in contact with Conroy and invite the Antelope Clan to the office and explain to them that option two is available to them to consider and ask them what they want to do. If option two is going to be accepted by the Antelope Clan, I would insist that all these documents be signed and that council passes the leasehold agreement template and only after everything been put in place will payment be made to Ledger Law offices. If we pay for it before they might bring this back up again. I hate to say that about my leadership. I do not know how they will take it. **Ezilda:** We are willing to get their blessing and they should be thankful. **Governor:** The other thing I was going to mention was to maybe go through the standard lease agreement and I hate to say that because they may insist that their lawyer attend and plus she is going to charge. Maybe they can ask that it be at no cost to them or to use PAHA's attorney to explain to them the intent of the agreement. The reasoning being, the way the Director explained it to me if a person defaults on their mortgage option number one is that the immediate family is contacted to see if anyone can pick up the mortgage. If no one in the immediate family can assume the mortgage then PAHA will pick it up. If PAHA cannot pay for it for some reason then it falls to the tribe. My question to the director is if it ever falls to the tribe is there an option for the tribe to put that property out for lease or rent in order to gain the resources in order to pay the mortgage on a monthly basis and I think that might be an option for PAHA to consider as well because as I said the professional staff at ACL, I mean even last year since the board of education and the education program were under 2<sup>nd</sup> Lt. Governor. I had one doctor call me one day and asked does the tribe have any property that can be leased to teachers because there really isn't any nice properties in Grants and so that might be an option for PAHA to consider if it should ever come to that point. Is there a possibility to either lease or rent the property to get the rent or lease money to pay the mortgage? I thought of that. The director said that could be an option if it ever came down to the Pueblo. In order to avoid the last one, which is then opening it up to anyone to assume the mortgage; I do not know if it would ever come to that. It would be very hard to get somebody to assume the mortgage on the reservation that is not from here or has no relationship with anyone from here. **Jennette:** In the leasehold it does indicate that, that an outside individual could assume the mortgage. And that is where the cacique got involved and were saying that we don't just want anyone we want tribal members and that is what I think in a sense is what started all this. But PAHA would pay off the mortgage and then turn around and rent or leasing that unit, also probably renovate and sell it out again, but PAHA would assume the management of it. **Robin:** We have had discussions with the director in regards to that if there were any type of default. I think PAHA and Tribal Administration have that type of relationship where we open up those opportunities for the kids here to have those types of teachers come in and also to have the medical staff here on the reservation as well because it is dwindling away. We have to be flexible in those types of considerations and then sitting down with the Antelope clan and the attorney's again. I am not too thrilled about that because it might get drawn out again and the intent is going to get lost. I don't want it to be where okay yeah we can provide that opportunity but we can only provide that so many times and if not everybody is not in attendance then you have this same thing again where they weren't there so we have to have another meeting. I think everybody needs to be in attendance. **Governor:** That is why I said it's an expense to PAHA but at least they would not incur anymore cost if they brought their lawyer. If they insisted they bring their lawyer then they would have to pay for it. I agree with 1<sup>st</sup> Lt. Governor about meeting without the lawyers is probably something more beneficial than the lawyers arguing their perception of what is written. I will leave it up to you all on how you like to precede. **Floyd:** There are three documents: Tribal Council Resolution approving the Residential Lease (accepting the lease), Tribal Council Resolution Approving the Implementation of the Section 184 Program, and the Governor Certification letter, basically certifying that all of this has taken place. In there, this was actually prepared for a Tribal Council presentation that I had, I do have a list of talking points on the residential lease at that time, so please do not get that confused with what's now and the synopsis of the lease. I will email to you. Those are the three documents that need to be put in place for all of this to move forward. **Robin:** I think what will be helpful too is some type of timeline or deadline for sometime this year. After a lengthy discussion Commissioner, E. Paytiamo made a motion on the floor to go with option two in an agreement to work with Tribal Administration, split the cost of the balance right now showing of

\$4,385.98 and with that go back to the original template, Seconded by Commissioner, A. Estevan. All in favor. Motion carried. **Governor:** As far as what I proposed and your concerns are my concerns in order to prevent this from slipping back to where it was before I propose that we also include that all supporting documents necessary to implement the mortgage code be passed by Tribal Council before the final payment is made. So in other words the three documents the Executive Director referred to are processed and signed by myself and Tribal Council **Floyd:** Madame Chair and Governor those documents are ready. They are ready if we move to the original document it's there the certification letter is ready the resolution for implementation of the 184 loan program, they are ready, they are there. **Governor:** So is that the Board's wishes? **Response:** Yes.

**b) 2015 Home Rehab Project – Phase I-1 – Floyd Tortalita, Executive Director**

Phase I was split into two because of the bonding issue but the contractor has come into the cost of what we have estimated. PAHA is requesting approval to enter into contract agreement with Star Hill Enterprises for construction for Phase I-1 in the amount of \$275,000.00 of four units. There were no inquiries. Commissioner, A. Estevan motioned to accept resolution to enter into contract with Star Hill Enterprises, LLC, seconded by Commissioner, E. Paytiamo. Motion carried. Approving the Pueblo of Acoma Housing Authority to Enter into Contract with Star Hill Enterprises, LLC for the 2015 PAHA Rehabilitation Project – Phase I-1 on the Acoma Indian Reservation, Resolution No. PAHA-0414-2016-01 passed in a vote of 3 for and -0- against.

**c) 2015 Home Rehab Project – Phase I-2 – Floyd Tortalita, Executive Director**

PAHA is requesting approval to enter into contract agreement with Star Hill Enterprises for construction for Phase I-2 in the amount of \$175,000.00 of three units. There were no inquiries. Commissioner, E. Paytiamo motioned to accept resolution to enter into contract with Star Hill Enterprises, LLC, seconded by Commissioner, A. Estevan. Motion carried. Approving the Pueblo of Acoma Housing Authority to Enter into Contract with Star Hill Enterprises, LLC for the 2015 PAHA Rehabilitation Project – Phase I-2 on the Acoma Indian Reservation, Resolution No. PAHA-0414-2016-02 passed in a vote of 3 for and -0- against.

**d) 2015 Home Rehab Project – Phase II-1 – Floyd Tortalita, Executive Director**

Same reason as to why Phase I was split Phase II was split as well. PAHA is requesting approval to enter into contract agreement with Vigil Contracting for construction for Phase II-1 in the amount of \$252,766.70 of four units. There were no inquiries. Commissioner, E. Paytiamo motioned to accept resolution to enter into contract with Vigil Contracting, seconded by Commissioner, A. Estevan. Motion carried. Approving the Pueblo of Acoma Housing Authority to Enter into Contract with Vigil Contracting for the 2015 PAHA Rehabilitation Project – Phase II-1 on the Acoma Indian Reservation, Resolution No. PAHA-0414-2016-03 passed in a vote of 3 for and -0- against.

**e) Concern for Housing for Non-Low Income Families – 1<sup>st</sup> Lt. Gov., Raymond Concho, Jr.**

In regards to housing Tribal Administration meet with the CEO at ACL, the primary discussion was to focus on the quality of services and other concerns/issues that the community is faced with. Then one item lead to the discussion that there is a turnover of professional staff, but the primary root of the problem is having available housing for them, that's one. Not just ACL, but Governor mentioned that the superintendent with the Grants school system is in need of housing for his staff as well. Tribal Administration called around to see what housing may be available in terms of whether it be through IHS, they have some units there that need to be demolished or replaced, or even new units provided. So we are looking at every possible source. We wanted to bring this to PAHA's attention so that way we can include some discussion that the Director can be involved with should we meet with ACL or IHS again in terms of housing needs. We want to make it clear to every potential funding source what the PAHA can or cannot provide. The only information I am familiar with is that is in regards to the Federal Regulations is that there are provisions in there that allow a certain percentage of funds or housing units can be made available for non-low income families. This is something we are trying to address this year. So I wanted to go on record that, that is one housing need the tribe is addressing and hopefully we can partner with PAHA to address this problem. **Floyd:** Thank you, that is a concern and you are correct. Through regulations we are able to assist what in the regulations identifies essential community representatives or service individuals, such as teachers, doctors, EMS, and so forth. We can assist those individuals with a percentage. With our limited resources I know we haven't gone through any construction, but what is left is about \$350,000.00 for an activity after all bills has been paid. The cost to build a home is \$250,000.00 if we do no rehab we can build a home and half each year. We have a waiting list of 60 people on our current list. So we



can build one home a year. Do we allocate that to essential staff or our housing community? We have not met the need of our housing community so that is why we have not looked at that yet. If they can pass the residential leasehold it gives us access to exterior capital and now we can meet that need with a whole other set of dollars. However, we need that access to capital and the residential leasehold will allow us to do just that.

## 8. Executive Session

Convened at 8:00 pm

Ended at 8:41 pm

**BOC meeting re-convened.**

## 9. Department Reports- Refer to reports attached to April 2016 Board Packet

Finance Department – Owen Ondelacy

Due to staff going on travel during the audit commencement date of 5/9/16, it has been changed to 5/16/16.

Expenditure report: Fees under Planning & Administration are over due to tax credit project and adjustments will be made. There were no inquiries on Mr. Ondelacy's report.

Housing Services Department – Jennette Steward

There were no inquiries on Mrs. Steward's report.

Development Department – Laureen Cheromiah

**Robin**: Couple of comments, for the next meeting if you all can put together a presentation of the FEMA trailers renovations and pictures would be nice. Can you explain the difference between infill homes and the one offsite?

**Response**: In our ICDBG what we had submitted and what we plan to do. Infill is into the vacant lots within our current managed subdivision. We have lots available in our managed subdivision, what everyone calls Skyline II and there are lots available between Mr. David Garcia and Mr. Joe Aragon. It would be infill into a current subdivision. The one offsite is an offsite unit on a person's land assignment they have. It's fulfilling a request and a traditional request too also. In that area there is infrastructure: water, sewer, and electric are all there. There were no further inquiries on Ms. Cheromiah's report.

Executive Director Report – Floyd Tortalita

Update on the Low Income Housing Tax Credit project: on 2/23/16 PAHA received a letter from MFA in regards to Travois Project Consultant, Adam Rose contacting Angel Reyes, MFA Board Vice-President and Chair of Allocation Review Committee on 2/17/16 and left a detailed message requesting a discussion about Low Income Housing Tax Credits and the PAHA LIHTC Homes #1- 2016 Application for Federal Tax Credits. As you know the PAHA application for Low Income Housing Tax Credit is currently pending with the MFA. This is a violation of Section IV.F.6 of the Qualified Allocation Plan. During the Quiet Period, applicants shall not contact the MFA management and employees in regards to an application under consideration. The Quiet Period was currently in effect at the time Adam Rose contacted Angel Reyes. Letter was sent to Travois. As part of the LIHTC process you have to find a bank sponsor, so Adam Rose contacted Angel Reyes, because Mr. Reyes is also the President of a bank, he called Mr. Reyes about sponsoring the Pueblo of Acoma. It was in no way to talk about the project but to find a sponsor. Mr. Rose did not know Mr. Reyes was part of the MFA Board. On 4/17/16 PAHA received a letter from MFA regretting to inform PAHA that PAHA's application has been rejected. There is an appeal process and fee. Travois is going to file the appeal and is going to cover all the costs for the appeal. It now raises some concern. Should Travois have known who was on the review committee? Another is the investments PAHA has already made. PAHA did score enough points to receive funding, but because of a mistake that our consultant made PAHA will not be getting the tax credits. A conference call with Travois will be held on 4/18/16 at 10am. **1<sup>st</sup> Lt. Governor**: What happens if the appeal does not go in our favor? I say get our money back. **Response**: We should have received an allocation and we have invested about \$35,000.00 already. However, we need to look at all the costs and see exactly how much we have spent so far. If we did not get the points we could have let this slide, but since we did it's a whole other story. **Robin**: I also think too, what did Rose say specifically to him in the message, did he disclose too much? I also think you are in the business of doing this, so you should know who all the players are. **Floyd**: Furthermore, PAHA will be sending the

proposal amount for the Social Services building to Mr. Marvis Vallo on 4/18/16. So, PAHA will move forward with this. There were no further inquiries on Mr. Tortalita's report.

**10. Announcements & Schedule May 2016 Meeting:**

BOC meeting will be held on Tuesday, May 17, 2016 at 5:30 p.m. – PAHA Conference Room.

**11. Adjournment:**

Meeting adjourned @ 9:36 p.m., motioned made by Commissioner, E. Paytiam, seconded by Commissioner, A. Estevan. Motion carried.

Respectfully submitted,



Krystal Vallo,  
Transcribing Secretary