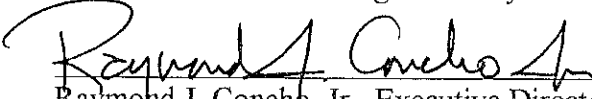


Pueblo of Acoma Housing Authority

MEMORANDUM

TO: Marvis Aragon, Jr., Chairman
Board of Commission
Pueblo of Acoma Housing Authority

FROM: 
Raymond J. Concho, Jr., Executive Director
Pueblo of Acoma Housing Authority

DATE: May 27, 1998

SUBJECT: Results of Meeting with Head Councilman and Tribal Interpreter

Marvis, please see
your letters (2)
and xc (1)

w/ COUNCIL & INTERP.
MTG 5/27/98

I met with Head Councilman, Gregory T. Ortiz, and Tribal Interpreter, Danny Sanchez, today to discuss several issues. As a result of the meeting, the following items were agreed to:

- The Pueblo of Acoma Housing Authority (PAHA) Board of Commission would approve or disapprove all travel requests made by the Executive Director. In the interim period while PAHA is accessing indirect cost services, the Tribal Administration will sign BOC approved travel request documents and appropriate travel advance checks.
- The Pueblo of Acoma Housing Authority credit card will be reactivated. Although not discussed in depth, this could be approved by the PAHA Board of Commission. Also not discussed during this meeting, the Board of Commission should approve all credit card charges when payment is processed. Your review and approval, as BOC Chairman or your designee, will provide checks and balances to prevent misuse of credit card and funds.
- To address any changes on the authority and oversight of the Pueblo of Acoma Housing Authority, the Tribal Council must amend its approved Ordinance. I stated that a listing of the advantages and disadvantages could be initiated to provide complete understanding and impact of any amendments. These amendment could be done in the future months when deemed necessary.
- Head Councilman Ortiz also requested that I make efforts to be in the office to meet with our Acoma people, tribal programs, and others that need to meet with the Executive Director. Also, he stated that a priority be placed on completing PAHA policies.

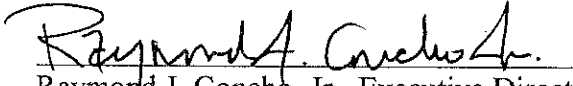
I responded to your requests and Tribal Administration concerns addressing these issues in detail. If you need more information or have any questions, please call me at 552-6118. Thank you.

xc: Gregory T. Ortiz, Head Councilman
Danny Sanchez, Tribal Secretary
PAHA File

Pueblo of Acoma Housing Authority

MEMORANDUM

TO: Marvis Aragon, Jr., Chairman
Board of Commission
Pueblo of Acoma Housing Authority

FROM: 
Raymond J. Concho, Jr., Executive Director
Pueblo of Acoma Housing Authority

DATE: May 26, 1998

SUBJECT: Board of Commission Concerns

As requested, I am providing information as indicated.

CUSTOMER SATISFACTION

You stated that customer satisfaction was not fully met for Mr. Lloyd Tortalita. As such, I disagree with you that the Pueblo of Acoma Housing Authority (PAHA) was or is not acting to meet his concerns. You must be reminded that the Pueblo of Acoma is the lead "project coordinator" and it has a contractual relationship with Preferred Builders System, Inc. (PBSI). All decisions made within the tribes authority, relating to HUD funded Project NM79-07, were and are beyond the control of PAHA, pursuant to HUD's acquisition method to construct houses. The design, lot space, orientation, landscape, and all other personal choices of Mr. Tortalita's home were made between the Pueblo of Acoma and Homebuyer (Mr. Tortalita). Ongoing development activities should have been worked directly with Mr. David Fred Garcia who is acting as "Project Coordinator" for the Pueblo of Acoma.

Based on HUD's acquisition method, PAHA must maintain an "arms length" relationship with the Pueblo of Acoma. PAHA comes into the picture when a housing unit is complete, acceptable to PAHA and Homebuyer, and "buys" the unit from the tribe. PAHA is then responsible to work with the Homebuyer to maintain the unit under our management until it is completely paid off. Apparently when PAHA buys the unit, PAHA accepts any liabilities beyond PBSI's 1-year warranty coverage and period.

PAHA agrees with the tribe that PBSI's product quality is questioned. It is PAHA's opinion, after numerous inspections and services provided, that PBSI is not meeting our expectations. The Acoma people, individually and collectively, have expressed those same concerns to PAHA. As a result, PAHA responded to have a meeting with PBSI (Jim Brown, President), 29 Project NM79-07 Homebuyer participants, PAHA, Pueblo of Acoma, and IHS. PBSI heard our concerns and simply said that PAHA does not have to purchase any housing units if there is just one punch list item. Also, PAHA responded in writing to Mr. Tortalita of product quality (see attachment

Marvis Aragon, Jr. Letter

May 26, 1998

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A). We also went on site to observe the landscape and agreed with him that the slope should have exceeded the limited 15-foot slope. At this time, PAHA has no funds to address this landscape issue.

I assure you that PAHA made every effort within our means to provide customer satisfaction for Mr. Tortalita. Any repeated concerns that Mr. Tortalita will express could be because of frustration. The final ultimatum is terminate the Mutual Homeownership Occupancy Agreement and assign the unit to the next family on PAHA's waiting list.

CREDIT CARD

You requested for information about PAHA's use of a credit card. I am confused why you are inquiring about a credit card and a letter from Governor's office when you stated that the Board of Commission will not micro-manage PAHA. Nonetheless, I assure you that PAHA had approval from last year's Administration to use a credit card (see attachment B). This year's Administration, apparently feels otherwise. This political uncertainty is an example of what creates problems when leadership changes. I learned on May 19, 1998 that the tribe canceled PAHA's credit card on May 15, 1998 without consulting my office. When PAHA is fully established as a bona-fide Indian Housing Authority under the Tribal Councils as approved by tribal ordinance, PAHA will obtain or reactivate the credit card.

I assure you that the credit card was used properly. I will take this issue seriously if the Administration and/or Board of Commission question my intent to misuse the credit card. I will state at this time that if my professional integrity is questioned, I will challenge and justify as necessary.

LEGAL SERVICES

You inquired on the "sense of urgency" to procure legal services. When PAHA was established, the Pueblo of Acoma announced an RFP for legal services during December 1996. I also questioned the urgency to select legal services. As Executive Director, I made the decision to delay this matter until recently to time it with two ongoing developments: finalization of policies and initiate due process to collect housing payments and for evictions.

I also assure you that I followed standard procurement policies and procedures to obtain legal services. Last week, I provided you the RFP Notice, all proposals submitted, criteria and evaluation sheet, and proposed contract. You will be required to approve my decision and will be authorized to sign the contract.

I must contend that I should have involved the Board of Commission in the procurement process because, as an example, it would be this selected-attorney to represent the Board of Commission

Marvis Aragon, Jr., Letter
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and PAHA should PAHA be sued. Nonetheless, I am requesting that you review and approve PAHA's selection if you do not have major concerns. I look forward in inviting our Legal Counsel to meet the Board of Commissioner at our next scheduled monthly meeting.

EXCESSIVE TRAVELS

I was discouraged when you said the Board of Commission was concerned about traveling done by the Executive Director. As Executive Director, I made every effort to inform you about meetings, trainings, and conferences made on behalf of PAHA.

First, I provided you, under a separate memorandum, dated May 22, 1998, detailing travel made and for what purposes. Information also included reference to future travel plans.

Second, I informed the Board of Commission by several means about travels made by the Executive Director. On a monthly basis, a list of all meetings, trainings, and conferences that staff made and will make has always been provided at our Board of Commission monthly meetings through my Executive Report. This report provides significant activities and information which may have exceeded your expectations. I provided this format which allows the BOC to question any activities without micromanaging such activities.

Third, PAHA's training plan for FY-1997 and FY-1998 were reviewed and approved by the Board of Commission. These training plans itemized training topic or meeting, dates, location, staff and BOC involved, and cost.

Fourth, I always wanted to make it clear and understood when I took my role as Committee Member of the Negotiated Rulemaking Committee, President of Southwest Indian Housing Authorities Association, and Board of Director for AMERIND Risk Management Corporation and National American Indian Housing Council (NAIHC). These concerns were shared with the Board of Commission and you accepted and supported me to fulfill this responsibility.

TRAVEL LIMITED BY BOC

I must disagree with your decision to limit my travel. First, you provided no reasons for your decision. Please provide any justification so that I may respond.

Second, I will continue to advocate for Indian housing in the best interest for our Acoma People. I have experience in legislation, public policy, and legislative process and will continue to target specific issues and work with key organizations and policy makers. If there is weak leadership, I will make a statement reflecting this fact. With a strong voice and visibility, our concerns for our Acoma people will be heard. As it turns out, our colleagues and peers have recognized this and

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elected me to work with them and help address our common concerns at the regional and national level.

I will request to attend meetings with HUD when there are discussions on our program, funding, contracts, legal issues, opportunities, etc. These meetings will also include AMERIND, NAIHC, Southwest Indian Housing Authorities Association, Northwest New Mexico Fighting Back, National Congress of American Indians, and HUD. Please remember that I reported that I would send alternates or proxies when necessary.

To honor your request, I will be willing to consider to stop traveling to attend trainings. This could put us at a disadvantaged when new information is disseminated, changing regulations occur, and other issues addressed which will affect PAHA's overall operations and management. We can discuss further.

Finally, I will honor your request to limit my use of PAHA's vehicle. I must inform you that there have been many instances that I have work beyond office hours and through weekends that I tended to travel between meeting sites and simply park the vehicle near personal residences. Again, I assure you that there was no intent to misuse PAHA's vehicle.

EXECUTIVE DIRECTOR PERFORMANCE EVALUATION

I am beginning to be concerned on the process and criteria you have selected to evaluate my performance. Are these concerns listed in this memorandum, an extension of my performance evaluation? It appears that it is taking time to make a report so that we can discuss the evaluation and I am anxious for our discussion to occur. Nonetheless, I commend you and the Board of Commission for being thorough. I will request that you share the results with the Tribal Council and Tribal Administration.

CONCLUSION

PAHA reported to the Tribal Council that PAHA has competent staff that meet with our people, current homebuyers, government agencies, contractors, private entities, non-profit organizations, consultants, tribal programs, and many others working with Indian housing. Services continue to meet our goal to work toward customer satisfaction even when I am absent. And when I am out of the office, a designated staff is delegated full responsibility as Acting Executive Director.

I hope this answers you concerns. I am available to discuss these further. Thank you.

xc: PAHA File