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"Providing Safe and Affordable Housing Opportunities"

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Board of Commissioners Meeting

August 14, 2013
5:30 p.m.

AGENDA

1. **Call to Order** – Robin Cruz, BOC Chair
2. **Roll Call** - Robin Cruz, BOC Chair
3. **Approval of Agenda**
4. **Approval of Meeting Minutes**
 - a. Board Meeting - July 17, 2013
 - b. Special Board Meeting - July 24, 2013
 - c. Special Board Meeting – August 2, 2013
5. **Opening Remarks** – Floyd Tortalita, Executive Director
6. **Department Reports -**
 - a.) Finance – *Owen Ondelacy, Finance Manager*
 - b.) Housing Services – *Jennette Steward, Housing Services Manager*
 - c.) Development – *Lawrence Ramirez, Development Manager*
 - d.) Executive Director's Update – *Floyd Tortalita, Executive Director*
7. **Announcements & Schedule Next BOC Meeting**
 - Monthly BOC Meeting – Septmeber 11, 2013 – 5:30 pm – PAHA Board Room
8. **Adjournment**



Board of Commissioners Special Meeting
10:00 a.m., Telephone Conference Call
August 2, 2013

**Approved:
August 14, 2013**

1. Call to order: Commissioner, April Estevan @ 10:18 a.m., Chairwoman, Robin Cruz signed in and meeting therefore officially came to order at 10:19 a.m...
2. Roll Call: **Present:** BOC: Chair, Robin Cruz; Commissioners, April Estevan, Damian Garcia & Patrick Ortiz
PAHA Staff: Executive Director, Floyd Tortalita; Dev. Project Manager, Lawrence Ramirez; Housing Services Mgr., Jennette Steward, & Recording Secretary, Veralyn Farias
Absent: Vice-Chair, Bernard Lewis, Finance Mgr. Owen Ondelacy
3. Purpose of Meeting:
 - 1) Update/outcome of last Wednesdays' meeting with PAHA and P.O.A. Tribal Administration.
 - 2) Action item - Resolution – Approving Contract for Phase Four (4) of IHBG/ICDBG Rehabilitation Project.
4. New Business:
 - a. PAHA Rehabilitation Project – Phase IV
Dev. Project Mgr. Lawrence Ramirez explained Phase IV will conclude the ICDBG sixteen (16) units Rehabilitation Project for Acoma. ICDBG funding for this project must be expended by September 30, 2013. The bidding process was completed with Crescent Homes selected as the Contractor with a bid at: **\$144,117.70**. A Resolution is being presented today to signify Board's approval of Phase IV and Contractor. Due to the limit to expend funds, (within 60 days), The project is expected to be completed before the deadline of 9/30. PAHA has hired Crescent for other projects with satisfactory results on work completed. Commissioner Damian Garcia asked if there was a cost breakdown, answer yes. Also, included in the bid was a 6% tribal tax, which the contractor pays. Tribal tax is applied whenever contract amount exceeds \$12K. Question: How many were on the waiting list. Mr. Ramirez replied 24. The homes receiving services for Phase IV are part of that count and once this project is completed, number on waiting list will drop. Phase III is still an on-going project. Commissioner Garcia motioned to approve Resolution No. PAHA-0802-2013-01, to enter into contract with Crescent Homes, for Phase IV Rehab. Project, seconded by Commissioner, April Estevan. Board members will sign the Resolution at the 8/14/2013 meeting. Note: PAHA has always utilized three contractors for the rehab. projects.
 - b. Payment to Pueblo of Acoma
Commissioners Damian Garcia and April Estevan describe the meeting held July 24, 2013 between PAHA and Tribal Administration as a very emotional one, particularly when the decision to relinquish the Certificate of Deposit over to the Tribe was made. The disturbing factor was turning the C.D. over without sufficient or concrete evidence that it indeed belonged to the tribe. Both Commissioners were disconcert over the entire situation and sensed this was just a power play issue with Tribal Administration at the wheel. Tribe indicated because PAHA did not have evidence of a project on hand the money should be returned. Commissioner Garcia said he does not see it as a total loss and trusts the tribe will use the money to benefit the community such as on Section 184 or the Waste Water Project. PAHA may also one day make a request to Council for assistance in funding other community projects. Although Commissioner P. Ortiz did not attend the meeting, he recalls Tribal Admin. commenting at one time PAHA did not have a "shovel ready" project to utilize the funding on. Tribal Administration appears not to be educated when it comes to making prudent decisions to benefit its community. With this in mind, it causes concern as to how and where they will utilize the money. Commissioner, Ortiz expressed words of encouragement to PAHA, to be strong, to move forward and not despair over what has transpired. Chair, R. Cruz announced there were some follow up items PAHA was working on. Mr. Ondelacy was working on the Protest Policy, she is not aware as to how far along he was on this assignment; Mr. Tortalita and Ramirez, were working on construction ready projects, i.e., Mortgage Lease and the Sewage Extension Lines a \$1.7M project. PAHA is working with the tribe on this (sewage) project. PAHA sees the project as beneficial for future housing. It appears the Tribe does NOT have the funding to move forward with this project. If the need arises, PAHA "maybe" able to assist, however, there are other projects PAHA is looking into. PAHA may also take up Tribal Administration's invite to fund some "shovel ready" projects currently in the planning stages. Some minor changes will be made to letter that will accompany the check. The letter will state, PAHA is in disagreement with Central Accounting's lack of proper documentation, pointing out the documents provided are unconvincing, leaving one to doubt the legality of their claim etc.. The tribe's claim that funds were a loan to launch the PAHA program are unfounded. If this was the case, PAHA questions, where are the documents to support such a claim? PAHA certainly has no documents on file to indicate this ever happened.

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There simply is no credibility to the statements Central Acct. has made. PAHA finds them to be contradictory with discrepancies found in the accounting information provided by the dept. beginning with the years 2003 – 2008. PAHA will make payment however, would like an audience with Tribal Council. PAHA wants a **forensic audit** to be performed by a **third party**. The statements made by the Tribal Admin. that if money is not returned PAHA could face consequences, such as PAHA's Board could be dismissed, re-think position of Executive Director, Tribe could take back PAHA and place it under their management. PAHA speculates as to where this may all be leading to and feels somewhat threatened. Therefore, it will follow the Resolution's directive to return the money.

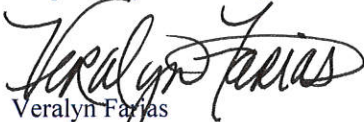
5. Announcements:

Next Board meeting scheduled for August 14, 2013. Board Packets will be delivered August 8, 2013.

6. Adjournment:

With no further discussion, Chair adjourned the meeting at 10:58 a.m.

Respectfully submitted,



Veralyn Farias
Recording Secretary



Board of Commissioners Regular Meeting
2:00 p.m., PAHA Conference Room
July 24, 2013

Approved
August 14, 2013


1. Call to order: Chairwoman, Robin Cruz at 3:24 p.m...
2. Roll Call: **Present:** BOC: Chair, Robin Cruz; Commissioners, April Estevan, Damian Garcia
PAHA Staff **Present:** Executive Director, Floyd Tortalita; Finance Manager, Owen Ondelacy;
Development Manager, Lawrence Ramirez; Housing Services Mgr., Jennette Steward, and Recording Secretary, Veralyn Farias
For the record: Absent: Tribal Ex-Officios.
3. Purpose of Meeting: Chairwoman, Robin Cruz
Chair, Cruz provided a synopsis of events during the last meeting between PAHA Board and Tribal Administration. Chair, Cruz, stated, only until the C.D. became an issue there has been no contact/meetings etc, with Tribal Admin. to reconcile this matter. At the meeting she asked Tribal Adm. for correspondence on this subject, they appeared to have no idea as to what she was talking about. They retorted with a question of where was PAHA's backup for paper presented tonight. Chair, Cruz stated she wanted PAHA's Finance person to be in attendance since Tribes' accountant was present. With this, they excused their accounting personnel. Tribal Adm. and PAHA's Board were the only two groups attending so as not to have any influence from any other dept. Tribal Adm. asked why audits weren't part of Mr. Ondelacy's findings. Chair, Cruz replied these reports are furnished to them every year. This was news to them. Mr. Tortalita explained the reports PAHA furnished to the Tribe today, included the Analysis of Expenditure Sheet, copies of what has previously been furnished to Tribal Adm. i.e.,: 2009, 2010 & 2011 Annual Reports and Audits. The Annual Report for 2012 was submitted yesterday 07/23/13. Mr. Tortalita explained other correspondence furnished to the Tribe, i.e., the initial position taken by PAHA's Board, letter dated March 4, 2012 to David Garcia, Tribe's Accountant.
A lengthy discussion followed with PAHA's Board and Managers. PAHA feels it's being harassed and or threatened, with remarks coming from Tribal Admin. that it can dissolve PAHA only to prove who has authority over the other. PAHA's request to go before Council have gone unheeded, the recent meetings held between PAHA and Tribal Adm. only a select few have been allowed to attend. PAHA has numerous questions and concerns. PAHA has suggested a forensic audit be conducted, however, Tribe is under the impression Central Accounting has performed this audit. They do not understand a forensic audit is performed by a third party which PAHA is willing to pay for. Tribe claims the reason for the C.D. was to "start up" PAHA. PAHA requested documentation on this arrangement, tribe was unable to provide the documents, instead asked PAHA where those documents were. Chair, R. Cruz stated, she was unsure as to what the outcome will be this evening with only her and Commissioner, April Estevan being in attendance. (Note: Commissioner, Damian Garcia did arrive later).
Board is frustrated feels as though their going around in circles, Tribe does not want to listen to PAHA etc. Questions of how this will affect the community, workers etc., were also expressed. Other concerns were what consequences this will have with HUD's Clearing House, the amount is a "Payable" but what kind of backup is required. PAHA will be setting a precedence although is set up to not let that happen. At the last meeting Tribe requested copy of PAHA's "H.R. Policy". Tribe must understand the organizational chart illustrates PAHA being under the direction of PAHA's Board, and the Board is under the direction of Tribal Council. Nowhere does it indicate Tribal Administration being over Tribal Council, Board or PAHA. Executive Director feels he's being targeted, even if he has brought PAHA to the forefront of Indian Housing with a multi-million dollar operation. Discussion continued with, if Tribe has their legal counsel present today PAHA will then request their attorney also be present. In conclusion, Chair, R. Cruz indicated she has a problem when Tribal Adm. speaks of dissolving PAHA and its' Board. She will convey the following concerns/suggestions to Tribal Adm.:
1) Board answers only to Tribal Council refer to Org. Chart. 2) H.R Policy – Board does not have problem with Director.
3) Board is acting only on direction of Tribal Council. 4) PAHA will request audience with Tribal Council. 5) If payment is made, this will not clear with HUD. 6) PAHA - willing to pay for forensic audit. 7) Tribal Adm. Interference – see Title XVI.

A call was placed to PAHA's attorney, Denise Zuni asking for direction. She advised, the Board if tribe's attorney is present, PAHA can also request they have their legal counsel present. PAHA may attend only to listen and to be prepared should Tribal Adm. relieve the Board and Director of their duties.

4. Adjournment:

Motion to adjourn made by Commissioner, Damian Garcia, seconded by Commissioner, April Estevan at 4:38 p.m..

Respectfully submitted,


Veralyn Farias
Recording Secretary



Board of Commissioners Regular Meeting
3:30 p.m., PAHA Conference Room
July 17, 2013

**Approved:
August 14, 2013**

1. Call to order: Chairwoman, Robin Cruz at 3:48 p.m...
2. Roll Call: **Present:**
BOC: Chair, Robin Cruz; Vice-Chair, Bernard Lewis; Members, April Estevan, Damian Garcia and Patrick Ortiz. For the Record: PAHA Staff **Present:** Executive Director, Floyd Tortalita; Finance Manager, Owen Ondelacy; Development Manager, Lawrence Ramirez; Housing Services Mgr., Jennette Steward, & Recording Secretary, Veralyn Farias. For the record, **Absent: Tribal Ex-Officios.**
3. Approval of Agenda:
(Members) Damian Garcia motioned to accept the Agenda as presented, seconded by April Estevan. With all in favor motion carried.
4. Approval of: Regular Meeting Minutes of **June 12, 2013** & Special Mtg. Conference Call Minutes of **July 3, 2013**
Member, Patrick Ortiz, motioned to approve both sets of Minutes, (6/12/13 & 7/3/13) seconded by Vice-Chair, Bernard Lewis. With all favor, motion carried.
5. Purpose of Meeting - Executive Director, Floyd Tortalita
The July Board meeting convened earlier than usual due to the meeting scheduled this evening @5:00 p.m. with Tribal Administration. During the July 3, 2013 phone conference much discussion concerning the Tribe's position submitted via e-mail by Tribal Accountant, Mr. Marvis Vallo was expressed. At the request of PAHA's Commissioners, Mr. Ondelacy prepared an Analysis of Expenditure Worksheet based on accounting documents or information received from the Tribe's Consultant, Mr. Jack Rogers of Central Accounting. Mr. Ondelacy presented his findings and attempted to explain their figures or accounting entries. (See Summary of Data Review dtd, July 16, 2013). After Mr. Ondelacy made his presentation, numerous questions remained unanswered including who owned the C.D.. Discussions ensued, if money is returned, how does PAHA justify issuing a check for that amount? Mr. Ondelacy replied monies are in an account labeled Payable to tribe, (cash in bank) and if check is written it will clear the A/P. Chair, states PAHA can't expense it properly and will therefore become an audit finding. The question remains as to why the C.D. was put in PAHA's name and what was the purpose in doing so. A prepared statement, **Summary of Data Review** will be signed by PAHA's Board and submitted to Tribal Admin. this evening. This document represents Board's position on the issue and explains why PAHA cannot release the funds to the tribe based on an unsupported claim. It further states to do otherwise would be a breach of the trust that the PAHA's Board has to protect the financial interest of PAHA and to ensure that its funds are used for housing purposes and to serve the housing needs of the people of the Pueblo of Acoma.
Executive Director states PAHA does owe the Tribe the amount of \$19,892.00. Recently a check was issued for that amount, and was to be presented to Tribal Council during a meeting PAHA was invited to. However, PAHA was dismissed and never allowed into council chambers, that check was later voided. One other point worth mentioning is that PAHA initially brought this to Tribe's attention when it first surfaced. Had it not done so, it would not have turned into the issue it has become. At one point Tribe made the suggestion to deposit the money into an account to be set aside for Section 184/Residential Leasehold Program. If no resolve is reached this evening PAHA will request to go before Tribal Council, this however would be the last resort.
6. New Business
a) Meeting with Pueblo of Acoma Tribal Administration – Ref P.O.A. Tribal Council Resolution No. TC-OCT27-11V11b.
7. Announcements:
Next BOC meeting is scheduled for 8/14/13, 5:30 p.m., PAHA Conference Room.
8. Adjournment:
Vice-Chair, Bernard Lewis motioned to adjourn, seconded by Commissioner, Damian Garcia. Meeting adjourned @ 4:53p.m.

Respectfully submitted,


Veralyn Farias, Recording Secretary