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"Providing Safe and Affordable Housing Opportunities"

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## Board of Commissioners Meeting

September 18, 2013  
5:30 p.m.

### 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 Meeting Minutes**
  - a. Board Meeting - August 14, 2013
  - b. Special Board Meeting - August 29, 2013
6. **Purpose of Meeting** – Floyd Tortalita, Executive Director
7. **New Business**
  - a. Housing Needs Survey
    - Richard Hilton – Econometrica, Inc.
  - b. 2014 PAHA Indian Housing Plan (IHP) - *Owen Ondelacy, Finance Manager*
  - c. Contract for Legal Services - *Floyd Tortalita, Executive Director*
8. **Department Reports**
  - Finance Dept – *Owen Ondelacy, Finance Manager*
  - Housing Services Dept – *Jennette Steward, Housing Services Mgr*
  - Development Dept – *Francisco Carr, Project Manager*
  - Executive Directors Report – *Floyd Tortalita, Executive Director*
9. **Announcements & Schedule Next BOC Meeting**
  - Monthly BOC Meeting – October 9, 2013 – 5:30 pm – PAHA Board Room
10. **Adjourn**



**Board of Commissioners Regular Meeting  
August 14, 2013 - 5:30 p.m.  
PAHA Conference Room**

*Approved:  
9/18/13*

1. Call to order: Chairwoman, Robin Cruz @5:46 pm.
2. Roll Call:
  - Present:** BOC: Chair, Robin Cruz; Vice-Chair, Bernard Lewis, Commissioners, April Estevan, Damian Garcia, Patrick Ortiz & Tribal Councilman, Ernest Vallo.
  - Present:** PAHA Staff: Executive Director, Floyd Tortalita; Dev. Project Manager, Lawrence Ramirez; Finance Manager, Owen Ondelacy; Housing Services Mgr., Jennette Steward, Recording Secretary, Veralyn Farias.
  - Absent:** Tribal Secretary, Philip Riley
3. Approval of Agenda: Commissioner, Damian Garcia motioned to approve the 8/14/2013 Agenda with one (1) correction under Item 7, correct typo, (*Septmeber to read September*) with correction, seconded by Commissioner Patrick Ortiz. With all in favor, motion carried.
4. Approval of Meeting Minutes for: July 17, 2013; July 24, 2013 & August 2, 2013.
  - a.) Commissioner, Damian Garcia, motioned to approve the July 17, 2013 Meeting Minutes, seconded by Commissioner, Patrick Ortiz. Abstaining, Tribal Councilman, Ernest Vallo, Sr.
  - b.) Commissioner, Damian Garcia, motioned to approve the Special July 24, 2013 Meeting Minutes, seconded by Commissioner, April Estevan. Abstaining, Tribal Councilman, Ernest Vallo, Sr.
  - c.) Commissioner, Damian Garcia, motioned to approve the Special August 2, 2013 Meeting Minutes, seconded by Commissioner, Patrick Ortiz, with all in favor motion carried. \*See below

\*Resolution # PAHA-0802-2013-01 verbally approving Contract with Crescent Custom Homes for Phase IV Project during the 08/02/13 phone conference was officially signed this evening by all Board Members.
5. Opening Remarks – Floyd Tortalita, Executive Director  
Mr. Tortalita indicated there were no “action items” to present this evening, only discussions on the current status of PAHA and events within the last 30 days between PAHA and Tribal Administration. Mr. Tortalita asked Councilman, Vallo to convey a message to Tribal Administration, concerning Tribal Secretary’s continued absences from PAHA’s monthly Board meetings. Mr. Tortalita states he has not attended any of the monthly sessions since being appointed as Tribal Secretary. Tribal Administration is left clueless as to the activities taking place at PAHA along with other important housing issues. Councilman Vallo will remind Mr. Riley of his obligation to attend PAHA’s meetings.
6. Department Reports:
  - a) Finance – Owen Ondelacy, Finance Manager  
Due to time constraints of the last month regarding the C.D. issue Mr. Ondelacy will not be able to provide information regarding the Indian Housing Plan (IHP) activities until the September Board meeting. PAHA met with Mr. Arvind Patel, Planning & Engineering dept regarding the tribe’s Sewer Main Project. PAHA indicated they may be able to assist the tribe with funding in the amount of \$500K. This may not cover the entire costs for the project therefore, the Tribe may have to seek other funding sources. The \$500K contribution will be placed in the 2014 IHP as an upcoming activity. Upon completion of the IHP, PAHA will forward the document to Tribal Administration for Governor’s signature.  
PAHA’s Budgets remain on track with only a couple of transfers/revisions to be made in certain areas. The system Quick Books does not allow automatic transfer so journal entries must be made for certain line items. The Mod/Development ICDBG budget must match dollars to the ICDBG, so far \$9,317.24 has been matched. \$231,189.00 must be matched to ICDBG, with Phase 3 & 4 coming up some will to go the IHBG. Owen made a recent draw down from LOCCS in the amount of \$350,324.11. The MFA projects are closed out as of this report. Ms. Cruz asked if the recent payment made to the tribe would appear on the budget report. Owen states no, it will be a balance sheet account.  
Ms. Estevan complemented Mr. Ondelacy for a “job well done” working on the C.D. issue.
  - b) Housing Services – Jennette Steward, Housing Manager  
Comments or questions from Commissioners : Ms. Cruz asked who comprises the Waiting List, current clients or other?  
Answer, families seeking initial housing assistance as walk-ins, referrals, or during community gatherings or meetings.



2. Commissioners would like to see enforcement of the dog ordinance, to include informing clients on the number of dogs permitted per household and types of breeds allowed. Ms. Steward stated, clients are informed or reminded of their responsibilities/obligations as tenants and homebuyers. Ms. Steward hopes that with the completion of the fencing project this problem will lessen. 3. Speeders, Commissioners suggest installing speed bumps throughout the housing area. PAHA states funds are available to accomplish this. 4. Mr. Garcia asked if PAHA had a 3-Strike Your Out Policy or a point system to control repeated offenders/violators residing in our housing program who continually come through the court system. Response, PAHA has a One Strike Your Out Policy that leads to automatic termination, however, PAHA encounters obstacles when it reaches tribal courts. The Courts request PAHA to make every effort i.e., in offering counseling or other solutions to assist families to become compliant with their housing agreements before proceeding with eviction. Judge feels eviction does not solve the problem.

c) Development/Maintenance Report – L. Ramirez, Manager

Mr. Ramirez provided a brief explanation of his dept's budget as presented in the Finance report and informed the Board a complete breakdown of his department's budget will be provided at the September Board meeting. He also indicated by year's end, PAHA would have expended all monies listed within his budget with the exception of the \$2.1M for New Construction. Other alternatives to spend these dollars have been discussed. Fencing Project -due to all four (4) contractors being non-responsive, the project was re-advertised, bid opening is scheduled for this Friday, August 16, 2013. A "non-responsive bid" is a bid which lacks required documentation or does not make the bid opening by the set deadline. Ms. Cruz asked if the \$176K under Crime Prevention will change with the speed bumps. Response: The fencing project will most likely max out the project. PAHA will keep extra monies on hand in the event of a change order(s). The 16 unit 2012 ICDBG/IHBG Rehab/Weatherization is projected for completion by 09/30/13. When this project is completed there will be funds left over to do two (2) more homes, totaling 18 homes completed. The projected cost of the 16 unit, four (4) Contracts is \$750K, carry-over dollars are then matched with IHBG. Completion time for total rehab is normally within a 30-40 day timeframe. Families whose homes are selected for a total rehab must vacate the premises and either move in with other family members or move to Old Acoma. Mr. Ortiz asked what process was used to select homes/families for these projects. He remarked the persons selected for the Phase II project were all from the same family. Response, Per policy, selections are made based on highest points received. Mr. Ortiz asked how inspections are handled, (who is responsible, who pays)? Response, **Homebuyers, (clients buying a home) are responsible for their own maintenance, if repairs are too great for the homebuyer to handle, PAHA can assist, however, will charge the homebuyer for repairs made. Renters, (are families renting a unit).** During inspections if PAHA notes a problem whether it's "routine" or through "negligence" PAHA will correct the problem. If repairs are due to negligence PAHA will charge the tenant and add those charges to his/her account. This is how the Rental program is set up. NOTE: PAHA is responsible only for the **Sky Line II housing area**. Other housing areas/sites are no longer the responsibility of PAHA.

d) Executive Director – Floyd Tortalita

**Negotiated Rulemaking Details Announced:** The U.S. Dept. of HUD has issued additional information about its Indian Housing Block Grant Allocation Formula Negotiated Rulemaking Committee. On 7/30/13 HUD announced the final list of committee members and proposed date of the first meeting scheduled in Denver, CO., August 27 – 28. (see hand-out). PAHA will be represented by PAHA's attorney, Denise Zuni. Mr. Tortalita stated he may attend other meetings.

**NAHASDA Re-Authorization Act** (Senate version) as been released in its' official format. NAIHC Chairwoman, Cheryl Causley prepared a statement on behalf of ALL Indian Housing Authorities in regard to this subject. (see statement, handed-out prior to BOC meeting). This will be given to the U.S. Senate Committee on Indian Affairs – Legislative Hearing "Reauthorization of the Native American Indian Housing Assistance and Self-Determination Act. Congressman Steve Pearce will be sponsoring this Bill. Zuni, Laguna, Isleta and Acoma need to be on top of the re-authorization in the event questions or issues arise.

**PAHA's Annual Report** on July 23, 2013, was submitted to Tribal Admin. PAHA also requests to go before Tribal Council. No response from Tribal Council on PAHA's request. PAHA was recently notified that the 2012 Audit was received at HUD's Clearinghouse, this was included in the Annual Report.

**Legal Services** - RFP was issued on June 21, 2013. This must be done every three (3) years. PAHA received two (2) proposals: Sh'eh Wheel Law Offices, P.C. and Luebben Johnson & Barnhouse, LLP. Another RFP was issued, the same two responded. An amendment was signed between PAHA and Sh'eh Wheel covering PAHA for legal services until a firm has been selected. The new contract will cover the period of 08/31/13 thru 07/31/15.

**Tribal Resolution** -TC-Oct-27-11-VIIIb was honored and payment in the amount of \$619,412.64 was remitted to tribe. This payment was submitted under protest due to many legitimate concerns/issues and questions. For instance the tribe did not produce documentation nor Resolution backing up their claim that the C.D. legitimately belonged to them. The matter with the Accounts Payable, the overdrawn amount the tribe made in the amount of \$1M has never been answered. What happens as a result of this? PAHA wonders, what is next? Chairwoman, Cruz, asked for comments from the rest of the Board who were not in attendance at the meeting with Tribal Admin. and PAHA BOC. Mr. Lewis commented on the unprofessional remarks and threats made by Tribal Administration's representative(s). The plan to dissolve PAHA if payment was not made etc..



**August 14, 2013 BOC Meeting Minutes - Page 3**

The lack of paper trail, numerous unanswered questions by PAHA were futile. PAHA is concerned when HUD performs their review next year. How or who will respond to their question of the C.D. and AP? Tribe fails to see all the good PAHA has made within the community and for its' tribal members. Mr. Vallo commented on what transpired during the meetings between PAHA and Tribal Administration and how it was inefficiently handled. He stated PAHA should not dwell on all the negative comments that were made during these meetings. Commissioner, D. Garcia wanted to compliment Chairwoman, R. Cruz for her diligent stand during PAHA's appearance before Tribal Administration. Commissioner A. Estevan also commented on how the situation was carried out and did not agree with the decision. Commissioner, P. Ortiz also made his comments as to how this was played out. He stated we all need to move forward and put this issue aside. At audit time PAHA can refer any questions auditors have down to Tribal Administration. He also commended Chairwoman for a job well done representing PAHA through this entire ordeal.

**Announcements:**

Next scheduled BOC Meeting – September 18, 2013, 5:30 p.m., PAHA Board Room

**Adjournment:**

With no further discussion, meeting adjourned at 8:15 p.m..

Respectfully submitted,



Veralyn Farias  
Recording Sec'y



"Providing Safe and Affordable Housing Opportunities"

Board of Commissioners Special Meeting  
Telephone Conference  
August 29, 2013 – 8:04 a.m.

*Approved*  
*9/18/13*

BOC meeting 8/29/13 - per conference call

1. Called to Order 8:04 am.

2. Roll Call - all BOC board members present, Floyd Tortalita, and Lawrence Ramirez - Note: Floyd took roll call.

3. Purpose of Meeting - Floyd explained the contract for PAHA rehabilitation project - Skyline Fence Project Phase 11 came up for rebid. A contractor was decided on and a contract approval needs to be set in place

4. New Business - PAHA Rehabilitation Project- Skyline 11 Fence Project Phase 11

Lawrence Ramirez explained:

1. that he spoke with Joe Padilla in regards to his bid amount. His bid was \$30,000 lower than other contractors. Mr. Padilla stated that his cost were lower because he would be buying the fencing out of state.
2. Other contractors numbers exceed Joe Padilla Construction bid amounts which resulted in Joe Padilla Construction being selected to perform the PAHA Rehabilitation Project- Skyline 11 Fence Project Phase 11 project.
3. Lawrence explained that 8/16/13 was the bid opening, 20 days later is the notice of award, 10 days after is to sign contract. Thereby the purpose of this award.
4. Per Joe Padilla contract, there are two gates; a front drive way gate, and a side walking gate that will be placed on each property. Lawrence further explained that Mr. Padilla did phase one which means he does not have to re-survey the properties. The enclosure of the backyards will deter vandalism, enclose dogs. The project is part of crime prevention and will close out the budget for crime prevention dollars.
5. The following questions were asked by the BOC:

April - Questioned whether the crime prevention dollars were included in this project. Answer - yes

- Bernard - Did contractor provide pics projected project? Yes
- Lawrence explained that mapping on Google maps was used to sight measure the individual housing plots. 62 homes will be fenced. There is a concern wood piles may damage fence line. Renters are aware they will be charged for damaged fences.
- Damien - Questioned whether same square footage for each fenced area? Floyd explained that each home is allotted 150x150 lot that is determined by the Cacique. Prior to construction the plot is already set by design. Some lots will vary due to curb or road, and right ways.
- Damien - Length of contract? Lawrence stated that the project is set for 60 days and may be completed by the first week of November, 2013.

6. The PAHA Rehabilitation Project- Skyline 11 Fence Project Phase 11 was put on table for BOC approval. 1st



Board of Commissioners Special Meeting  
August 29, 2013 - 8:04 a.m.  
Telephone Conference

Motion - Damien, 2nd Motion - April

7. Reminder, next BOC meeting is 9/18/13 @ 530 pm

Meeting adjourned, 8:27 am.

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