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"Providing Safe and Affordable Housing Opportunities"

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## **Board of Commissioners Meeting**

October 13, 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** – August 18, 2016
6. **Opening Remarks** – Floyd Tortalita, Executive Director
7. **New Business-**
  - a.) Resolution – Approving the Transfer of Funds From General Checking 939 Accounts to LIHTC Development & Operations Account at the Bank of Albuquerque – *Owen Ondelacy, Finance Manager*
  - b.) Resolution – Approving the Purchase Price and Conversion from the Rental Program to the Homeownership Program – Ms. Brenda Charlie, 11Pinon Drive  
- *Jennette Steward, Housing Services Manager*
8. **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*
9. **Announcements & Schedule Next BOC Meeting**  
November BOC Meeting – November 8, 2016 - 5:30 pm – PAHA Conference Room
10. **Adjournment**



Minutes of August 18, 2016  
PAHA Board of Commissioners Regular Meeting  
PAHA Conference Room- 5:30pm

1. **Call to Order:** 5:44 p.m.
2. **Invocation:** Tribal Councilman, Ernest Vallo, Sr.
3. **Roll Call:** PRESENT: Chairwoman, Robin Cruz; Vice-Chair, Patrick Ortiz; Commissioner's Ezilda Paytiamio, Damian Garcia & April Estevan; PAHA Staff: Executive Director, Floyd Tortalita; Development Manager, Francisco Carr; Housing Services Manager, Jennette Steward; Finance Manager, Owen Ondelacy, and Recording Secretary, Krystal Vallo; Ex-OFFICIO's: Tribal Councilman, Ernest Vallo, Sr.; ABSENT: 1<sup>st</sup> Lt. Governor, Raymond Concho, Jr.
4. **Approval of August 18, 2016 Agenda:**  
Commissioner, D. Garcia motioned to approve 8/18/16 Agenda, seconded by Commissioner, A. Estevan. Motion carried.
5. **Approval of July 20, 2016 Meeting Minutes:**  
Vice-Chair, Patrick Ortiz motioned to approve 7/20/16 Minutes, seconded by Commissioner, E. Paytiamio. Motion carried.
6. **Opening Remarks:** Floyd Tortalita, Executive Director  
Mr. Tortalita informed the Board that there are updates to give and several action items, two resolutions in regards to the LIHTC project and the third action item in regards to our Annual Indian Housing Plan (IHP), which will be submitted to HUD.
7. **New Business**
  - a) Resolution Approving PAHA LIHTC Limited Liability Partnership #1 Project Documents – Floyd Tortalita, Executive Director  
Mr. Tortalita went before Tribal Council to get land lease signed on Monday, August 8<sup>th</sup> and Tribal Council approved, which allows PAHA to use the property of 6.52 acres directly for construction. Resolution allows PAHA to enter into the partnership. The partnership is between the PAHA and the LIHTC project. There were no inquiries. Commissioner, E. Paytiamio motioned to accept resolution PAHA-0818-2016-01, seconded by Commissioner, A. Estevan. Motion carried. Approving PAHA LIHTC Limited Liability Limited Partnership #1 Project Documents (Resolution No. PAHA-0818-2016-01) passed in a vote of 5 for and -0- against.
  - b) Resolution Approving Officials of the PAHA w/Signatory Authority for LIHTC Accounts at the Bank of Albuquerque – Floyd Tortalita, Executive Director  
This resolution is authorizing the signatory's for the LIHTC project, which follows PAHA's current signatory approvals for the Housing Authority. It does list the three individuals who will have signatory approval, which are Commissioner, Damian Garcia; Finance Manager, Owen Ondelacy and Executive Director, Floyd Tortalita. This document will be included with all bank documents for signature approvals. There were no inquiries. Commissioner, A. Estevan motioned to accept resolution PAHA-0818-2016-02, seconded by Commissioner, E. Paytiamio. Motion carried. Approving Officials of the PAHA with Signatory Authority for LIHTC Accounts at the Bank of Albuquerque (Resolution No. PAHA-0818-2016-02) passed in a vote of 5 for and -0- against.
  - c) 2017 Indian Housing Plan – Owen Ondelacy, Finance Manager  
Mr. Ondelacy filled out the 2017 IHP form and provided the Board a summary sheet, which basically summarizes the information in the 2017 IHP. **Section 2: Housing Needs-** PAHA did submit an application for ICDBG in 2015 for construction of 4 new homeownership units, funds will be leveraged with the 2016 and 2017 IHBG. Mr. Ondelacy included the construction of the 4 units in the 2017 IHP in case the project does not get completed in 2016. PAHA will assist the tribe with the sewer main extension project in 2016 and could possibly go into 2017. Construction is

expected to commence in 2016. **Section 3: Program Descriptions (Program Year Activities)- 1937 Act Operating-** Amount allocated \$575,017 for salaries, fringe benefits, supplies, R & M, utilities, etc. to operate the Development, Housing Services, and Maintenance departments. **Housing Services-** Amount allocated \$12,500 for educational/training for homebuyers and rental tenants, plus cost for Homeownership week activities. **Rehab-Traditional Homes-** Amount allocated \$975,000 for the rehab of 15 homes. **Wastewater Sewer Main Extension-** Amount allocated \$1,000,000 for construction. Tribe has stated that construction will commence in 2016. **Modernization-** Amount allocated \$135,000 to correct settlement problems and other issues with three lease purchase homes. **New Construction Homeownership-** Amount allocated \$989,804 for the construction of 4 new homes (2 in the Skyline II Subdivision and 2 scattered sites). ICDBG will be leveraged with 2016 & 2017 IHBG funds for the construction of the 4 new homes. **Planning & Administration-** Amount allocated \$564,816 to cover 2017 administrative costs. HUD allows 20% of the funding allocation to be used for administrative costs (IHBG \$232,210, ICDBG \$110,196 & Program Income \$222,410). Total estimated funds for FY 2017 \$4,252,137. **Floyd:** When it goes to Tribal Administration I know there is going to be one question that will come up. I received an email from 1<sup>st</sup> Lt. Governor and he asked if there was a requirement in the regulations that we have to set aside housing for essential community members (doctors, teachers, police officers, etc.)? No, it is not a requirement, however we are allowed to. We have 65 people on our waiting list. The reason we do not is because we have not met the need of our community housing need. **Robin:** I am thinking that even if they are essential they will not meet the criteria? **Response:** They do not have to be low income. **April:** The new apartment buildings that are going up of that 65 are 30 of those families going into those units? **Response:** Yes, but the waiting list is growing. **April:** Even the essential people will be allowed to live in those units? **Response:** We have to go back and look at the application, but I think it still came out that we will service our low income families first. There was not a certain amount of units set aside for essential housing. **Damian:** What is the difference between rehabilitation and modernization? **Response:** Rehabilitation is fixing up private or owned or traditional homes and modernization is for units that PAHA still manages. Rehabilitation and modernization are labels used to identify the two separate programs under the IHP and NAHASDA. **Patrick:** Who determines how much money is spent on each home? **Response:** There is a formula that is in place and we have to look at it annually and it shows how much money is to be spent on each unit to bring it up to code. Each assessment has to be kept within that range. Sometimes we are not able to do everything but we address the major issues. **Damian:** How much does a family have to make to qualify for modernization? **Response:** There are income limits under NAHASDA that PAHA has to follow. Currently for one person they have to be under \$36,792 to qualify for services that PAHA provides. Each year the income limits change and it has been decreasing each year. There were no further inquiries. Commissioner, A. Estevan motioned to accept the 2017 IHP, seconded by Commissioner, E. Paytiamo. Motion carried.

## 8. Department Reports- (For more information refer to August 2016 Board Packet.)

### Finance Department – Owen Ondelacy

For the month of July PAHA had four conference calls with Travois, areas covered were design of units; investor selection (Raymond James was selected); GP Attorney (Mark Berry was selected); status of the Partnership Accountant RFP's; checking account and follow-up of signatures needed on various documents. A 2-day on-site training for CPR, First Aid and Defensive Driving was sponsored by AMERIND and PAHA staff received certificates for the trainings. Manager's meet to discuss items posed by Taylor Higgins regarding installation of washer/dryers in units or in the community building, it is a requirement. Decision made is to put 2 washers/dryers in the community building but also have hook-ups in each unit. Another item was the HVAC system. VRF is more costly to install but more cost effective in the long run, decision was to go with VRF. Light fixtures in units will be hanging. Collateralization was an issue that was brought up during the 2015 audit, but was not a finding and has been resolved. Mr. Ondelacy submitted the quarterly reports SF-425 for the 2016 IHBG and 2015 ICDBG to the Albuquerque HUD Office on 7/20/16. Closing date for the Partnership Accountant was 7/29/16 at 4 p.m. and a selection will be made 10 working days after the closing date. 2017 IHP is due to HUD no later than 10/18/19. Mr. Ondelacy attended the SWONAP 2 CFR Uniform Guidance Training held in Albuquerque, NM July 26<sup>th</sup> & 27<sup>th</sup>. Trip report was distributed to the Board at meeting. **Robin:** What is going to be in the agreement for the washer and dryer hook-ups? **Response:** Each unit will have the washer and dryer hook-ups but the tenant will have to provide their own washer and dryer. To stay in compliance we choose to put two washers and dryers in the community building available to all tenants. **April:** Will the washers and dryers in the community center be under surveillance? **Response:** We have not decided yet. One requirement of the facility is there has to be a central office building there. However, it does not have to be occupied

full time. We may hire someone to maintain and monitor the facility. We could have operational hours. **Robin:** Washers and dryers are not necessary coin operated anymore they have cards. **Response:** Yes, we can do that too. Units will be pet free and also a smoke free property. Units are not completely smoke free, tenants cannot smoke inside unit. **Patrick:** Have we thought about installing cameras in the community building and PAHA building? **Response:** Yes, we have discussed it. **Ezilda:** Is a background check done on those who apply for these apartments? **Response:** Yes, we will be using the same rental policy with a few wording added. However, the LIHTC project has a lot more restrictions than our current housing program. Expenditure Report: Only one line item over in Operating is advertising, due to the advertisement of the Project Manager position. There were no further inquiries on Mr. Ondelacy's report.

#### Housing Services Department – Jennette Steward

H.S. staff continues to monitor all tenant accounts, Annual Inspections (2 low rent, 1 lease purchase, & 1 mutual help) and annual recertification's (2 low rent & 1 lease purchase) were conducted for the month of July. The H.S. staff continues to meet with prospective applicants, community members, tribal officials, and other interested parties pertaining to housing. Two new applications have been received and are being processed to determine eligibility. Two vacant units have now been occupied. Housing services manager continues to participate in weekly conference calls with Travois. H.S. staff also participated in CPR, First Aid & Defensive Driving training sponsored by AMERIND. Mrs. Steward attended the SWONAP 2 CFR Part 200 Uniform Guidance Training in Albuquerque, NM July 26<sup>th</sup> & 27<sup>th</sup>. Trip report was distributed to Board at meeting. There were no inquiries on Mrs. Steward's report.

#### Development Department – Francisco Carr

Development staff continues to accept rehabilitation applications. As of 7/31/16 there are 44 applicants on the rehab waiting list (below 80%), 6 applicants on the modernization waiting list, and 8 applicants on the rehab waiting list (over 80%). One applicant removed from waiting list due to no response. One application has been approved and been added to the waiting list. 2015 Rehabilitation (14 Homes): Phase I-1 and Phase I-2 projects were awarded to Star Hill Enterprises. Phase II-1 and Phase II-2 projects were awarded to Rock Gap Engineering on June 22<sup>nd</sup>. Construction for both phases began on July 25<sup>th</sup>. 2015 Acoma Sewer Main Extension Project: A project update meeting was held on July 27<sup>th</sup> and plan set is approximately 75%-80% complete. Next update meeting is scheduled for 8/23/16. Pending Projects are the 2015 Modernization of 3 homes, 2016 IHBG Rehabilitation of 10 homes, and 2016 ICDBG New Home Construction of 4 homes. The Maintenance Department completed 1 work order and 1 courtesy call to a non-PAHA home. Fourteen open work orders as of 7/31/16. Development Manager continues to participate in weekly conference calls with Travois and attended the SWONAP 2 CFR Part 200 Uniform Guidance Training in Albuquerque, NM July 26<sup>th</sup> & 27<sup>th</sup>. Trip report was included in BOC packet. The Project Manager position is currently vacant. However, we have received an application and the interview has been scheduled for Monday, August 22<sup>nd</sup> at 10 am. There were no inquiries on Mr. Carr's report.

#### Executive Director Report – Floyd Tortalita

Pueblo of Acoma Residential Leasehold was presented to Tribal Administration on 8/2/16. Tribal Administration will be making contact with the Antelope clan to set up a meeting. PAHA did advise Tribal Administration that the version presented reflects the comments and concerns of the Tribal Council and Antelope Clan back in 2011. The Antelope clan has decided to pay outstanding attorney bill themselves. A new issue has risen in the last two months as we move forward with the residential leasehold. There are three tribes in New Mexico that don't have a residential leasehold and they are Acoma, Santa Ana and Taos. Taos and Santa Ana are already moving forward, it has already been passed by their Tribal Council and Tribal Administration. Acoma on the other hand is going to run into one hitch and it has to deal with court jurisdiction because of some issues that happened in Pine Ridge in regards to the 184 program. If we passed it last year this issue would not have come up because in our mortgage code it states that all issues with the 184 program will be settled in tribal court. Currently to this date and here forward HUD is not approving any residential leasehold that does not adhere to federal court. So there is a possibility that instead of going to tribal court we will go to federal court. There is some language that is being put added to where we go to tribal court and federal court will be the last resort. Hopefully HUD will accept. It's just because there are some issues that HUD cannot get to because of tribal sovereignty. HUD Office of Native American Programs every five years there are two processes they go through one is the negotiated rule making and reauthorization. The negotiated rule making is the process of making changes to the regulations that are already set in place. There is a committee set up nationally to do this. They

proposed a new formula to be used to allocate funds through the department's IHBG program. Every tribe's need is different. When it comes out for comment PAHA will get with our legal council to help us prepare our comment. Acoma LIHTC #1 is moving forward and at last BOC meeting a time line schedule was provided. On August 8<sup>th</sup> Mr. Tortalita went before Tribal Council to present the leasehold for 6.52 acres for the project and this specifically puts it to the partnership and it encumbers only the 6.52 acres that the project needs to be on. It's just a protection of the investor that the 6.52 acres will not be encumbered for anything else. We plan to begin construction or turn over dirt in November 2016. Furthermore, there are some questions and intentions of our policies that needs to be discussed. I am requesting if we can have these discussions in the latter part of October on some of our intentions of these policies. Main policies of concern will be the personnel, procurement, financial, admissions & occupancy, and rehabilitation policies. There were no inquiries on Mr. Tortalita's report.

**9. Announcements & Schedule September 2016 Meeting:**

Next scheduled BOC meeting will be held on Tuesday, September 13, 2016 at 5:30 p.m. – PAHA Conference Room.

**10. Adjournment:**

Meeting adjourned @ 8:37 p.m., motion made by Commissioner, E. Paytiamio, seconded by Commissioner, A. Estevan. Motion carried.

Respectfully submitted



Krystal Vallo,  
Transcribing Secretary