



Pueblo of Acoma Housing Authority

P.O. Box 620, Pueblo of Acoma, NM 87034 - Phone: 505-552-6118 - Fax: 505-552-0542

The Pueblo of Acoma Housing Authority mission is to provide decent, safe and affordable housing opportunities and services for low-income and non-low-income Pueblo of Acoma families, residing on and off the reservation, while preserving and enhancing traditions and natural resources thereby promoting the general welfare of all Pueblo of Acoma people.

PUEBLO OF ACOMA HOUSING AUTHORITY
Board of Commission Meeting
Pueblo of Acoma Housing Authority Conference Room
Acomita, New Mexico
October 24, 2000
SIGN-IN SHEET

BOARD OF COMMISSIONERS

Timothy J. Chavez, Commissioner

Brian D. Vallo, Commissioner

Jason Johnson, Commissioner

Rosie Aragon, Commissioner

Edwin Leon, Commissioner

Joe Aragon, Jr., Ex-Officio (Tribal Council)

Bernard Lewis, Ex-Officio (Tribal Admin.)

Timothy J. Chavez
Brian D. Vallo
Jason Johnson
Rosie Aragon

Joe Aragon, Jr.
Bernard Lewis

PAHA STAFF

Raymond J. Concho, Jr., Executive Director

Vacant, Development Specialist

Patricio J. Alonzo, Accountant

Rose Histia, HOC

Geri Vallo, HOC

Gwen Garcia, Administrative Assistant

Anissa Vallo, Secretary/Receptionist

Raymond J. Concho, Jr.

Gwen Garcia

MEETING ADJOURNED AT _____

AGENDA

Pueblo of Acoma Housing Authority Board of Commission Special Meeting
Pueblo of Acoma Housing Authority Conference Room
Acomita, New Mexico
October 24, 2000
4:00 p.m.

- I. Call to Order
- II. Invocation
- III. Roll Call
- IV. Approve Agenda
- V. Approve Minutes (September 12, 2000 and September 25, 2000) (Tabled)
- VI. Announcements
 1. Introduction of New Board of Commission Members
 2. Semi-Annual Housing Forum – November 9, 2000
- VII. Reports
 1. Mortgage Law Orientation and Update by PAHA Attorney – Denise Chee (Tabled)
 2. Financial Reports (Tabled)
 3. Drug Elimination Program Report – 1998 Indian Housing Plan Amendment Status (Tabled)
 4. Development & Modernization Report
 5. Status of the Development Specialist Position/Evans Southwest Contract
- VIII. Old Business
 1. Resolution – Approving FY-1999 Indian Housing Block Grant Budget (Tabled)
 2. Election of Officers (Tabled)
- IX. New Business
 1. Evaluation & Contract Amendment for Legal Services (Chee Law Offices, P.C.)
 2. Executive Session
- X. Schedule Next Board of Commission Meeting
- XI. Adjourn

PUEBLO OF ACOMA HOUSING AUTHORITY
Board of Commission Meeting Minutes for October 24, 2000

ITEM I. CALL TO ORDER

Meeting was called to order at 4:15 p.m. by Chairman Timothy Chavez

ITEM II. INVOCATION

ITEM III. ROLL CALL

Roll call was made with the following present:

Timothy J. Chavez, Commissioner

Brian D. Vallo, Commissioner

Jason Johnson, Commissioner

Rosi Aragon, Commissioner

Bernard Lewis, Tribal Administration, Ex-Officio

Staff:

Raymond Concho, Executive Director

Gwen Garcia, Administrative Assistant

ITEM IV. APPROVAL OF AGENDA

Motion to accept agenda with noted changes made by Commissioner Brian Vallo, seconded by Commissioner Jason Johnson. Motion carries.

ITEM V. APPROVAL OF MINUTES – September 25, 2000

Motion to accept the minutes of September 25, 2000 with corrections was made by Commissioner Rosi Aragon, seconded by Commissioner Brian Vallo. Motion carries.

ITEM VII. ANNOUNCEMENTS

1. Introduction of New Board of Commission

A warm welcome to one of our newest board member Ms. Rosi Aragon. Mr. Edwin Leon who was also appointed to serve as one of our board members, declined his appointment, due to his busy schedule.

2. Semi-Annual Housing Forum

November 9, 2000 @ 4 p.m. tribal auditorium (agenda has been provided)

ITEM VIII. REPORTS

1. Mortgage Law Orientation and Update by PAHA Attorney – Denise Chee

Ms. Chee introduced herself and gave a brief update on her relationship with the Housing Authority. Ms. Chee is contracted by the housing authority to provide legal services and has been providing legal services for over two (2) years. One of the major projects with the housing authority is the mortgage code. The code is on its thirteenth draft.

The mortgage law will allow tribal members to be able to borrow money from a lender to either purchase or build a home on tribal trust land. For example: a State to do this, there are four different sets of laws that all States have to allow mortgaging to occur, and these laws are 1) Recording Law, 2) Priority of Lien Law, 3) Foreclosure proceedings which will allow a lender to come in and take the home in the event of default, and 4) Eviction proceeding which will allow the lender to ask the courts to peacefully remove the person who refuses to leave a home that has been foreclosed upon.

(Ms. Chee briefly highlighted sections of the code: Article I – Section 1- Jurisdiction. This section states “no one other than tribal courts has jurisdiction over any action brought under this code.” Section 2 states “the tribe is allowing, anytime it takes over a loan, it’s allowing itself to be sued for any of it’s financial obligations if it promises to do something under a loan, to make payments, and if it doesn’t make payments, it’s in the same position as the borrower).

For the new board members, Ms. Chee mentioned a little about the people involved in drafting of code. The housing authority has held two or three public meetings where the code has been presented, as well as six to seven meetings with the caciques. The tribal attorney’s (Ann Rodgers & Peter Chestnut) were involved, as well as various tribal officials in making changes to the code. The land assignment provisions specifically say or require that a person get a land assignment only from the caciques before they even attempt to get a lease, and it sets forth the exclusive authority of the caciques to assign land and no one else. This is the section where it allows for the caciques to cancel a land assignment, under two circumstances: 1) where the land hasn’t been used from two years from the date of assignment, 2) allows them to reassign land to another tribal member, and 4) it sets forth their authority to determine, to whom the land goes to after a person dies, or maybe in the event of divorce.

Commissioner Brian Vallo made clarification to #4. The caciques don’t have the initial authority to determine succession to land assignments, rather, that responsibility is placed in the elders of the family to whom the land is assigned, and then, if there is a transfer or succession, an official succession or heir to that land identified, then the caciques are informed of that, but they don’t actually determine succession.

Article III – provision that allows for mortgaging – Section 1 – sets forth the authority for a tribal member to mortgage their leasehold interest, only, for the purpose of building a home or purchasing a home.

Section 2 – limits how much land can be mortgaged. You can obtain a leasehold that exceeds 150’x150’. The provision also allows the housing authority to obtain a lease, and mortgage the entire area for the purpose of obtaining home mortgage financing.

Section 3 – Priority of lien law. This basically says if you obtain a leasehold mortgage, and if you ever file for bankruptcy the first debit to get paid is this mortgage.

Section 4 – Recording requirements sets forth on how a recording should look like.

Article IV – Foreclosure procedures. Is unique to Indian country. It’s called a pre-foreclosure notice provision. You won’t see it in any state law. This is a requirement, where the lender has to contact not only the borrower, but also the governor’s office and the TDHE.

The tribe or the TDHE has 30 days to decide whether or not it's going to take over the loan or find another borrower. If they don't take over the loan, or they don't find another borrower, then the lender can file a foreclosure action only in tribal courts.

Section 4 – provision clarification, that if a foreclosure action is filed against the borrower, that the person gets to stay in the home until the lender obtains a judgment against the borrower.

Section 5 – is the provision that allows the borrower to file for dismissal of the foreclosure action.

Section 6 – is the provision that allows any other lender that might have loaned money to the borrower and gave a second mortgage to the borrower to come in and pay the entire debt, they would then be in the shoes of the borrower.

Section 7 – specifies the power of the tribal courts

Section 8 – is the tribe's second chance to take over payment

Section 9 – the Right of Redemption: allows the borrower to buy the property back.

Section 10 – specifies how the sale of property will occur. Specifies this can only be done at the consultation with the governor, has to be by public auction at the governor's office. Specific notices must be sent, and talks about how the money will be distributed.

Article V – Eviction procedures. Sets forth how & when in the event of foreclosure a lender always hopes that the borrower will leave peaceably.

Commissioners recommend that the housing authority provide copies of the mortgage code for public comment with this allow a 30- day review period.

2. Financial Report – Raymond J. Concho, Jr.

Brief update on letter dated 10/24/2000 from Mr. Jack Rogers regarding the financial status of the housing authority for all development projects, which includes the comprehensive grant program, and the 1999 Indian Housing Block Grant.

Commissioner Brian Vallo recommended that a letter be written to Mr. Jack Rogers requesting his presence at the next board meeting.

3. Drug Elimination Program Report – 1998 Indian Housing Plan Amendment Status – Raymond J. Concho, Jr.

HUD approved our amended plan to use \$183,000 to cover DEP costs. These funds will be used to cover incurred costs of the drug elimination program for FY-1998/FY-1999. The application for DEP FY-1999/FY-2000 was disapproved. Total grant amount requested was \$78,000.

4. Development & Modernization Report – Raymond J. Concho, Jr.

The Native American Housing Consultants based out of Albuquerque provide project management of all our comprehensive grant programs. All rehab projects are on going.

5. Status of the Development Specialist Position/Evans Southwest Contract – Raymond J. Concho, Jr.

The development specialist position has been advertised with a closing date of 10/13/2000. Interviews have been scheduled for Thursday, October 19, 2000. Interview panel includes 1st Lt. Governor, Commissioner Brian Vallo and Raymond Concho, Jr.

The Evans Southwest contract was signed on October 11, 2000. \$6.8 million dollars has been obligated and committed to the project. Project is for 548 calendar days, ending around April 11, 2002. Groundbreaking ceremony projected in January 2001. The Pueblo of Acoma Housing Authority will hire a full-time project manager. PAHA has solicited proposals from qualified contractors to provide and independent 3-party inspection services to this project, closing date is 10/16/2000. Four proposals have been received.

ITEM VIII. OLD BUSINESS

1. Resolution – Approving FY-1999 Indian Housing Block Grant Budget – Raymond J. Concho, Jr.

Due to staff not ready to present item agenda a conference call has been scheduled for Friday, October 27, 2000.

2. Election of Officers

Item agenda tabled until we have a full board.

ITEM IX. NEW BUSINESS

1. Evaluation & Contract Amendment for Legal Services (Chee Law Offices, P.C.) – Raymond J. Concho, Jr.

In terms of evaluating, Ms. Chee was informed with her contract ending, PAHA would evaluate her on performance. In reference to Amendment #1, we do have a current agreement with Ms. Chee signed back in June of 1998 for a two-year period. Our current legal contract ended May 16, 2000. With this amended, it will extend this contract for an additional one year period or could end sooner. Ms. Chee's evaluation will be based on two criteria: 1) evaluation of performance and 2) follow same procurement process.

Commissioners agreed to extend contract agreement with Ms. Chee to January 31, 2001, or until terminated by PAHA.

2. Executive Session

Floor open for motion to enter into executive session. Motion to exit out of executive session. (NO TIMES NOTED)

ITEM XI. SCHEDULE NEXT BOARD COMMISSION MEETING

1. Schedule Next Board of Commission Meeting – December 14, 2000 at 6:30 p.m.

ITEM XII. ADJOURN

A motion to adjourn meeting was made by Commissioner Brian Vallo, seconded by Commissioner Jason Johnson, motion carries, adjourned at 9:47 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Gwen Garcia', with a long horizontal flourish extending to the right.

*Gwen Garcia
Administrative Assistant*