



P.O. Box 620
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"Providing Safe and Affordable Housing Opportunities"

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Board of Commissioners Meeting

November 14, 2017
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**
 - a.) August BOC meeting - August 8, 2017
 - b.) Special BOC meeting – September 14, 2017
6. **Opening Remarks** – *Floyd Tortalita, Executive Director*
- 7.
8. **New Business**
 - a.) 2016 PAHA Budget Amendment # 1 - *Owen Ondelacy, Finance Manager*
 - b.) Approving Officials of the PAHA with Signatory Authority for Accounts at the Bank of Albuquerque – *Owen Ondelacy, Finance Manager*
 - c.) Low Rent Conversion to Lease Purchase– *Jennette Steward, Housing Services Manager*
 - Darlene Shutiva – 66 Pinon Street
 - David Shroulote – 65 Pinon Street
 - d.) Approval to enter into contract for New Home Construction under the Indian Community Development Grant – *Francisco Carr, Project Manager*
9. **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*
10. **Announcements & Schedule Next BOC Meeting**

December BOC Meeting – December 8, 2017 - 5:30 pm – Flix Brewhouse-Abq, NM
11. **Adjournment**



Minutes of August 8, 2017
PAHA Board of Commissioners Regular Meeting
PAHA Conference Room- 5:30pm

1. **Call to Order:** 5:52 p.m.
2. **Invocation:** Councilman, Ernest Vallo, Sr.
3. **Roll Call:** PRESENT: Vice-Chair, Patrick Ortiz; Commissioner, Ezilda Paytiamo and 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. and Tribal Interpreter, Elliott Sanchez, Jr.; ABSENT: Chairwoman, Robin Cruz and Commissioner, Damian Garcia
4. **Approval of August 8, 2017 Agenda:**
Commissioner, E. Paytiamo motioned to approve 8/8/17 agenda, seconded by Commissioner, A. Estevan. Motion carried.
5. **Approval of May 9, 2017 Meeting Minutes & May 15, 2017 Special BOC Conference Call:**
Commissioner, E. Paytiamo motioned to approve 5/9/17 Minutes & 5/15/17 Conference Call Minutes, seconded by Commissioner, A. Estevan. Motion carried.
6. **Opening Remarks:** Floyd Tortalita, Executive Director
Mr. Tortalita informed the Board that there is one action item on the agenda, which is the presentation of the 2016 Financial Audit. Ms. Hae-Sun Chung, with LeCompte will give the presentation of the draft report. Audit report is due to HUD by September 30th. Once report is accepted tonight it will be finalized and will be sent to the Federal Clearinghouse for final review. Department reports have a lot of information to provide being that we have not had a Board meeting for the past couple of months.
7. **New Business:**
 - a) 2016 PAHA Financial Audit – Owen Ondelacy, Finance Manager
Mr. Ondelacy introduced Ms. Hae-Sun Chung, Audit Manager at Le Compte. Usually audits reports are presented by the principal, Mr. LeCompte, but he was unavailable to present draft report. Everybody was provided a copy of the audit report. On page 22 of the Financial Report and Independent Auditor's Report is the Summary of Auditor's Results, which shows the type of opinion PAHA's audit received. PAHA received an unmodified opinion, which is the best opinion an auditee can get on an audit. A single audit was conducted because PAHA spent over \$750,000. PAHA was determined as a low-risk auditee. Being a low-risk auditee helps with competitive funding like ICDBG.
Owen: What about ICDBG? Was it not looked at because we did not spend anything? **Hae-Sun:** Right, it will show next year. ICDBG was awarded in 2015, but because PAHA has not spent any money for ICDBG that is why we did not present ICDBG in this report. **Owen:** On the Financial Statements, what was the significant deficiency identified? **Hae-Sun:** On page 23 of this report describes the finding or significant deficiency. **Patrick:** How many findings are there total? **Hae-Sun:** There is one and it is on page 23. Financial Statements are presented on page 8 and those are the areas we look at. **Patrick:** How does PAHA keep track of time: **Floyd:** We clock in and clock out. **April:** Is there just one here in the main building or both? **Floyd:** We have one in each building. Continuing with the audit report, on page 27 of the audit report is the Summary Schedule of Prior Year Audit Findings; the auditor is required to present prior year findings and the status of those findings are in current year. In 2015 there were two findings, first one was payroll disbursements transactions cycle control deficiencies and the status of that finding is repeated in 2016. The second finding in 2015 is internal control over federal award procurement standards, which was the updating of policies and procedures in accordance with 2 CFR 200 (revised). The status of this finding was that it was resolved. So, the first finding for 2016 is a repeated finding from 2015 and is reported on page 23. Vice-Chairman just mentioned the clock-in/ clock-out and it was one of the issues that was noted. We tested 40 payroll transactions and revealed the following: leave slips were authorized after requested date in eight instances; employee did not clock in and out in six instance and employee time card calculated was less than what was paid in two instances. Then we continue with the cause, effect, recommendation and management response. If there are no questions, we will

continue to page 16, the Schedule of Expenditure of Federal Awards, there is one program listed under this schedule and it is IHBG. The total federal expenditures is \$1,535,654, which was the amount that was spent for the year of 2016. On page 8 is the Statement of Net Position and on page 13 notes the balances on page 8. Note 5 – Low Income Housing Tax Credit Program on page 14 is new. We will consort with another expert on how that should be disclosed. So, there might be a little of change in verbiage. From page 4 to page 7 is the Management’s Discussion & Analysis, which explains the operations. Page 6 briefly explains what PAHA has accomplished and new business or projects coming up. This was a brief presentation of this report and if anyone has questions please free they may contact LeCompte, PC. There were no inquires on Ms. Chung’s presentation. The Board thanked Ms. Chung for her time and presenting the audit draft report. **Floyd:** What an audit does is assist us in making sure that we are in compliance and page 22 is the most important page. We look for an unmodified opinion and if we are low-risk, which we are. Those are the two things HUD looks at. There are some issues, there are three findings, which comes into one and it will probably be a repeat this year because they go off our policy. We may have to revise our policy. Unfortunately, there are some issues that we cannot control and we must take off, but they do not look at that. Does it put a hindrance on our operation? No. Overall our audit is good. **Owen:** In 2015, they tested 25 and out of those tested 25 were cited for not being done correctly. In 2016, they tested 40 and 16 were cited for not being done correctly, so it did go down. **Patrick:** How many days were they here and how many? **Response:** One week and there was three of them. Motion to approve: Approved 1st- Commissioner, E. Paytiamo, 2nd- Commissioner, A. Estevan. All in favor none opposed.

8. Department Reports- (For more information refer to August 2017 Board Packet.)

Finance Department Report – Owen Ondelacy

For the month of July, the 2016 audit was conducted and went well. There was one finding. One week was needed for field work and an exit conference was held on June 9th. Hae-Sun had a question as to why we set up LIHTC in the current QB format and not in the LIHTC company? Our response was that we are the developer and making payments from non-program income. Lee & Company agrees and that all costs will be transferred to the LIHTC company upon construction completion. She accepted the reasoning. Mr. Ondelacy submitted the Management, Decision & Analysis to Hae-Sun for inclusion in the 2016 audit and posted the final AJE’s from Hae-Sun for the audit. The 2016 Audit draft was received in July and PAHA did respond to the one finding. Mr. Ondelacy sent Crystal Banks-Mann, Travois and Joe Balsam, Lee & Co., copies of payments made on the LIHTC project for the months of May and June. Joe also requested bank statements for May and June. Documents were prepared for Floyd to sign and emailed to Crystal for reimbursement from Raymond James. Draw Request #3 was for \$434,352.37 & Draw Request #4 was for \$424,860.12. Total received to date is \$1,806,076.11. Just today there was another draw request for \$566,000, which should come in sometime this month. PAHA received the final allocation for the 2017 IHBG in the amount of \$1,085,451. Grant agreement was signed by Floyd and emailed back to the Albuquerque HUD Office. The quarterly SF-425 Federal Financial Report was submitted to HUD on July 19th. PAHA now waits for the estimated 2018 IHBG allocation from HUD. Expenditure Report: Under Operating for Repairs and Maintenance we will be in the negative because of some remediation work that needs to be done on two vacant units. Adjustment will be made. **Patrick:** Under Operating the \$1,100, will an adjustment be made? **Response:** That is a credit, we were refunded back a registration fee for a training. There were no further inquires on Mr. Ondelacy’s report.

Housing Services Department Report – Jennette Steward

On-going activities for the month of July 2017: Four (4) Low Rent and two (2) Lease Purchase Annual Inspections have been completed, and three (3) Low Rent, four (4) Lease Purchase and one (1) Mutual Help Annual Recertification’s have been completed as well for the month of July. Annual Recertification’s are done for tenant’s whose anniversary date has come up. We gather information on household size and income. Tenants are usually good at reporting decreases in income but not increases. During recertification if we find that they did have an increase a few months back we do retro back their rent. Housing Services received 5 new applications and are still in the process of being determined eligible. Two vacant units: On June 30th, a move-in was conducted for Unit 28 (M. Estevan) and on August 15th orientation will be conducted for Unit 63 (R. Luther) with a tentative move-in of September 1st. Tentative move-in date because of the remediation work that needs to be done to the unit. The verification process for 6 applications has been completed. All were deemed eligible and have been added to the waiting list. There is an approximate total of 90 applicants on the Waiting List (80 LR, 5 LP & 5 Over-Income). On June 30th, a Notice of Termination was issued to Z. Chino at 31 Pinon Street, because of a criminal report. Tenant vacated unit on 7/3/17 and the move-out inspection was completed on 7/21/17. Remediation work will have to be done on this unit as well. A

work order was generated and unit was turned over to PAHA maintenance on 8/1/17. Each unit that must have remediation work done, it will be the families who will be responsible for payment of the work. This is the result of why the repairs & maintenance line item will go over as Owen mentioned. Housing Services has partnered with the Acoma Health Department on the 2017 Homeownership Week activities scheduled for August 11-12, 2017. However, Acoma Health Dept. notified PAHA that they will be unable to help. Currently we have 35 vendors, who will participate at our housing fair. A tentative agenda was provided for the Board to view. We are seeking out donations.

Floyd: I spoke with 1st Lt. Governor on the usage fee to use the gym. Yes, we are not a program but it is not an event to gain money. It is a free event to disseminate information to our community. Furthermore, we only have three tribal programs who have signed on to participate. Tribal Administration encourages us to collaborate and we try, but just like this instance they back out or don't pull through. The next day we have our run and walk. **Patrick:** Have we ever tried to go civil in collecting the money for the remediation work? **Response:** No, that does not happen right away. There is a process that has to be followed first. **Patrick:** It is sad to hear that there is a lack of participation from the tribal programs. **Ezilda:** A lot of the programs see this as territorial and need to step away from that mindset. It needs to come from Tribal Administration and Tribal Council to push these programs. Then a lot of the time they make it personal. Those programs are there to provide services to the Acoma community. **Floyd:** There was a meeting held with Tribal Administration, Facilities, Health & Wellness and BHS regarding the building use. Well since Health & Wellness is no longer participating PAHA must pay. **Tribal Interpreter:** I am saddened to hear this. I was unaware that there was a meeting. **Floyd:** However, we are doing good and when I called 1st Lt. I was mostly just venting. Then in July our office was closed all week. I thought I would get scolded but I got praised. It is an important ceremony and as long as I am the Director here we will not work during that time. **April:** I commend you all and each year this event grows. Keep up the good work. **Ernest:** When a tenant damages a unit, where does that money come from to fix it? **Response:** It comes out of IHBG funding. **Ernest:** I will bring this up at the next General Meeting about meth and the use of drugs, how it damages the home. I will also bring up that issue about our activities at Acoma and still working during that time. Then all this hurts me to hear we are treating each other like this, when we encourage to work together. I will address this to council because I don't like this separation, we should work together. There were no further inquires on Mrs. Steward's report.

Development Department Report – Francisco Carr

Development office continues to accept applications and as of 7/31/17 there are 52 applicants on the rehabilitation waiting list (under 80% AMI), 6 on the modernization waiting list (under 80% AMI) and 13 on the rehabilitation waiting list (over 80% AMI). Three (3) recertification letters were sent out, and all have been received back and remain on the waiting list. Acomita Sewer Main Extension Project: As of July 31st, TRC has installed approximately 12,500 linear feet of HDPE pipe. TRC has conducted 7 hydrostatic tests and all have passed. A hydrostatic test consists of basically pressuring the line by pumping water into the lines. It is tested at a minimum of 1 hour at 150 psi and it must stay at 150 psi for 1 hour. Another part of this project is the purchase of a vactor truck and what this truck is basically a large snake and is up to 500 ft. long. We did put it out for bid and the price for the truck is approximately \$275,000. PAHA will pay 85% and POA Utility Authority will pay the other 15%. Under the guidelines with IHBG we cannot pay for the total amount. PAHA LIHTC Limited Partnership #1: (Slide show was presented to show project progress.) Pending Projects: 2017 Modernization (3 Homes), 2017 IHBG Rehabilitation (15 Homes) and 2016 ICDBG New Home Construction (4 Homes). Maintenance Dept.: As of 7/31/17 there are 17 open work orders. Trainings/Meetings: Chico and Wayne attended the Uniform Physical Conditions Standards (UPCS) training on July 18-19, 2017 in Kansas City, MO. Trip reports were provided. Development Manager and Project Manager met with Pavilion Construction, Travois, Tetra Tech and GTG Consultants on July 25th and on July 18th met with POA Utility Authority, IHS and TRC Construction. Meetings are progress meetings for the LIHTC project and sewer main extension. Furthermore, Mr. Riley Jim submitted retirement on July 17th. PAHA advertised maintenance position and received 8 applications. Interviews will be scheduled soon. As mentioned we do have two vacant units and remediation work has to be done on the units. Remediation is not cheap and along with that there is some extensive work that has to be done to the units. Appliances will be replaced, along with other fixtures. There were no inquires on Mr. Carr's report.

Executive Director Report – Floyd Tortalita

Federal Fiscal Year (FFY) 2017 Indian Housing Block Grant (IHBG) Program: PAHA was informed by HUD and SWONAP that funds are available for the FFY 2017 Indian Housing Plan (IHP). PAHA's final funding allocation for

FFY 2017 is \$1,085,451. Documents were signed and sent back to HUD. FY 2018 Formula Response Form Delay and New Deadline to Nov. 6, 2017: Due to delays in appropriations for FY 2017, the FY 2018 IHBG Formula Response Form could not be accurately prepared by June 1st. Therefore, the FY 2018 Formula Response Form deadline has been extended to November 6, 2017. Last year NAHASDA was awarded \$650 million this year it is \$600 million, so there is a \$50 million cut there. So, there is a possibility PAHA may get less than a million dollars next year. President Trump is proposing to slash a lot of programs, such as Section 184, ICDBG, Technical & Training Assistance, USDA, IHS and VA. Will it go through probably not, because it will be challenged. U.S. House of Representatives Housing and Insurance Subcommittee Field Hearing Entitled "NAHASDA: 20 Years On": On July 21st the Subcommittee on Housing and Insurance held a hearing entitled "NAHASDA:20 Years On," at the LAC Courte Oreilles Ojibwe School in Hayward, Wisconsin. The hearing focused on Federal housing programs that affect housing for Native American communities and reservations. Witnesses were invited to address the efficacy of these programs. There were six witnesses invited and Mr. Tortalita was one of those witnesses. His written testimony was attached. Oversight Hearing on "Comparing 21st Century Trust Land Acquisition with the Intent of the 73rd Congress": On July 13, 2017, the House Natural Resources Indian Affairs Subcommittee held a hearing titled "Comparing 21st Century Trust Land Acquisition with the Intent of the 73rd Congress in Section 5 of the Indian Reorganization Act." Most land taken into trust for tribes is done so pursuant to Section 5. One witness Don Mitchell, an attorney from Anchorage, AL stated that, "Section 5 of the IRA is an unconstitutional delegation of authority to an executive branch agency." Saying that our funding was unconstitutional, that we should not be receiving funding. In contrast, four members of Congress, on a bi-partisan basis, wrote President Trump to explain why NAHASDA and similar legislation directed on behalf of Indian tribes, is inconsistent with the U.S. Constitution and longstanding legal precedent. This letter was written in response to the President's signing statement on the FY 2017 budget, which implied that NAHASDA (and perhaps other Federal Indian laws) was unconstitutional. Pueblo of Acoma Residential Leasehold: On June 21st the Antelope Clan, PAHA and Tribal Administration meet to discuss remaining issues with the Pueblo of Acoma Residential Leasehold (RLH). Denise Zuni, PAHA's legal counsel was present at meeting and addressed questions and concerns the Antelope Clan have regarding the RLH. The consensus of the group is to use the 2010 version of the RLH. We talked about why need it. Then they brought tradition up and how only women can have land assignments. However, there are men who land assignments that the Antelope clan have given or that have inherited. So maybe that is something that may have to change. There is always going to be that change to adapt to what we need today. The next meeting has been scheduled for August 29th. There were no inquires on Mr. Tortalita's report.

9. Announcements & Schedule September 2017 Meeting:

Next scheduled BOC meeting will be held on Tuesday, September 12, 2017 at 5:30 p.m. – PAHA Conference Room.

10. Adjournment:

Meeting adjourned @ 10:05 p.m., motion made by Commissioner, A. Estevan, seconded by Vice-Chair, P. Ortiz.
Motion carried.

Respectfully submitted



Krystal Vallo,
Transcribing Secretary



**Board of Commissioners Special Meeting
10:00 a.m., Telephone Conference Call
September 14, 2017**

1. **Call to Order:** 10:10 a.m.

2. **Roll Call:** **PRESENT:** Chairwoman, Robin Cruz; Vice-President, Patrick Ortiz; Commissioner, 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; **ABSENT:** Tribal Councilman, Ernest Vallo, Sr.; Tribal Interpreter, Elliott Sanchez, Jr, and Commissioners, Damian Garcia and Ezilda Paytiamio.

3. **Approval of September 14, 2017 Agenda:**

Chairwoman, R. Cruz motioned to approve 9/14/17 Agenda. Motion carried.

Opening Remarks: We do have a quorum. We have one item on the agenda and that is the purchase of a vactor truck.

4. **New Business:**

a) Sewer Main Extension Project Purchase of a Vactor Truck – Francisco Carr, Development Manager
PAHA is requesting the purchase of a vactor truck from Pete's Equipment Repair, Inc. and this truck is vital to the sewer main extension project. The vactor truck has a 500-ft. line, which is basically a big snake on the truck. The vactor truck will be used to elevate any issues with the sewer system. PAHA did speak with Leticia Rodriguez, HUD Grant Specialist, about the purchase of the vactor truck. It was decided that since it will serve more of those over the 80% median income level, PAHA will pay 85% and POA Utility Authority will pay 15% and has been included in the resolution. **Robin:** How much is the overall cost of the vactor truck? **Response:** The overall cost is \$275,151.49. PAHA's portion is \$233,871.77. **Robin:** When I do my calculation, I come up with \$233,878.80. Please make sure the numbers are correct? Then on the sixth whereas on the first page I would like to see the invoice amount and it broken out to 85% and 15%. **Response:** Yes, I will make those changes and additions. **April:** Is this a new vehicle? **Response:** Yes, it will be a 2017 or 2018 and the model is 2103. **April:** May you include the model year and will this be out to rent to the tribe or? **Response:** As mentioned we spoke with Leticia Rodriguez with HUD, on how we could purchase this truck for them. Again, this vehicle is part of the project, it is included in the budgeted amount of one million. So, the tribe had to make sure that the purchase of this truck and the construction of this project had to be within the one million dollars. When we did speak with HUD about purchasing the truck, because we are not going to be the ones maintaining the vehicle or having the vehicle on site. It is there to administer the clean out for the full community we could only justify 85% of the use going directly to low income families. Therefore, the tribe must pay 15%, but it has already been figured in the one million dollars. But because the purchase is over \$150,000.00 we have to come to the Board to make a purchase of over \$150,000.00. **April:** Can you briefly explain what this truck does? **Response:** What it does is it is there to maintain the sewer main extension, when taking the sewage from the lagoons to the treatment plant there are solids in there and if the lines get backed up the vactor truck will be there to clean it out. There are clean outs every 1,000-ft., so at every 1,000-ft. this can reach 500-ft. **Robin:** This resolution is a little misleading because we are not keeping this truck in the end. **Response:** It is our purchase, but in the end, we will not keep the truck. **Robin:** Please make those corrections and include that the equipment will be turned over to the tribe. **Response:** Yes, we will make those adjustments. There were no further inquiries. Resolution was read aloud.
Approving the Pueblo of Acoma Housing Authority to Enter into Agreement with Pete's Equipment Repair, Inc. to Purchase One (1) Model ear 2018 – 2103 Vactor Combination Single Engine Sewer Cleaner for the Acomita Sewer Main Extension Project on the Acoma Indian Reservation (Resolution No. PAHA-0914-2017-01) passed in a vote of 3 for and -0- against.

5. **Announcements & Schedule Next BOC Meeting:**

PAHA is proposing to combine September and October board meetings on September 26th at 5:30pm – PAHA Conference Room. All in favor.

6. Adjournment:

Meeting adjourned @ 10:30 a.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'K. Vallo'.

Krystal Vallo,
Transcribing Secretary