

**ACTION
MINUTES OF THE REGULAR BOARD MEETING
OF THE
HOUSING AUTHORITY OF THE COUNTY OF MONTEREY
HELD FERUARY 25, 2013**

Commissioners met at the Central Office. Chair Kevin Healy called the meeting to order at 5:00 p.m. Present: Chair Kevin Healy, Vice Chair Elizabeth Williams, and Commissioners Alan Styles (teleconference), Tom Espinoza, Charmaine Scott, and Kathy Beuthin. Commissioner Mary Jo Zenk arrived at the board meeting at 5:28 p.m. Legal Counsel Tom Griffin arrived at 5:06 p.m. Also Present: Jean Goebel, Executive Director, Lynn Santos, Director of Finance; Joni Ruelaz, Housing Programs Manager, Pat Wyatt, Human Resources Manager; Shannon Tonkin, Housing Management Manager; and Starla Warren, Fee-for-Service Director of Development. Recorder: Sandra Kandell.

COMMENTS FROM THE PUBLIC: None

PRESENTATIONS

- A. Chair Healy announced a service award for Diana Ruiz for 15 years of loyal service. Ms. Ruiz was not present at the Board meeting. The Board congratulated and thanked Ms. Ruiz for her years of service.
- B. Vice Chair Williams presented Commissioner Healy with the NAHRO's Professional Development Program – Commissioners Fundamentals, Certificate of Completion.

CONSENT AGENDA

- A. Minutes – Approval of Minutes of the Regular Board Meeting held January 28, 2013

Upon motion by Commissioner Williams, seconded by Commissioner Espinoza, the Board approved the Consent Agenda. Motion carried with the following roll-call vote:

AYES:	Healy, Williams, Styles, Espinoza, Scott, Beuthin
NOES:	None
ABSENT:	Zenk

REPORTS OF COMMITTEES

Personnel Committee: Commissioner Styles reported the meeting convened, all items from this committee are on the Agenda, and that they had a very good discussion on the Family Self Sufficiency Program.

Finance/Development Committee: Commissioner Espinoza reported the meeting convened, all items from this committee were on the Agenda, and that a lot of time was spent on Ms. Santos' report as part of that discussion and everything we discussed is on the Agenda tonight.

Monterey County Housing, Inc.: Mr. Rose reported the meeting last night was postponed but there is a 5:30 meeting scheduled for February 27, 2013 at the HDC office.

Monterey County Housing Development Corporation and LP's: Ms. Warren reported all these entities are on the HDC agenda and four more entities will need to be added to this report.

REPORT OF SECRETARY

- A. Executive Report

Ms. Goebel reported on the Ending Family and Youth Homelessness Conference that she and Ms. Ruelaz attended in Seattle, Washington. She stated that there would be a lot of new regulations from HUD coming down the pike and that HUD's view is for housing agencies to spend more money on homeless programs. She further stated that she will be passing on this information to her Continuum of Care group in hopes that it will be beneficial for the County in continuing to receive the \$1.4 million from HUD of which HACM receives about \$500K for the Pueblo Del Mar and Shelter Plus Care programs.

NEW BUSINESS

A. Minutes of the HACM Meetings.

Commissioner Healy introduced this item due to a discussion that occurred at the Nashville NAHRO Conference. He stated the purpose of this discussion was to see how we currently capture the HACM minutes, what HACM's rules are with respect to capturing the minutes, and what similar agencies were doing to see if there might be an opportunity for HACM to be more efficient in terms of capturing the minutes.

Mr. Griffin reported further on this subject as requested by Commissioner Healy and passed out information regarding rules and regulations. He stated the HACM Bylaws only mention the voting process with respect to resolutions. As to state statutes for meeting minutes, there are only rules specific to emergency meetings and closed session item meeting minutes. Therefore, Mr. Griffin states the HACM Bylaws are the only controlling document as to our meeting minutes. Mr. Griffin passed out examples of other agency minutes and stated Norfolk, Glendale, Sacramento County and Marin County minutes all appeared to be action minutes, who was present at the meeting, resolutions and who voted, whereas, Los Angeles County meeting minutes were more consistent with the HACM's. He reported that there is a very broad spectrum of how Boards want their minutes. Mr. Griffin spoke with other public agency attorneys. Boards must decide how they want their minutes and stated there might be two ways to direct: efficiency versus historical information that you may want two (2) years from now or five (5) years from now for a newer Board member.

Mr. Griffin additionally reported that from a litigation standpoint, it is helpful to show that a Board considered various issues then made a decision because then the Board would receive some of the immunities that apply to the exercise of discretion as a governmental decision maker. But noted it is inherent in any decision and is probably assumed.

Mr. Griffin advised the Board to give more direction to the clerk of how they want board minutes to read and to include what they want to read in the board minutes; i.e., under-inclusion versus over-inclusion. He suggested the clerk could be given guidance in the nature of a process where the clerk would receive feedback over time by the Executive Director and Board so that the Board can achieve a final conclusion as to the preparation of the minutes.

Commissioner Espinoza reported that he was at the Nashville NAHRO Conference and referenced discussions with HUD and other attorneys about meeting minutes. The discussion was with respect to retention and archiving and he reported that there is no requirement with respect to recording or retaining audiotapes. He reported that the recordings are specifically for the clerk's benefit of preparing the minutes. Commissioner Espinoza suggested that once the minutes have been typed, the tapes could be destroyed after a retention period of 60 – 90 days. Commissioner Espinoza explained this made sense from an efficiency standpoint as well as a productivity standpoint. He asked the Executive Director for any comments she would have as to this subject. Commissioner Espinoza felt it would be appropriate to make a motion tonight for direction.

Ms. Goebel stated that there is a lot of time spent on board meeting minutes from the clerk drafting to staff reviewing, content, and finalizing. She stated she believed there was a lot of information in the Board minutes that may be unnecessary. She estimated 50% of the Board Clerk's time was spent on Board meeting and Committee meeting minutes.

Commissioner Espinoza asked if Ms. Goebel knew if the clerk spent time going back to the audiotape to try to produce more detail for the minutes. Ms. Goebel replied that the clerk types verbatim notes from the audiotapes and then prepares the shorter version for the approval by the Board.

Commissioner Scott commented that it was good to have someone in charge of that function, but suggested digital files can be a much more efficient way of dictation and that there is software available for that purpose.

Commissioner Espinoza questioned if there is a requirement for written notes. Ms. Goebel replied that HUD requires a record of written minutes with signatures of approval on our

website. HUD has viewed these procedures in past audits. She stated that clearly it is vital to have written records of minutes. The question is how much the Board wants in the minutes.

Commissioner Williams stated she believed more is better than less and used the example that during a conflict in the past, the Board was able to refer back to the notes for specific detail and clarification. She would like to keep the minutes as they are presently being transcribed with both the transcription and audiotapes readily available should there be a need in the future to refer back to them.

Ms. Goebel confirmed that once the transcription of action minutes are finalized by the Board, the clerk destroys any verbatim draft.

Commissioner Healy asked if once the Board ratifies the minutes if the tapes are then destroyed to which Ms. Goebel replied that she did not know.

Commissioner Espinoza clarified that the clerk transcribes the meeting verbatim and uses that draft to prepare her action minutes and then once the Board ratifies the meeting minutes, she then destroys the verbatim transcript but unsure as to the retention of the audiotapes. Commissioner Espinoza said that part of the issue is having all of this information available for FOIA requests.

Commissioner Styles stated there is an issue of the transcribing from tape and then the deciphering of those and final minutes approved by staff and the Board.

Commissioner Espinoza stated he is looking at it from a record retention standpoint and what has to be produced or not produced as a result of a FOIA request. He stated that pursuant to his meeting at Nashville NAHRO, and the general consensus of the people at that meeting, it is not unreasonable to destroy digital files and drafts after 60-90 days.

Commissioner Williams stated that it seemed to her that this was already being done, to which Ms. Goebel did not agree and mentioned the boxes of tapes in storage that cannot be destroyed without a policy and direction from the Board. Commissioner Williams restated that the past has called for going back to the minutes. She stated that she does not object to the destruction of the audiotapes and drafts once the board minutes have been approved, but would like the minutes to be prepared as they are currently being prepared with more detail.

Commissioner Styles wondered if the process could be shortened but did not see a way that could happen.

Commissioner Beuthin agreed with Commissioner Scott in obtaining help with the transcription of the minutes with technology.

Commissioner Healy instructed Ms. Goebel to talk with the board clerk about establishing a new procedure to which Ms. Goebel stated the clerk was comfortable with her process of verbatim transcription.

Commissioner Espinoza stated that on other boards he has been a part of, the clerks make action minutes based on their notes – the minutes are as good as what are captured. He stated that he believes the recording should only be used as a clarification of the clerk's notes. The verbatim transcription seems a backward process and could be changed for better efficiency and productivity.

Commissioner Healy stated the most important thing is accurate capturing of what is required of the meeting minutes and second is efficiency.

Ms. Goebel concurred that it appears there are two issues the Board must give direction on: 1) record retention and 2) process (how long the minutes should be and what is in them).

Attorney Tom Griffin summarized that there are two separate issues before the Board and that it is appropriate for the Board to come back to the Executive Director on how long tapes should be saved, especially in light of past Freedom of Information Act requests (FOIA). Because the HACM's minutes are summarized, they can be inconsistent with the audiotapes and therefore there is no need to retain the audiotapes. He went on to state that software such as Dragon Speak

is not good for recording more than one person, and therefore it is not effective in this type of setting.

Commissioner Zenk arrived at the meeting at 5:28 and Commissioner Healy asked that the record reflect so.

Commissioner Styles wondered if there was other software aside from Dragon Speak for recording that would assist the clerk and mentioned the software on phones that allow you to create messages and send them without typing.

Commissioner Espinoza commented that in terms of retention it appeared to be a straight forward problem that we can solve.

Commissioner Healy asked if that would be an amendment to the Bylaws, to which Mr. Griffin stated there is no need to amend the bylaws since the bylaws do not govern the minutes and all that is needed is direction by the Board.

Commissioner Espinoza noted because no amendment to the bylaws is needed, the Board could make a motion with regard to record retention.

Commissioner Healy stated that a policy can be made tonight.

Commissioner Espinoza restated that meetings do not need to be recorded and therefore there is no rule or law pertaining to retention of audiotapes. He suggested moving for a 60 day destruction policy post ratification of the minutes.

Commissioner Williams stated she would second the motion.

Commissioner Healy asked Commissioner Styles if he heard the motion to which Commissioner Styles stated he did not. Commissioner Healy stated Commissioner Espinoza suggested 60 days post ratification of the minutes that the transcription notes and the audiotapes would be destroyed post ratification.

Commissioner Scott sought clarification as to Commissioner Espinoza's meaning of "destruction," and asked if he means that the only record that would remain would be the paper minutes, to which Commissioner Healy confirmed. She questioned why recordings would not be preserved.

Commissioner Espinoza clarified that that is not the issue. The written minutes are the official records versus the audiotapes which are considered non-official records. Non-official records have no bearing on these proceedings.

To query what if a FOIA comes in requesting past information, Commissioner Williams replied that HACM would go back to the paper minutes.

Ms. Goebel stated that if a FOIA came in and asked for all documents relating to those papers minutes, audiotapes and drafts would have to be produced as well unless they are no longer in our possession, which is the issue at hand here.

Commissioner Beuthin stated the minutes versus the tapes can cause inconsistency as stated earlier by legal counsel Mr. Griffin, stating we do not want two versions of same records.

Commissioner Espinoza restated that the issue is the minutes and the burden on the secretary to capture the salient points of the meeting accurately and that in making this change, the Board will have to take the review of the minutes more seriously when approving.

Commissioner Scott agrees that the Board must be more serious about approving the content of the meeting minutes but still believed it is simple to store the recordings.

Commissioner Espinoza believes the content should be in the meeting minutes as they are the official record and the content in the recordings is no longer valid once the paper minutes are ratified. In addition, there is a burden on the secretary when FOIA requests come in and having

various processes could become very problematic and time consuming to comply with.

Commissioner Healy asked the Executive Director to draft the policy that the recording the verbatim transcript used to generate the official meeting minutes be destroyed within 60 days.

Commissioner Williams asked about past tapes.

Attorney Tom Griffin stated that the Board would be able to direct that "with respect to past recordings, they can be destroyed and reused if necessary."

Commissioner Espinoza stated that within 60 days all can be destroyed. Reiterated again that this is a housekeeping issue as to savings and efficiency and thought it could be taken care of tonight.

Commissioner Beuthin asked if HACM had a policy on how long ratified meeting minutes are retained to which Ms. Goebel and Commissioner Williams declared forever. Commissioner Beuthin asked the policy be amended to state the ratified minutes be retained in perpetuity.

Commissioner Williams called for the question.

Commissioner Espinoza asked if the minutes were scanned and Ms. Goebel confirmed that they are scanned and located on our website. She also stated they are kept in official minute books.

Commissioner Healy wanted clarification that the motion needs amending and confirmed the suggestion of Commissioner Beuthin that the minutes be kept in perpetuity. Commissioner Williams stated she called for the question. Commissioner Healy noted that Commissioner Espinoza moved that the HACM Board adopt a policy relative to record retention of the minutes, that the minutes will be recorded and transcribed per the current process, but that those recordings and transcriptions be destroyed after 60 days post ratification of the minutes.

Commissioner Healy is reminded that a roll call vote must be taken. Ms. Goebel declared roll call:

Chair Kevin Healy voted yes, Vice Chair Elizabeth Williams voted yes, Commissioner Alan Styles voted yes, Commissioner Tom Espinoza voted yes, Commissioner Charmaine Scott abstained, Commissioner Kathy Beuthin voted yes, and Commissioner Mary Jo Zenk voted yes. Ms. Goebel declared the motion carried. Commissioner Healy declares the motion passed. He thanked everyone for the great discussion.

B. Committee Appointments

Commissioner Healy tabled this item to the next meeting.

INFORMATION

A. Finance Report

Ms. Santos reported that this was discussed at length at the Finance Committee. She stated HUD has approved funding for the Family Self Sufficiency Program. She also reported that the Accounting Assistant II position has been filled and that the person started today. She stated that the Office of Migrant Services (OMS) has found another management contractor to manage the Gilroy Migrant Center. Ms. Santos discussed the sequestration which could mean \$500,000 cuts to Admin for the Section 8 program, and potentially \$100,000 – 200,000 cut to public housing. She reported that HAP payments are a big unknown at this time but that HACM still has sufficient funding at this time. She discussed last year and how we were short funded but that there are no guarantees this year. She asked if the Board had any questions for her.

Commissioner Healy stated that he was glad to see that HACM will not be connected to the Gilroy Migrant Center. Ms. Goebel commented that the HACM asked specific questions of the OMS. OMS neither answered nor let the HACM know they were not chosen.

Commissioner Healy asked about discussions at the Finance Committee. Commissioner Espinoza asked Ms. Santos to discuss PV HAP Payment. Ms. Santos stated it is a direct contract

with HUD. There is a delay in subsidy from HUD because of their RFP for contractor administrators. HACM should be receiving subsidy in the next 60 days.

Commissioner Espinoza talked about PDM and Lakeview as an ongoing drain on reserves. He talked about Oak Park I monies that will go out to Oak Park II. He also discussed Plaza House and HACM's annual expenses towards that project of approximately \$12,000 noting the need to resolve that issue quickly. Finally, tours of the HACM/HDC properties were discussed. Commissioner Scott replied she would like to get out and see the properties soon. Commissioner Espinoza replied the tours are invaluable and would assist everyone greatly.

Commissioner Healy asked about the upcoming Help Loan payment and Ms. Santos replied that she and Ms. Warren were working together on the extension.

Commissioner Healy asked if anyone has further questions. Commissioner Zenk thanked Ms. Santos for the very thorough report. She asked for clarification with respect to the overhead on page 18. She stated she could not figure out which properties were impacting the occupancy. Ms. Santos replied that for occupancy they are doing fine but for HUD requirements you have to occupy at the first of the month. She explains that it is not just the properties but Section 8 as well. Commissioner Zenk asked what is actually impacting as of this report? Ms. Santos said she would look into that in more detail and report back.

B. Human Resources Report

Ms. Wyatt reported that she had nothing to add except that the Accounting Assistant II position had been filled and Ms. Heath started today.

Commissioner Healy inquired on the fifteen (15) workers compensation claims, asking if any of them would be closing. Ms. Wyatt replied that 1-2 were first aid and that they would go away soon but was not aware that any of the long term claims would be going away. Commissioner Zenk asked if the HACM was satisfied with the firm helping to close these claims to which Ms. Wyatt replied yes. The HACM was satisfied and stated that the firm was actively working on our claims. Ms. Wyatt also reported that she had total access to viewing the status of the claims online and that it is her belief that the firm assisting works to help close the ones they can. Commissioner Zenk asked who does the legal for the workers compensation claims and Ms. Wyatt stated that it is a firm hired by the HACM's compensation carrier. Mr. Griffin confirmed that his firm does not get involved except when they relate to employment issues that may overlap; he further stated that workers compensation cases generally take a long time. Commissioner Espinoza asked if the older cases were still open because of future medical expenses and noted that they now attempt to close off for future medical expenses. He stated that if the 1999 claim had future medical issues it would be hard to close. Ms. Wyatt confirmed that the 1999 claim does have future medical expenses.

C. Development Report

Ms. Warren reported she had something to add to her report regarding the Castroville scenario. Ms. Warren reported she was told not to apply until July for the 514/516 money by a USDA representative. Ms. Warren will apply for it at that time.

With regards to the MASH Track II money regarding solar installation, Ms. Warren reported they were awarded \$750,000 for youth funding, training purposes, solar jobs, training property managers, but it is on hold because HDC is awaiting information from PG&E. PG&E's main approach is that they want individual information which Ms. Warren is attempting to obtain. Ms. Warren reported she is trying to get PG&E to see a different point.

Commissioner Zenk asked what MASH Track stood for, which Ms. Warren replied Multi Family Affordable Solar Housing. Commissioner Zenk asked why PG&E was involved. Ms. Warren replied they are funding because it is state mandated via CPUC.

Commissioner Healy asked if there are any additional questions as to the MASH.

Ms. Warren reported that Portola Vista should be able to have final HUD inspection by mid to late March. HDC is in the process of putting in the infrastructure for the carports which will

support the solar structures. She reported this will include tearing out the parking structure but staff was able to get parking passes for the residents at no cost. Commissioner Williams asked if the covers will be like the ones at MCOE. Ms. Warren replied they were similar but these are much more tilted because it is smaller surface area.

Commissioner Zenk asked if we were still awaiting the lifting of the deed restrictions with respect to Plaza House. Ms. Warren reported that some of the process was completed but some was not. She stated that the City is hesitant because of the CDBG audit and HOME rules but that she was working with them regarding the definition. Commissioner Espinoza asked if attorney involvement might move the process along faster. Ms. Warren reported that Transaction Counsel Paul Renno and First American Title's Senior Title Officer are helping with the title work.

D. Property Management Report

Ms. Tonkin reported she did not have anything to add to her report. She gave the Board an update as to her recent Hearing Officer Training in Las Vegas. She also reported on the most recent incident that was heavily reported in the local media pertaining to one of our properties.

Commissioner Espinoza clarified that Ms. Tonkin and Ms. Ruelaz will be cross-trained to hear matters due to the Mediation Center's closing. Commissioner Healy questioned that the hearing officer would not be involved with matters under their own jurisdictions, and Ms. Goebel confirmed stating the HACM would have three hearing officers: Joni Ruelaz, once she has completed the training, Shannon Tonkin and Maria Medina and therefore all hearings could be covered so as not to cause any conflict of interest.

Commissioner Healy asked about the Caretaker open positions and the low receipt of applicants. Ms. Tonkin reported that ten (10) applications were received to which only five (5) could be considered. Ms. Wyatt confirmed the low number of applications.

E. Asset Management Report

Ms. Goebel reported she had nothing to add to her report. She reported that she included in her report a letter from Senator Feinstein in response to her letter on sequestration and the effect on the HACM. Ms. Goebel reported she also included a Fact Sheet on the sequestration cuts.

Commissioner Healy asked where we were at in terms of Fanoe. Ms. Warren reported they were going out with an RFP and noted it would be for some time in March.

Commissioner Healy reiterated his thanks to Ms. Ruelaz for her leadership in the reorganization of the Housing Programs Department.

F. Housing Programs Report

Ms. Ruelaz reported she was not present at the committee meeting but added that it was reported the FSS team had a great candidate and applied on his behalf for the PSWRC Tenant of the Year award. She stated they selected a CSUMB intern for one year and may have another intern from CSUMB beginning in the fall. She also reported that she had received the letter from HUD regarding sequestration and is happy to report that her department and the HACM as a whole have been working already to stay ahead of the game.

Commissioner Zenk asked Ms. Ruelaz if the HACM should be tracking the utilization from year to date. Ms. Ruelaz replied they have a separate utilization report for calendar year. Commissioner Zenk stated that it may be helpful to have a cumulative number on her report such as the other reports. Ms. Goebel advised that SEMAP is now graded on a calendar year basis and no longer on a fiscal year. Commissioner Zenk suggested including the cumulative numbers and believed it would be helpful to the Board.

The Board convened to Closed Session at 6:14 p.m.

CLOSED SESSION

The Board of Commissioners met in Closed Session for the following purposes and reasons:

A. Government Section 54957.6: CONFERENCE WITH LABOR
NEGOTIATORS AGENCY DESIGNATED REPRESENTATIVES: Lynn Santos,
Pat Wyatt, Joni Ruelaz, and Jean Goebel
EMPLOYEE ORGANIZATION: Service Employees International Union 521
ACTION: No action taken.

B. Government Code Section 54956.9: POTENTIAL LITIGATION (2)
ACTION: No action taken.

The Board reconvened to regular session at 6:45 p.m.

COMMISSIONER COMMENTS

Commissioner Styles thanked the staff for their good work and also thanked them for hanging in there.

Commissioner Espinoza welcomed the new commissioners, including Commissioner Scott. He commented that it was nice to finally have a full board.

Commissioner Williams welcomed the new members and thanked the staff for keeping the Board well-informed.

Commissioner Scott thanked everyone and also thanked Ms. Santos for the new Acronyms. She stated a welcome to the new board members.

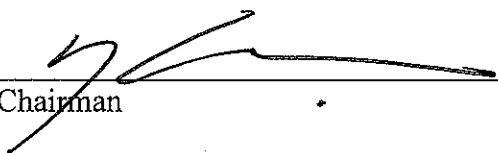
Commissioner Beuthin thanked everyone for the welcomes and for their patience in her learning curve.

Commissioner Zenk thanked the Staff for the hard work and acknowledged that the packets were very informative. She apologized again for her tardiness and noted there would only be three (3) more months of class.


Commissioner Healy welcomed the two (2) new members. He thanked Staff for their hard work and thanked everyone for the very good discussion as to the meeting minutes. He reminded those Board members coming up for renewal to let their Supervisors know if they are still interested in being on the Board as well as to make sure everyone gets their Form 700s to Clerks Ms. Tebbs and Ms. Nguyen. Commissioner Healy stated that he would like to get the Acronym Lists to the new Commissioners.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 6:50 p.m.


Chairman

ATTEST:


Secretary

3-28-2013
Date