Commissioners met at the Central Office. The meeting was called to order by Chair Alan Styles at 6:03 p.m. Present: Chair Alan Styles, Vice Chair Lyn Ann Rosen, and Commissioners: Mike Nichols, Josh Stewart, Tim Escamilla (arrived at 6:09 p.m.), and Carol Schneider. Absent: Commissioner York Gin. Also Present: Jim Nakashima, Executive Director; Mary Jo Zenk, Deputy Executive Director/Chief Financial Officer; Barry Phillips, Chief Administrative Officer; Starla Warren, Director of Housing Development; Lynn Santos, Finance Manager, Cathy Webster, Supervisor Section 8, Sandra Reeder, Senior Community Development Planner, and Attorney Cheryl Ontiveros. Recorder: Sandy Tebbs

PRESENTATIONS

A. Presentation of Resolution 2144 - Resolution of Commendation. Chair Styles and Executive Director Jim Nakashima presented Resolution 2144, Resolution of Commendation, to Sandra Reeder, who was departing the Housing Authority to take a position with the City of Monterey. The Board thanked Ms. Reeder for her dedicated service to the Housing Authority. Ms. Reeder thanked the Board for honoring her with the resolution.

Commissioner Escamilla arrived at 6:09 p.m.

B. Attorney Cheryl Ontiveros presented a review of the Ralph M. Brown Act. Attorney Ontiveros reminded the Board that the Brown Act is the statute that governs the Board of Commissioners meetings and in other States may be referred to as the Sunshine Act. The purpose of the Brown Act is to cause legislative bodies to conduct meetings in the open. It is considered a meeting anytime there is a quorum of Board members present and an issue is being discussed between those Board members. She cautioned the Board NOT to discuss specific issues amongst themselves UNLESS they are in session. A Retreat is also considered a meeting by the Brown Act and any issues to be acted upon MUST be agendized. Attorney Ontiveros suggested the Retreat be tape recorded but the Clerk to the Board did not need to be in attendance if the Clerk was not otherwise needed. The Retreat should provide good open discussions amongst the Board members if the agenda item is generalized and no vote is to take place. All meeting agendas should be posted 72 hours prior to a scheduled meeting in accordance with the Brown Act.

The Brown Act does provide for certain confidential issues such as real property negations, pending or anticipated litigation, liability, public employment, and conference with labor negotiators to be discussed in Closed Session. If in doubt about whether an issue falls under Closed Session, check with the Attorney. Ms. Ontiveros emphasized any Closed Session is a CONFIDENTIAL meeting and it is absolutely essential that anyone in that Closed Session NOT discuss that issue outside of that session with anyone. Disclosing confidential information could result in damages which could lead to a lawsuit.

Teleconferencing is a change to the Brown Act that has strict rules. If teleconferencing a meeting, a quorum of the Board members need to be in the boundaries of Monterey County. An agenda must be posted at the regular locations as well as at the teleconference site. The teleconference location is also added to the agenda and the public has the same right to attend the meeting at the teleconference site that the public has at a regular meeting. The public has the right to attend a meeting, to tape record the meeting if they desire, and to get a copy of the minutes and/or recording of that meeting.

To Board queries, Attorney Ontiveros cautioned the Board to be very careful about emailing other Board members because that could lead to a quorum and create a serial meeting which is against the law. At social gatherings Board members should not discuss anything related to the Housing Authority; she further cautioned against small social gatherings of Board members because it looks suspiciously like a meeting. Attorney Ontiveros further recommended Board members attending conferences should be careful about not discussing issues particular to this Housing Authority or creating a quorum when attending conference sessions. She suggested only one or two Commissioners attend meetings or conferences together.
The Board thanked Attorney Ontiveros for her review of the Brown Act. Attorney Ontiveros departed at 6:35 p.m.

COMMENTS FROM THE PUBLIC: None.

CONSENT AGENDA:

A. Minutes--Approval of Minutes of the Regular Board Meeting held June 24, 2002

B. Exception payment standards

Upon motion by Commissioner Nichols, seconded by Commissioner Schneider, the Board approved the Consent Agenda. Motion carried with the following vote:

AYES: Styles, Rosen, Nichols, Stewart, Escamilla, Schneider
NOES: None
ABSENT: Gin

REPORTS OF COMMITTEES

Finance/Development Committee
Personnel Committee
Monterey County Housing, Inc.
Affordable Acquisitions

There was nothing to report.

REPORT OF SECRETARY

A. Executive Report: Mr. Nakashima reported that he received a phone call from the RCI team that indicated Congressman Farr and Hobson had apparently filed a protest to the RCI process because of the comments against the Housing Authority; the Housing Authority was considered an asset in Phase I and a weakness in Phase II by the same voting team. The two star general assigned to report from the Baltimore region will appear before the Military Housing Appropriations Committee to justify the negative comments about the Housing Authority in the RCI process.

Mr. Nakashima further stated for the record that the Housing Authority had been called an hour before Congressman Farr's meeting at FORA and that all the nonprofits had been called about the meeting but the Housing Authority was the only nonprofit that attended. The Housing Authority did NOT know about Congressman Farr's announcement of stopping all land transfers in order to get affordable housing, but after that announcement it was apparent that some of the County Supervisors and city officials thought the Housing Authority had been involved with that decision. Mr. Nakashima emphasized that he wanted on record that the Housing Authority did nothing to influence Congressman Farr's decision; that the decision regarding FORA was made by Congressman Farr and his staff based on the situation that the appropriations committee had given more money for this base closure than any of the other bases and had been asking FORA for a reasonable solution to affordable housing without a reasonable response by FORA. Congressman Farr was being pressured by the Military Housing Appropriations Committee; therefore, Congressman Farr had no choice but to do what he did. Mr. Nakashima stated he was asked whether he supports the Congressman's decision and he stated he supports any action that supports affordable housing since it is the mission statement for the Housing Authority.

OLD BUSINESS

A. Departmental Cost Allocation--For Information Only. A lengthy discussion ensued regarding the methodology of allocations. Commissioner Escamilla noted he was uncomfortable with the allocation process in relation to Rippling River but agreed with the maximizing of the money that the federal government provides and to retain as much as possible. He further explained the bottom line number does not change but allocations are shifted from program to program. Chair Styles stated the
Board would be able to address the allocations at the mid-year review of the budget as well as at the time of the budget submission. No action required.

The Board moved the Closed Session forward. The Board convened to Closed Session at 7:20 p.m.

CLOSED SESSION

The Board of Commissioners met in Closed Session for the following purpose and reason:

A. With respect to every item to be discussed in Closed Session pursuant to Government Code Section 54956.8: Conference with Real Property Negotiator

ACTION: No action was taken.

The Board reconvened to Regular Session at 8:58 p.m.

NEW BUSINESS

A. Classification and Compensation Study Update

Upon motion by Commissioner Nichols, seconded by Commissioner Stewart, the Board approved the revised timelines of the Classification and Compensation Study for bargaining unit positions. The Board requested each Commissioner be provided a copy of the study when it is received by the Housing Authority. Staff cautioned that the Commissioners should not discuss the study amongst themselves. Motion carried with the following vote:

AYES: Styles, Rosen, Nichols, Stewart, Escamilla, Schneider
NOES: None
ABSENT: Gin

B. Resolution 2142 - Construction Contract Administration Policy

Upon motion by Commissioner Rosen, seconded by Commissioner Nichols, the Board adopted Resolution 2142 - Construction Contract Administration Policy. Motion carried with the following vote:

AYES: Styles, Rosen, Nichols, Stewart, Escamilla, Schneider
NOES: None
ABSENT: Gin

C. Resolution 2143 - Annual Submittal of Section 8 Management Assessment Program (SEMAP)

Mr. Nakashima noted for the record that Ms. Webster and her staff did an outstanding job getting the lease-up score from the low 80’s into the 90’s.

Upon motion by Commissioner Escamilla, seconded by Commissioner Stewart, the Board adopted Resolution 2143 - Annual Submittal of Section 8 Management Assessment Program (SEMAP) and authorized the Executive Director to make the annual submittal to HUD. Motion carried with the following vote:

AYES: Styles, Rosen, Nichols, Stewart, Escamilla, Schneider
NOES: None
ABSENT: Gin

INFORMATION

A. Administrative Report and Summary of Actions for June/July 2002

B. Status Report: May 2002 Financial Statements and June 2002 Disbursements

C. Status Reports: Monthly Development Report
D. Housing Management Report

E. Eligibility/Section 8 Reports

F. Property Management Services for Private Owners

There were no changes to the information items. Ms. Zenk noted the name of Jardines Del Monte (Del Monte Gardens) would be submitted to the MCHI Board in August as the name for 1253 Del Monte. The opening date for 1253 Del Monte will be mid-September.

COMMISSIONER COMMENTS

Commissioner Schneider commented the Appreciation Day went really well; the Departments did a good job of presenting what their department did. Some presentations were skits and some were visuals. The skits and visuals were well done; the visuals were cute and went over very well with the employees. Commissioner Schneider stated she really enjoyed presenting the service year pins and certificates. She felt that everyone really enjoyed themselves.

Commissioner Rosen asked when do the Commissioners get their service pins.

Mr. Nakashima thanked Commissioner Stewart for also attending the Appreciation Day.

Commissioner Styles stated he was sorry he was unable to attend the Appreciation Day. He thanked Commissioners Stewart and Schneider for their attendance at the Appreciation Day.

Commissioner Styles reminded that the August Board meeting would be held at Rippling River.

CLOSED SESSION

This Closed Session item was previously considered after Old Business.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 9:12 p.m.