

Coos-Curry Housing Authority
Annual Board Meeting

M I N U T E S

April 22, 2015
North Bend City / Coos-Curry Housing Authorities Main Office
1700 Monroe St
North Bend OR 97459

Attendance:

Coos- Curry Board Members: Bruce Newman, Chair; Mark Low, Vice-Chair; Joe Cook, Commissioner; Laura Beville, Commissioner, Karen Gilmartin, Commissioner and Patty Sanden, Commissioner

Absent: Kathleen Bunten, Commissioner

Staff: Ned Beman, Executive Director; Cheryl Slagle, Deputy Executive Director; Karen Dubisar, Accountant and Denise Russell, Assistant to Executive Director.

Others Present: None.

1. Call to Order: The meeting was called to order by Chair, Bruce Newman, at 4:00 p.m. Chair Newman welcomed Commissioner David Tilton back to the Board. Commissioner Tilton will remain on the Board through June 30, 2015.
2. Establishment of a Quorum: A quorum for the Coos-Curry Housing Authority was established.
3. Residents and Citizens to be Heard: None.
4. Election of Officers: Two motions were made by the Board:

Commissioner Tilton made a motion to elect Vice-Chair Low to the position of Chair for the next year. Typically, the Officers rotate through Coos and Curry County by electing alternate county Board Members to the Chair and Vice-Chair seats.

Commissioner, Joe Cook (Commissioner, Karen Gilmartin 2nd) made a motion to keep the Chair Newman and Vice-Chair Low in their current seats because of the ongoing negotiations between Coos-Curry Housing Authority and North Bend City Housing Authority on organizational structuring. Chair Newman stated that the only way he would be comfortable with this motion is if Vice-Chair Low is okay with the arrangement. Commissioner Tilton noted that his nomination would die as long as there was no second. Vice-Chair Low has done a fine job as Vice Chair, and Chair Newman certainly agreed with Commissioner Tilton's assessment. It was suggested that Vice-Chair Low should be put in as Chair at next year's election of Officers. Commissioner Cook noted that the Board shouldn't pre-elect for the following year's election, but noted that Vice-Chair Low should be considered at the next election for the Chair's office.

Commissioner Low stated that he was fine with the Chair's office going to Mr. Newman for this election cycle, and understood the reasons why. The motion passed unanimously.

Approval of Minutes: Vice-Chair, Mark Low (Commissioner, Laura Beville 2nd) made a motion to accept the minutes of the January 28, 2015, Board Meeting as presented. The motion passed unanimously with no discussion.

Resolution No. 616: Cancellation of Regular Board Meeting, May 27, 2015: Chair Newman asked for a motion to cancel the regularly scheduled May Board Meeting. Commissioner Tilton stated that he felt it was too premature to cancel the May meeting with the organizational restructuring going on between the Housing Authorities. Commissioner Tilton felt that it would be best to wait until a week or two prior to the next Board meeting to make the decision to cancel the next meeting.

Chair Newman noted that there would be a joint Work Session scheduled for May 12, for both Boards to meet and discuss a draft version of the Executive Director's contract and the HUD options available to the Agencies for discussion with the North Bend Housing Authority.

A motion was made by Commissioner, Laura Beville (Commissioner, Joe Cook 2nd) to cancel the May 27, 2015, Regular Board Meeting. The motion passed unanimously.

Executive Director Contract Discussion: The Board was given a draft copy of the Executive Director's contract to look at and see if there are general changes that the Board would like to make to it before the new E.D. hire takes place. Chair Newman thinks that this version is best to use for the draft contract because it is one that has the latest changes made by Housing Authority Attorney.

Commissioner Tilton noted, other than the dates and the negotiable salary, it looks like a good contract. A person with 10 to 15 years of experience as an Executive Director is worth more than an in-house hire. Executive Director Beman stated regardless of the suggested changes by the NBCHA and CCHA Boards at the Work Session, the contract will still only be a draft pending the final negotiation with the new hire, and the Housing Authorities' Boards will give final approval once they have a new hire and a negotiated contract.

Discussion of Provision 16 and 17 of the Section 8 Administrative Plan: Commissioner Tilton, thanked the Assistant to the E.D. for including Sections 16 and 17 of the Section 8 Administrative Plan in the Board Packet as requested by a previous email.

Commissioner Tilton proposed to the Board that the informal hearings officer be a member of the Oregon State Bar because Section 8 regulations can be confusing, and that an attorney is better equipped to interpret the regulations. Commissioner Tilton does not believe that it would be too expensive to have an attorney represent the HA during the informal hearings. Commissioner Tilton has had experience as a hearings officer for the City of Coos Bay, during which time he attended hearings to determine whether or not the City of Coos Bay should have charged an individual for towing a vehicle within the city limits. Usually, he determined that the City was within their rights to have towed the vehicle. There were only a couple of instances where he determined that there should not be a charge to the individual. As the hearings officer, Commissioner Tilton received \$100 per hearing. Perhaps the Housing Authority Attorney could provide this service for informal hearings. Commissioner Tilton did note that clients might not view this as an impartial party.

Commissioner Tilton stated that he has personal experience, representing an individual in Circuit Court who received a notice of termination from the Housing Authority prior to the court case being closed/decided. Commissioner Tilton attended the meeting with his client, and noted that informal hearings officer was interested in doing the right thing and suggested waiting until the case was decided to make any decision.

Commissioner Tilton's client wasn't allowed to see the documents presented at the hearing unless he paid for the copies. Commissioner Tilton believes that the flow of information should be a two way street between the HA and the family/the family and the HA. There should not be a cost to the client because they have low/ very low income and already have trouble meeting their own needs. It is not a situation that happens often.

Commissioner Tilton is proposing as part of this discussion, revisions to the Administrative Plan that include changes to the Discovery portion of the Plan:

- a. The family will be ~~given the opportunity to examine~~ **provided at least 48 hours** before the hearing any

COOS-CURRY Housing Authority documents that are directly relevant to the hearing. ~~The family will be allowed to copy any such document at the family's expense.~~ If the COOS-CURRY Housing Authority does not make the document(s) available for examination on request of the family, the COOS-CURRY Housing Authority may not rely on the documents at the hearing.

- b. The COOS-CURRY Housing Authority will ~~be given the opportunity to examine, at the~~ **provided to the** COOS-CURRY Housing Authority's offices **at least 48 hours** before the hearing, any family documents that are directly relevant to the hearing....

Commissioner Tilton stated that he was not married to the suggested timeframe, and that it could just as well be 72 hours or 24 hours.

The only other change I am proposing at Provision 17.0(A)(2)(c) which is set forth at page no. 117.

- c. The owner may only evict the participant by instituting court action after or simultaneously providing written notice to the participant specifying the grounds for termination. The owner must give the COOS-CURRY Housing Authority a copy of any owner eviction notice to the participant at the same time that the owner gives the notice to the participant. **If the participant prevails in the court action the lease and contract will not terminate.**

After Commissioner Tilton's presentation, Chair Newman, asked if the staff had any input on the suggestions or concerns with the suggestions. Deputy Executive Director Slagle explained that the federal regulation states that the copies are at the family's expense, and that the clients are given the opportunity to examine the documents in the Housing Authority's file; however, providing copies to them is not required. Chair Newman stated that electronic copies could be provided at no charge, which was confirmed by D.E.D. Slagle. The Housing Authority is complying with the mandates of the regulation.

D.E.D. Slagle also checked with several neighboring Housing Authorities and found that the Klamath Housing Authority charges \$0.25 per page; the Housing Authority of Douglas County charges \$1.00 for the first letter sized page and \$0.25 for each additional page or \$0.35 for a double sided page and \$1.00 for larger pages; the Housing And Community Services Agency of Lane County, formerly Lane County Housing Authority, charges \$5.00 for employee's time and \$0.05 per page at minimum.

Chair Neman stated that he likes the charge for paper copies, and is not opposed to leaving the Administrative Plan as it is. The individual has the option to attain an electronic copy for free. Commissioner Gilmartin agrees with the Chair.

Commissioner Tilton noted that he is concerned with the ramifications to the individual that may lose housing assistance. Just because other entities charge for the copies, does not mean that CCHA should charge those individuals that we serve that are poor or very poor for copies.

Commissioner Cook noted that twenty years ago when copies were \$0.02 per page, there was still this argument on whether or not to charge the client for copies. He wondered how many times has the HA charged for copies, in particular how much was this family charged for copies. Commissioner Tilton was unsure exactly how much his client had to pay – approximately \$5.00.

Commissioner Tilton stated the hearings are very rare, and that he only participated as a witness because it was prior to the court date and he was the Chair of the Commission at the time of the hearing.

Commissioner Cook noted that HUD will likely have issues with a member of the Bar participating as a hearings officer.

Chair Newman feels that a member of the Bar will not necessarily have any knowledge of HUDs Section 8 regulations.

It would be better to train the staff on the regulations for Section 8, and the differences between applicants and tenant regulations.

Commissioner Tilton asked if staff would have any problems with the verbiage being added that specifically states: If the participant prevails in the court action the lease and contract will not terminate. Chair Newman noted that the current way that it is written, it is already implied. It would just make it clearer.

Commissioner Cook stated to change the Administrative Plan that it has to go through a process, which includes running the suggestion through the HA's Attorney, voting of the Board on the draft that is returned, and then there would need to be a 30-day comment period on the suggested changes. It is not as easy as just adopting a change.

Commissioner Sanden wondered if the fees could be waived for a hardship case or if it would need to be part of the Administrative Plan. This is not a good idea in that the regulation and the Admin Plan states that copies are done at the family's expense.

Commissioner Low thanked Commissioner Tilton for looking in to the situation and for bringing the subject to the Board. Chair Newman thanked Commissioner Tilton for his advocacy.

HUD Letter Regarding Substandard Management Discussion: E.D. Beman reported to the Board that last year there were two Port Orford units that each took over 40 days to lease. The occupancy rate is a percentage of the number of units and the days to fill the units. There is no consideration given to where the units are located, metro or rural and the services that the location has. Because of the occupancy rating, 10 points are removed from the Capital Funds, which has a direct impact on the funding received. HUD views occupancy rates as an indicator of what the units condition is, and long delays in leasing a unit must mean that there is something wrong with the unit. Never mind that the REAC score proves otherwise for the units in Port Orford.

HUD's suggestions included moving the units to either Gold Beach or Brookings. This is not a feasible option because you can neither move the physical units or sell and build new units in a better location due to the market value of the units not being enough to complete such a project. In addition, to build new housing in either Gold Beach or Brookings would mean hiring a full time staff that would include property manager and maintenance staff because of the amount of time it would take to drive from the home office to support the units.

Consolidation or a consortia will help fix the occupancy rate issue. Statistically, 40-days spread across 160 units will have less impact on the management rating than just 52 units for Coos-Curry Public Housing.

HUD is asking for a response letter to address the substandard management report describing how the issues will be addressed. The letter will include that the HA's are trying to consolidate, which will help the percentage on the occupancy rate. There is already a separate waiting list to facilitate filling the units faster by having a list of people that are specifically looking for housing in Port Orford.

Commissioner Tilton wondered if there was any way to dispute the substandard scoring. E. D. Beman indicated that there really is no way to do that. Powers does not have this issue because it is not Public Housing.

Again HUD does not distinguish a difference in management and environment between a metro location and a rural location. Another opinion is that HUD is trying to eliminate the small housing authorities.

Commissioner Sanden wondered if the Port Orford units were rented now. E.D. Beman responded that they are.

Secretary's Report: Executive Director Beman thanked the Board for all of their efforts over his tenure with the Agency. He has enjoyed working with the Board. He also thanked the staff for the great job, especially as the staffing has been cut back from 27 to 15 as a result in funding decreases. The Agency has suffered funding decreases from 100 to 85 percent. During the process the Agency is as streamlined as it can be.

The Jordan Cove funding is being worked on through the HUD Field Office and HUD Legal to find a way for the Agency to use the impact mitigation funding provided by Jordan Cove during the construction of the facility. This is a process that has never been done before.

Chair Newman thanked the staff as well for their efforts in the current work environment. He asked if any of the Board members had any questions about the financial reports. There were none.

Executive Director Beman indicated that his last day is May 14, 2015. Chair Neman thanked E.D. Beman for all of his hard work, advocacy and management of and for the Housing Authority. In addition, Commissioners Cook and Low added their thanks to E.D. Beman.

- a. Finance: No Report Given
- b. Operations: No Report Given
- c. Maintenance: No Report Given
- d. Staff Training: No Report Given

Information Items: None

Executive Session: None

Adjournment: Upon a motion by Commissioner Joe Cook (Commissioner, Karen Gilmartin 2nd) the Coos-Curry Housing Authority meeting was adjourned at 4:52 P.M.

Bruce Newman, Chair
Coos-Curry Housing Authority

ATTEST:

Cheryl Slagle, Deputy Executive Director