

Members Present: Gordon Tremaine, Andrew Mickle, Anthony Gordon, Barbara Fitzsimmons, Jane Morris

Staff & Visitors: John E. Cherry, Bernadette D. Woody, Debra Fulton, Bill Cochran, Rob Groeb, Barbara Richardson, Keith Bennett, David Benet, Frederick Williams (B&G Club), Grace & Larry Padgett (The 400)

1. **Invocation**

The meeting was called to order at 1:15 PM and Chairperson Tremaine gave the invocation.

2. **Roll Call**

All Commissioners were present.

3. **Approval of Agenda**

Commissioner Gordon moved approval of the Agenda with following additions/amendments: add status report on the Executive Director position during the Executive Session. Chairperson Tremaine recommended, due to the Executive Session, moving Citizens' Comments up on the Agenda after approval of Agenda. Commissioner Mickle seconded the motion. There being no discussion the Motion carried (5/0).

4. **Citizens' Comments**

Mrs. Grace Padgett, resident of The 400 Building, said she and her husband pay \$582 per month for rent. She has complained about having roaches in her apartment. It has been reported at least 5-6 times and nothing has been done. She said she and her husband would like to stay at The 400 but cannot afford the rent if it goes up to \$600 a month.

Commissioner Gordon asked how does the rent get increased at The 400? Secretary Cherry stated that the rules for public housing and Section 8 New Construction are different. If you live in public housing and the family is over income, the family will be terminated from the program with appropriate notice. With the Section 8 New Construction Program (project based Section 8) and the family is over income, the family can continue to live in the unit but has to pay the market rent, full subsidy. There are two families at The 400 who are over income.

GHA has not received an increase in subsidy at The 400 since 1995 stated Bill Cochran. GHA has requested the rent increase, which if approved by HUD, will increase the monthly operating subsidy per month per unit. Operating subsidy funds the program. Normally, a resident who is not over income, pays out of pocket rent based on income and HUD provides subsidy for the balance. This amount equals the market rent, out of pocket rent plus HUD subsidy.

Residents were notified by letter that GHA was requesting a subsidy increase from HUD. The letter also stated that the out of pocket rent would not be affected except for those residents who are over income. HUD will notify GHA if the subsidy increase is approved or disapproved.

Commissioner Morris wanted to propose that if the increase goes through that the Padgett's claim of having repeated calls for pest control that haven't been answered be investigated and maybe they can get some deal worked out for the first couple months of the rent increase.

Chairperson Tremaine said that the threshold issue is where the Board has discretion and where they don't. If the HUD mandate is that people have to pay maximum rent if they are over income, then there is nothing the Board can do about it. He said that the pest control problem has to be addressed, too.

Commissioner Fitzsimmons asked if staff is requesting the increase from HUD and why are they requesting this? Secretary Cherry replied, it is a cost of living increase, the housing authority will

receive more operating subsidy because its costs have gone up over the years. Subsidy provides operational funds.

Commissioner Fitzsimmons asked if there was any possibility that the housing authority can do a waiver for those over income persons? Secretary Cherry responded no. This is a HUD rule, staff would be in violation of the HUD rule.

Commissioner Gordon asked if this was a Board decision to request a rent increase? Secretary Cherry said it was mentioned in the Finance Committee Meeting that the housing authority was requesting a rent increase at The 400 building. He said that the housing authority can withdraw the request for a rent increase, but the housing authority is having a problem at The 400 with meeting operating expenses. He said the housing authority will get more subsidy out of this, not more rent from the residents, they will still pay 30% of their adjusted income.

Commissioner Gordon asked how much subsidy will the housing authority get? Secretary Cherry replied, about \$40 per unit per month (estimated).

Commissioner Mickle suggested that the housing authority wait and see if HUD approves the rent increase.

Chairperson Tremaine said there a couple of issues that cannot be dealt with right now. He said that the housing authority will have to wait to see what HUD says about the increase. He also said that if the Board wants to refer to the question or have a discussion of whether it is a Board decision or an executive function to make decisions about requesting rent increases, they can have that discussion, but it won't be today. He thanked the Padgett's for coming in and letting the Board know their concerns.

5. **NEW BUSINESS**

a. **Action Items**

i. **CONSIDER AND DISCUSS: Executive Director Position**

ii. **CONSIDER AND DISCUSS: Disposition of Seminary Lane Property**

The Board adjourned at 1:25 PM and went into an Executive Session to discuss matters relating to the Executive Director position and the disposition of Seminary Lane. It reconvened in a regular session at 5:40 PM.

iii. **CONSIDER AND DISCUSS: Stimulus Funds Capital Grant 2009 (ARRA)**

Chairperson Tremaine had commented that at a Finance Meeting they had asked Secretary Cherry to come to them with a recommendation, a list of projects that would qualify as they are already in the 5 year plan.

Secretary Cherry said that staff went out and met with residents. Notice was provided and Staff had meetings in the resident neighborhoods. There was good attendance at Oak Park and Sunshine Park there was very poor attendance at Woodland Park and on Lake Road. There was some attendance at Eastwood Meadows. Secretary Cherry held two meetings at most of the sites and received some comments. He disseminated a list of comments that were received from those residents who attended.

Commissioner Fitzsimmons made a comment that the turn out of the residents for those meetings was very, very low. Chairperson Tremaine asked what does it attribute to? Commissioner Fitzsimmons replied, her opinion is that the residents are in that submissive state of GHA will do want it wants to do, they don't care about what the

residents say. She said those that spoke up were told that their ideas were good but there is not enough money to go around. She said this is the story they get every single time a meeting is held. That is why she wants to educate residents in the development of the 5 year plan so that they can be more active in a more concrete way.

Secretary Cherry said staff met with the residents to get input from the residents. Staff looked at what was in the approved 2009 capital fund grant and things that were placed in the capital fund 5 year plan, items that already existed in the capital grant. He said there is only so much money. There are some big requirements and there is no way to fulfill everybody's needs and requirements with the \$1.3 million.

Commissioner Gordon said that during the Finance Committee meeting, Secretary Cherry was directed to put together a proposal, something that is already shovel ready, that can be sent in based on time constraints, and then changes can be made if the Board so wanted. Secretary Cherry said that anything can be changed in the capital grant through fungibility if the work items already exist in the 5-year plan. Commissioner Gordon asked if changes can also be made in the stimulus packet. Secretary Cherry said that if the stimulus packet is changed, then the housing authority will have to re-submit it to HUD for a complete review and amended. This will take time. The stimulus money has to be obligated within one year and expended within three years.

Secretary Cherry went over the stimulus packet work items with the Commissioners.

- Oak Park – paint the exterior of the building; replace the screens, and renovate units for full accessibility (4 units).
- Sunshine Park – new roofs.
- Site work at all the projects.
- A&E fees, admin fees (10%) and management fees (20%).
- Forest Pines – renovate units for full accessibility (2 units).

Secretary Cherry reported that staff took the work items that are in the 2009 capital fund and 5-year plan and put them in the stimulus grant.

Secretary Cherry said that staff had some very good discussions with the residents and there is a lot of work that can be done, but there is not a lot of money.

Chairperson Tremaine asked if this is staff's recommendation as to how to spend the money, and Secretary Cherry replied, yes.

Chairperson Tremaine said the Board needs to understand that stimulus dollars may not supplant other funds, they may add to other funds but they may not supplant other funds.

Commissioner Gordon stated that due to time constraints and it was discussed in the Finance Meeting, that staff would come to them with a proposal, and we could send it in, and if any adjustment(s) were made it could be done later. He said that all the discussion about what the Commissioners want to do can be done at a later date, if necessary. He said that they want to get this stimulus in and at the next Finance Meeting or the next Board meeting, they can make adjustments and send in those adjustments.

Secretary Cherry said they should be pretty much locked in to the major work items in this grant and there may be some money freed up based on what actual dollars spent. He said with the regular grant there were items listed with minimal dollars next to it which gave staff the flexibility to move money back and forth as priorities change as long as the work items are identified in the grant.

Chairperson Tremaine asked what kind of fluidity does the housing authority have once the grant is submitted. Secretary Cherry replied, said it can be changed, but if there is a significant amendment to it, it will take time to process it through HUD.

After Commissioner Fitzsimmons read what the stimulus grant could be use for, Commissioner Gordon once again said that they didn't have time to meet as a Commission to put things that they may have wanted in the stimulus grant. Secretary Cherry was tasked to come with this, send it off, and then the Commission can meet at another time to go over all the things and decide do they want to keep it in, or take it out.

Commissioner Gordon moved to accept the stimulus proposal from staff to send to HUD, seconded by Commissioner Mickle.

Secretary Cherry stated he thought there was a good crowd at the Oak Park meetings and he was disappointed that Commissioner Fitzsimmons was not able to attend.

Chairperson Tremaine wanted to know how much of a delay it would be if the stimulus grant had to be amended? Secretary Cherry said he asked HUD Jacksonville staff and was told it would delay the process several months, possibly 2-3 months.

Chairperson Tremaine asked the Commissioners who have particular things they would like to see added to the stimulus grant to bring, in writing, at the next meeting, what they want to add and where they want to take it from. He asked them to be conscious of the time frame.

Commissioner Fitzsimmons said the 5-Year Plan and one year plan needs to have measurable items. She said she needs to see it measurable, because everything that Mr. Cherry has said, was the same words she heard in 2004 when she was first a resident. That is the problem and nothing gets done and she cannot let that continue.

Secretary Cherry responded to Commissioner Fitzsimmons' comment. He said that approved work is measurable because when the reports are submitted during the year, it is indicated what work was done, where it was done, and the value of the work. Everything is measurable in those terms through reports to HUD. Unfortunately, not all the work gets done due to funding and priorities.

Commissioner Fitzsimmons said that's what gives clarity and if an item didn't get finished, or done, then it can be put on another line and say this still needs to be completed. Secretary Cherry said staff agrees with that and that is the way the process works. Commissioner Fitzsimmons said she has never seen an itemized listing of what actually has gotten done and she has not seen what work get done.

Chairperson Tremaine said there is a motion on the floor which has been moved and properly seconded. The motion carried (5/0).

Chairperson Tremaine stated that Commissioner Fitzsimmons has asked that the Board consider her motions about maintenance. He said that he didn't want anyone to suggest that this is putting something off.

Chairperson Tremaine asked if it were the will of the board to do this now? Commissioner Fitzsimmons asked that this be delayed until the next finance committee meeting. Chairperson Tremaine said he would like staff to re-phrase the items into policy language and say these are additions or amendments to the maintenance policy as it currently exists.

6. Secretary's Report

- The GHA is in the process of having a REAC inspection. They are only visiting the public housing sites. The inspections started on Monday, April 6th and will be completed by Friday, April 10th.
- GHA received 50 vouchers from HUD for Seminary Lane.
- Secretary Cherry stated there is a problem that needs to be addressed. He said some of the emails that he receives from the Commissioners to communicate to the rest of the Commissioners may violate the Sunshine Law. Discussion followed about how to communicate with the other commissioners under the Sunshine law.

Chairperson Tremaine said his understanding of the Sunshine law is that any communication that represents personal opinion or any effort to sway the thinking of any member of the Board on any issue that could conceivably come before the Board crosses the line of Sunshine. Therefore, if a Commissioner wants to send out a report from a meeting they attended and they might think that it may be of interest to another Commissioner then they can send it out. He said today, there were several violations of Sunshine while they were on their break. Two commissioners cannot sit and talk about the business of the authority without all the commissioners present. There is a very broad Sunshine law in the state of Florida. He said the purpose of Sunshine is that no business be done at any level outside of public scrutiny. Therefore, to advance an opinion is inappropriate.

Commissioner Fitzsimmons would like it in writing. Chairperson Tremaine said he has a power point about the Sunshine Law that he could send to Commissioner Fitzsimmons. Commissioner Morris requested a copy, also. Commissioner Fitzsimmons suggested the board take a look at the by-laws. She said the subjects get talked about one on one with Mr. Cherry, and that places a great deal of power in that person's hand (not Mr. Cherry). And that person not being a board commissioner, has the power on both ends.

Chairperson Tremaine said that it is the Executive Director's job to keep his board informed, and that is a reasonable expectation to have of its Executive Director and to hold him accountable for it. The way to deal with it is not to take away that function of the Executive but to expect the Executive Director to carry it out. He said the reason for Sunshine Law is that if there is no Sunshine Law then you give an individual board member undue power because they can then go and work the board. He suggested that the Commissioners be mindful of the amount of work the staff has to do, but if there are reasonable information requests, that they be sent through the email, and that request be copied to the members of the board, and the response be copied to the members of the board so that they all get the same information. He asked that they not make staff crazy about it.

Rob Groeb said that there is no problem with Mr. Cherry sending the requested information to the Commissioners, it is when they respond to the email is when the Sunshine violation comes into play.

Chairperson Tremaine said his suggestion is that they only do information requests. If that commissioner wants to react to the information received, then they have to do it in a board meeting.

Commissioner Morris said that she always thought that if she sent something to Mr. Cherry and it went out to everyone, that the email was a public record. Mr. Groeb said that emails to the GHA are not public and if it is distributed to other commissioners it is a violation because the public cannot get on the GHA's server to see what has been sent to the other commissioners. Commissioner Morris asked if the two emails she sent were distributed to the other Commissioners? Rob Groeb said one of the emails that Commissioner Morris sent was a problem under Sunshine.

Commissioner Gordon asked if a commissioner sends an email to the Director then he can determine if it is suitable to send to the other commissioners if it doesn't violate the Sunshine law? Chairperson Tremaine said that he doesn't believe the Director has time to do that and he thinks it is fair to keep anything that tempts to influence the business of the board needs to be done in the Sunshine. He said that any one has a right to say what they want on the Agenda but to limit the Agenda is a different issue.

Commissioner Fitzsimmons said that there is a lot of business being done one on one. The things she says to Mr. Cherry, the others don't know about, and it is an issue that affects business of the GHA and it places undue burden on his position because of the power it yields over the flow of communication.

Commissioner Fitzsimmons said that at the January meeting, before she approved the five year and one year plans that she wanted it known that residents were not receiving a copy, they know nothing about the five-year and one year plan, they don't understand it, they don't recognize it as where they should be making information or giving information to the board or Mr. Cherry, they have never seen it or been involved in it, yet in the five year plan it states each of the places have resident councils in place and it says that they have been given adequate information regarding the five year plan and are inactively involved in developing it. She said this is not true. She said at that meeting it was decided to put the goal into the five year and one year plan. She said that the goal in there is wrong.

7. **Announcements/Statements by Commissioners or Executive Secretary**

Commissioner Gordon moved that a search committee be set up for the Executive Director and he nominates Commissioner Morris to be the chairperson, seconded by Commissioner Fitzsimmons. Chairperson Tremaine asked that they give Commissioner Morris and her committee some direction and guideline as to what they are looking for. He suggested that they should look at the job description of the Executive Director.

Chairperson Tremaine asked if there is any guidance on Executive Director searches for other non profits particularly for housing authorities, it would be a good idea to look at them. Secretary Cherry responded that he had some information from other housing authorities.

Motion carried (5/0),

Commissioner Mickle said that he will be out of town on April 21, 22 and 23.

Commissioner Gordon announced that the Finance Committee meeting will be scheduled for 4-30-09 at 3 PM at Oak Park.

8. **Items for the Next Agenda** – Regular Board Meeting 5-13-09.

9. **Adjournment**

Meeting adjourned at 7:00 PM

Chairperson

Date

Secretary