

# Housing Authority of the City of Madera



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## **MINUTES** **Amended** **REGULAR MEETING OF THE** **HOUSING AUTHORITY OF THE CITY OF MADERA**

**6:00 P.M.**  
**Wednesday, February 9, 2022**

**City Hall**  
**Council Chambers**

### **CALL TO ORDER**

#### **ROLL CALL:**

Chairperson Santos Garcia-**Present**  
Vice-Chairperson Artemio Villegas-**Present**  
Commissioner Cece Gallegos-**Present**  
Commissioner Jose Rodriguez-**Present**  
Commissioner Anita Evans-**Present**  
Commissioner Steve Montes-**Present**  
Commissioner Elsa Mejia-**Present**

**Other People Present:** *Massey Casper, Executive Director, Maria Aranda, Executive Administrative Assistant, and Emilio J. Huerta, Legal Counsel.*

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Chairperson Garcia: Are you in the Council Chambers/

Maria Aranda: Yeah, It looks like CC and...

Commissioner Montes: Yeah!

Chairperson Garcia: Would you guys mind putting on you mask?

Commissioner Montes: It's only us, we're six feet apart.

Chairperson Garcia: So, you don't want to put them as...well, I would like to request that you do politely?

Commissioner Montes: I'd like, there's nobody here.

Chairperson Garcia: We'll move forward, would you all please, yes would you all please rise for the invocation. Is the Pastor here?

Maria Aranda: Doesn't look like it.

Chairperson Garcia: Okay, um Mayor Pro Tem would you please lead us in the invocation.

Commissioner Evans: Yes Sir.

## **INVOCATION**

Commissioner Anita Evans: Please gracious father, thank you for this day. Father thanking you for waking us up this morning. Thank you for allowing us together collectively. Father, we ask that you allow yourself to take over father and remove self out of the way. Father we ask for your guidance tonight father to remove anything that is not have to continues to watch office and keep us father as we continue to serve you leading us and guiding us and your son's precious name Christ Jesus Father God, Amen

Chairperson Garcia: Amen, Thank you! Would you all remain standing to the Pledge of Allegiance?

## **PLEDGE OF ALLEGIANCE**

Led by Executive Director Massey Casper: I pledge allegiance to the flag of the United States of America and to the republic for which it stands one nation, under God, indivisible with liberty and justice for all.

## **APPROVAL OF AGENDA**

Chairperson Garcia: Thank you very much for that. We will now move on to the Approval of the Agenda. Do any of my colleges have any additions or correction to the agenda?

Hearing none. Someone make a motion please.

(M/S/C): A. Evans/E. Mejia

Roll called by Maria Aranda

Approved: 7-0 (S. Garcia, A. Villegas, J. Rodriguez, S. Montes, A. Evans, C. Gallegos, E. Mejia)

**PUBLIC COMMENT:**

The first fifteen minutes of the meeting are reserved for members of the public to address the Board of Commissioners on items which are within the subject matter jurisdiction of the Housing Authority. Speakers shall be limited to three minutes. Speakers will be asked, but they are not required, to identify themselves and state the subject of their comment. If the subject is an item on the Agenda, the Chairperson has the option of asking the speaker to hold the comment until that item is called. Comments on items listed as a Public Hearing on the Agenda should be held until the hearing is opened. The Board is prohibited by law from taking any action on matters discussed that are not on the agenda and no adverse conclusions should be drawn if the Board does not respond to public comment at this time.

Chairperson Garcia: Thank you we will now move to Public Comments...do we have any public comment at this time?

Maria Aranda: No, Sir.

Chairperson Garcia: Thank you! There is an item on Presentation...MORES

**A. PRESENTATION**

**A. MORES**

Maria Aranda: It's just, basically a discussion to be held in regards to a joint meeting with MORES...Mr. Casper did you want to add to that?

Massey Casper: Oh! That was suggested by Jim Taubert, that we point on the agenda to see if we could get a joint conversation going with MORES.

Chairperson Garcia: and the suggestion was between to who have the conversation?

Massey Casper: Between the MORES Board and a representative perhaps of the Housing Authority Board.

Chairperson Garcia: Okay

Massey Casper: To figure a way forward.

Chairperson Garcia: So I would like to be on that indie on conversation as the Chairperson. Is any else volunteering to be part of that? Would anybody like to volunteer while the media lab would like to have you in the room for sure. I'm looking at more of the Commissioners.

Emilio Huerta: Yeah, I was just going to mention, if I could just mention while you're recruiting volunteers, that we should try to have the accountant identify any documents that spell out the relationship, particularly from a financial perspective so, for example, I think it would be a little premature to sort of go into a meeting and say how we make the relationship better. We know that something is broken, but you know I think we need

to be on solid ground to know you know what gives us the basis of our position, you know if the money is owed.

Then, either... is there a document in writing or we advancing a legal theory, you know if money was given that is fine and then you know, to be able to come from a position. Enter to the discussion with MORES to say okay we feel that there is an obligation, and in the basis of that obligation rest upon some written agreement or if we're just advancing a pure legal theory of unjust enrichment or benefit that was conveyed, then you know, we need to understand that going into the discussion because I think obviously, MORES...this is, "m just assuming there has been no effort to pay this money at this point, and so I think that MORES may be coming from a different position or a different perspective, and so think we have to be solid on our position before we go into a dialogue and talk about.

Not only the relationship, but the financing, the money that actually owed to the Housing Authority by another nonprofit organization.

Chairperson Garcia: Thank you for that. Commissioner Rodriguez?

Commissioner Rodriguez: Yes, thank you Chair Garcia. I think that the initial topic of why MORES wants to come before the Commission was to present a historic. Relationship that existed to bring MORES to give us a presentation in regards to the relationship that existed between these two. Now I know Mr. Casper or even previous.

The one that provided the audit report had given us somewhat of a background, but there's nothing like having someone from MORES explaining why they were created, what was the purpose and how these two work hand and hand that I think that was the intention of their presentation.

Chairperson Garcia: Commissioner Montes

Commissioner Montes: Yeah, I guess, my question is a little more procedural. Since this is not an action item, is there the ability for us to form an ad hoc or two to do call for that joint meeting in this portion of the agenda.

Chairperson Garcia: For you Emilio

Emilio Huerta: I don't think there is enough detail her in the agenda to talk about. What it is that we hope to achieve in a dialogue with MORES, I think that we hope to be more specific, so I think that we should just go ahead and either have. Maybe in the next meeting appoint a committee, maybe possibly from the Commissioners to enter in a dialogue with MORES to talk about the relationship and then maybe have a MORES committee representative like a presentation to the full body.

Santos Garcia: Commissioner Rodriguez you have something to add.

Commissioner Rodriguez: I'm sorry, I was trying to lower my hand, not necessary add, but I do want to maybe ask this Commission if they'd like to hear again ...presentation for more. Explaining the relationship that existed before obviously I'm not. I want to say Mr. Casper, Leon might have provided us some historic background there, but Jim try to do that in our last meeting or meeting prior to that, but I think it would serve a good purpose for our Commissioners to understand how MORES was created and its inception and why was that created and how it helped the Housing Authority. I don't know that we have a lot of that information, especially for Commissioners here, and you are seasoned Commissioners, I think it would be great opportunity for them to understand why MORES came about and why MORES has been in existence.

Chairperson Garcia: Immediately

Emilio Huerta: Yeah, I apologize for not using the device raise my hand earlier figured out that I have now um, so I have a lot of background in terms of these Housing Authority. Non-profit Housing Development and hoe legal relationship is intertwined and I would really like to see that documentation because I can assumed,

and I can pretty well guess you know how the relationship came about and we can even make a request to be honest, or make a request for the Attorney General's office because the Attorney General's office is the ultimate policing agency for nonprofit organization such as MORES. But I think that understanding that the legal structure that was put together that drove this relationship. I think, would be very helpful as well because there may be some further benefits generally there's some built in benefits and participation in these low income housing development structures, and these public/private participations or in this case, public and nonprofit participation. There's usually a waterfall of distribution of assets on the front end and waterfall distribution of assets on the back end and the project. In the fiancé documents that were used to put this project together will lay out all of this information, so we just need to take a look at it and then I, again it's going to help understand the nature of the relationship and what if any participation, there is on the back end because these projects have a financial life expectancy of around 10-15 years and then they kind of flip again and do it again, and so we would want to know if we're being left out when we have a right to participate. In a potential future refinancing opportunity as well. And that will be laid out in the documentation and if it's not there, then it's not there, then we know and could say hey you know there's nothing there, but we need to take a look at these. At the structure in which this nonprofit public partnership was created and what the expectation and participation are moving forward.

Commissioner Mejia: I'm sorry, after two years I'm also having trouble with this technology. I just want to say that I feel that it would be very beneficial for me, and I would like to see the MORES presentation.

Chairperson Garcia: So, we seem to be a two track position, on MORES one is that they make a presentation and they make their case about what the history of it is, but as Emilio is pointing out that would be beneficial for us to get documentation in place that spells out exactly what the relationship has been financially and with the bylaws, etc, party to prior to entering any Commissioners in to any kind of negotiations, am I, my catching it correctly, I mean you.

Emilio Huerta: Ye, and I think this can all be done simultaneously we don't have to start one and then wait for the second phase, for example, to see the complete, and we can do all of this at the same time.

Chairperson Garcia: Do we have any more thoughts from the commissioners. So then Emilio, do we need to wait for our next meeting to present that to put that on the agenda and then put make that as an action plan.

Emilio Huerta: Yes, because clearly there's nobody for more is here today to make a presentation, so I would think that would be the most appropriate step.

Chairperson Garcia: Commissioner Rodriguez did you have, you hadn't read.

Commissioner Rodriguez: Ah yeah, I just want to finalize this by adding the comment that obviously there's been a disconnect between the Housing Authority and MORES and I think this gives us an opportunity to really engage in the conversation of going alluding to what Mr. Huerta said, is trying to get some documentation or some agreement. That spells out exactly what their functions are in connection with Housing Authority and if there's any cost for any of the obviously any duties that Housing Authority takes place, then that would be spelled out in that language. Obviously I don't know where that agreement from its inception is. But having that conversation and beginning that engagement again with these with these board members. I think, would certainly has been a disconnect recently, and we need to do all we can to try to remedy that and try to utilize them to what Mr. Huerta with us as a lot of benefits and trying to find a good opportunity to continue to build affordable housing, public housing so that we can move this agency for that, that's arrive unless to have more public housing.

Chairperson Garcia: Commissioners I have no way of lowering hands, so if anyone raises their hands they're going to have to lower theirs. Commissioner Gallegos.

Commissioner Gallegos: Oh, thank you Chair Garcia, I think the best avenue for us is to not just have MORES presentation in the past, I have been in Council. we've met, I've met with them twice, where it our board meets with their boards and we have conversations we drop an agenda together the Chair of the Housing and the Chair of MORES board, and we have just simple conversations to show that we're working together a partnership and then think after that we can dive into finance to the point you haven't we have you haven't paid maybe this or this needs to be taken care of that or who's doing this, but I think the relationship, need to be built between the two boards first and after that I think we can maybe do an ad hoc or go from there, that's what we've done in the past.

Chairperson Garcia: I would like to see Emilio. Turning work does suggestion put forward that we don't do a joint effort and do the presentation on their board and we talk about it. But there's no reason why we should have to wait to ask for documentation, I think we can move forward with that. Moving forward with the documentation with Christ, so that we get all that done we've had meetings in the past where we've been here in our meeting and we've been asking for this, but we haven't been able to get that yet there's still a lot of questions as to exactly what the financial aspects are. Who controls what, and so I would be in favor of doing it jointly and get moving forward with request for documentation and then immediately and Mr. can do their sue diligence and making sure that we have those documents, I would like to see that. Time is of the essence, I believe, I think that we've been asking for this for the least since 2018, since I've been here and we haven't been able to finalize that, so I think it's very important for us to get as much documentation and information, as we can , as we can get it.

Emilio Huerta: So I don't know if we need a formal request by this body to the MORES Board of directors. In a basically a letter saying we would like you to make a presentation at our next regular scheduled meeting. Or is it something that somebody can just make a phone call and say you know, would you folks show up and make it when we would put some time in the agenda, I don't know if that's half an hour, an hour or so like that, but I think that, I think that probably should be a motion and if the motion passes inviting the officers and or Board of directors of MORES to attend our next meeting or if we want to set a special meeting to make a presentation to this body and to talk about the relationship moving forward.

Chairperson Garcia: So, if every body in agreement in asking MORES to come and make a presentation that are at their next available opportunity.

Commissioner Villegas: Yes

Chairperson Garcia: Commissioner Rodriguez

Commissioner Rodriguez: I'm sorry, I was trying to raise my hands, I don't know if I have.

Chairperson Garcia: Done, so that's fine, we will ask them to come. In the meantime, Mr. Massey and Emilio can you start the process for the documentation.

Massey Casper: Will do.

Chairperson: Garcia: Yes, okay, alright. We will now move on the Consent Calendar.

## **WORKSHOP**

### **B. CONSENT CALENDAR**

Matters listed under the Consent Calendar are considered routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, a member of the public or a member of the Commission may request an item be removed from the Consent Calendar and it will be considered separately.

**B-1** Approval of Minutes of Regular Meeting on 1-12-2022

**B-2** Approval of Minutes of Special Meeting on 1/27/2022

**B-3** Approval of Register of Audited Demands January 2022

(M/S/C): A. Evans/A. Villegas

Roll called by Maria Aranda

Approved: 7-0 (S. Garcia, A. Villegas, J. Rodriguez, S. Montes, A. Evans, C. Gallegos, E. Mejia)

Chairperson Garcia: We will now move on to, resolution , agreements, bids, hearings, and or petitions.

**C. RESOLUTIONS, AGREEMENTS, BIDS, HEARINGS, AND/OR PETITIONS**

**C-1** Consideration of Resolution # 1200 of Housing Authority of the City of Madera approving two-year term for Chairperson and Vice-Chairperson.

(M/S/C): A. Evans/A. Villegas

Roll called by Maria Aranda

Not Approved: 6-1 (S. Garcia, A. Villegas, J. Rodriguez, S. Montes, A. Evans, C. Gallegos, E. Mejia)

**C-2** Extension of Resolution # 1199 authorizing remote tele-conferencing of all HACM Board of Commissioners' meeting commencing, February 10, 2022 to and including March 10, 2022, pursuant to California Govt. Code 54953.

(M/S/C): A. Villegas/A. Evans

Roll called by Maria Aranda

Approved: 6-1 (S. Garcia, A. Villegas, J. Rodriguez, S. Montes, A. Evans, C. Gallegos, E. Mejia)

**C-3** Resolution # 1201 of Housing Authority of the City of Madera approving the 2022 Utility Allowance.

(M/S/C): A. Villegas/A. Evans

Roll called by Maria Aranda

Approved: 7-0 (S. Garcia, A. Villegas, J. Rodriguez, S. Montes, A. Evans, C. Gallegos, E. Mejia)



**D. WRITTEN COMMUNICATIONS**

None

**E. ADMINISTRATIVE REPORTS**

**E-1**

	<b>22-Jan</b>
<b>Section 8</b>	<b>Section 8</b>
Households Assisted	738
YTD Lease Up projection	93%
MTD HAP Expenses	\$410.449.00
Waiting List	1246
<b>Public Housing</b>	<b>Public Housing</b>
Vacancies	9
Waiting List	2129
Unit Turnover	51
<b>Farm Labor</b>	<b>Farm Labor</b>
Vacancies	6
Waiting List	8
Unit Turnover	75
<b>Maintenance</b>	<b>MAINTENANCE</b>
<b>Public Housing</b>	<b>Public Housing</b>
Open Work Orders	16
Average days	7
<b>Farm Labor</b>	<b>Farm Labor</b>
Open Work Orders	8



Average days	5

**E- 2 Pomona Ranch Monthly Report**

**F. EXECUTIVE DIRECTOR REPORT**

Chairperson Garcia: Right, so then we will go to item F, Executive Director’s Report;

Massey Casper: Commissioner, again thank you for your patience, your counsel, and your guidance, your continued guns, I just want to let you know that, OMS has given us another grant of \$805.00 and that comes up to about 1.5 so far, and that project was given to us and so, and that end date of the project is June of 2023, just additional work that somehow they found monies for.

One of the things that they’re looking at doing is adding ADA units so that just one thing that we looked at, you know in we never asked them for it, and that’s something that they have sent our way, and we’re not going to refuse it.

Chairperson Garcia: I should say not, congratulations on that.

Massey Casper: Thank you, and I need to give a special shout out to Jorge who have been critical in this process and trying to get at least the operation part moving in the right direction. King’s County visited us today, this is the second visit that they have given to help us with our Housing choice vouchers. Three individuals tool time out of their day to come to us to help us out. Just FYI, we’ve started the process of the YARDI conversions, it is a long haul about 7-8 months process at the end of which we should have a single property management platform where we’re going to make a decision. Lastly, I want to continue to give thanks to all our staff for stepping up ad giving themselves where they can. It has been a struggle and the climb continues and just want to recognize again or helmet Mirna and her team and Crystal Cortes and her team as far as the Housing Services are concerned. That’s the end of my presentation.

Chairperson Garcia: Absolutely, and thank you very much for that report, we will now move on to item G-Commissioner’s Report.

**G. COMMISSIONER REPORTS**

Commissioner Gallegos: Chair Garcia, I had a question to Mr. Casper, I had my hand up, but you must have not seen it.

Mr. Casper, I just had a question, when there is something that arises in the Housing Authority, I guess we had an incident where we had to sanitize it and we closed the office down. In the past when something like this happens, email or text to the commission –just a heads up because I did get a phone call, Someone knows that I’m commissioner, and said “hey, how come the Housing Authorities closed?” And I had no answer for them. And then I found out that it was closed for sanitation, so anything that does come up that’s an emergency process or issue or something like that and email or text would help being a commissioner, I would appreciate it.

Massey Casper: Commissioner Gallegos, you are absolutely right to point, that is on me. We just made that call of course, that is something that I should have considered. Thank you...dully noted.

Commissioner Gallegos: That is all I have to report to the commission.

All the rest of the Commissioners had nothing to report.

## H. CLOSED SESSION

Chairperson Garcia: This is going to be a short run, we have some important business to attend to under closed session. So, I will have no report myself.

We are now moving to closed session. Mr. Huerta would you please take us to closed session.

Emilio Huerta: Yes, Pursuant to California code 54957 (b) and actually government code 5495 (7.13), we will now move to into closed session.

**H-1** Pursuant to CA Govt. Code Section 54957(b) (1) closed session regarding employee personnel matter.

**H-2** Alan Tyler Perrault v. Housing Authority of the City of Madera  
State of California Department of Industrial Relations Case No. RCI-CM-857800

Emilio Huerta: Okay, we are now back to open session. Counsel would like to report with regards to the agenda item H-2 Alan Tyler Perrault versus the Housing Authority of the City of Madera. The pursuant to California code 5495 (7.13), and California government code 5495 (6.95) that the Commission is authorized legal counsel to settle the matter and to enter in to negotiations with Mr. Perrault with respect to a full general release with regards to any further potential liability against the Housing Authority that's all I have to report, thank you!

Chairperson Garcia: Thank you very much, now we move to the adjournment of our meeting.

## I. ADJOURNMENT

Meeting adjourn @ 7:32

Next Regular Meeting **Wednesday, March 9, 2022 – 6 p.m.** City Council Chambers

Any writing related to an agenda item for the open session of this meeting distributed to the Housing Authority Board of Commissioners less than 72 hours before this meeting is available for inspection at the Housing Authority office located at 205 N G St., Madera, CA 93637 during normal business hours.

*The meeting room is accessible to the physically disabled and the services of a translator can be made available. Request for additional accommodations for the disabled, signers, assistive listening devices, or translators needed to assist participation in this public meeting should be made at least seventy-two (72) hours prior to the meeting. Please contact the City of Madera HR Dept. (559.66 Conference with Legal Counsel regarding Employee Matter pursuant to Government Code*

*Section 54957 – Public Employee Evaluation-One Matter: Executive Director*

*1.5401) or the Housing Authority (559.674.5695). Those who are hearing impaired may call 711 or 1.800.735.2929 for TTY Relay Service.*

I, Maria L. Aranda, declare under penalty of perjury that I posted the above agenda for the regular/special meeting of the Housing Authority Board of Commissioners for February 4, 2022 near the front entrances of the Housing Authority and City Hall on, February 4, 2022.

*Maria L. Aranda*

Housing Authority of the City of Madera