

**A REGULAR MEETING OF THE
BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE COUNTY OF
SAN BERNARDINO**

TO BE HELD TELEPHONICALLY
September 8, 2020 AT 3:00 P.M.

Zoom Meeting – Board of Commissioners will be forwarded instructions
Members of the public may call:
Call In Number (669) 900-6833
Meeting ID: 819 2857 9959
Password: 795670

This meeting is being held in accordance with the Brown Act as currently in effect under the State of Emergency Services Act, the Governor's Emergency Declaration related to COVID-19 and the Governor's Executive Order N-29-20 issued on March 17, 2020, that allows attendance by the Board of Commissioners, Housing Authority staff, and the public to participate and conduct the meeting by teleconference, videoconference, or both.

Members of the public wishing to participate should call in using the teleconference information stated above. Public comments, limited to 250 words or less, can only be submitted via web at <http://ww2.hacsb.com/contact/public-comments-for-board-meetings> and/or via email at publiccomment@hacsb.com and will be read into the record, limited to 3 minutes per comment. Some comments may not be read due to time limitations.

AGENDA

PUBLIC SESSION

- 1) Call to Order and Roll Call
- 2) Additions or deletions to the agenda
- 3) General Public Comment - Any member of the public may address the Board of Commissioners on any matter not on the agenda that is within the subject matter jurisdiction of the Board. To make a comment on a specific agenda item, please submit your comments via email or online by 1:00 p.m. on the Tuesday of the Board meeting. Comments should be limited to 250 words or less. Please submit your comments via web at <http://ww2.hacsb.com/contact/public-comments-for-board-meetings> and email at publiccomment@hacsb.com. Your comments will be placed into the record at the meeting. Efforts will be made to read the comments into the record, but some comments may not be read due to time limitations.

DISCUSSION CALENDAR

(Public comment is available for each item on the discussion calendar)

- 4) Receive the Executive Director's Report dated September 8, 2020. (Page 1)
- 5) Receive the board building presentation for September 8, 2020 regarding an overview of the Housing Authority of the County of San Bernardino's Project-Based Voucher program. (Page 2)
- 6) 1 - Adopt Resolution No. 79 approving the establishment of a Section 115 Trust administered by Public Agency Retirement Services for the Housing Authority of the County of San Bernardino's unfunded pension liabilities and appointing the Executive Director as the Plan Administrator for the Section 115 Trust program.

2 – Authorize and direct the Executive Director to execute and deliver any legal and administrative documents necessary, including the attached exhibits, upon consultations with Legal Counsel, to complete the establishment of a Section 115 Trust administered by Public Agency Retirement Services. (Pages 3-18)
- 7) Adopt Resolution No. 94 approving FY 2020-2021 Utility Allowance Schedules for the Housing Choice Voucher and Public Housing programs effective October 1, 2020. (Pages 19-31)
- 8) Adopt Resolution No. 95 approving updates to the payment standards for the traditional regulatory assistance for special purpose programs effective October 1, 2020. (Pages 32-37)
- 9) Adopt Resolution No. 96 recommending approval of Revision #1 to the Fiscal Year 2019-2020 Consolidated Budget of the Housing Authority of the County of San Bernardino. (Pages 38-42)
- 10) Adopt Resolution No. 97:
 - a. Authorizing the Housing Authority of the County of San Bernardino to serve as Nonrecourse Guarantor for the benefit of Northmarq Capital with regard to the loan for the refinance of Summit Place Apartments owned by Summit Place LLC.
 - b. Authorize and direct the Executive Director, upon consultation with Legal Counsel, to execute and deliver all documents and agreements necessary for the Nonrecourse Guaranty, and other ancillary documents necessary to carry out and close the refinancing of the Summit Place LLC loan with Northmarq Capital. (Pages 43-47)
- 11) Adopt Resolution No. 98:
 - a. Authorizing the Housing Authority of the County of San Bernardino to serve as Nonrecourse Guarantor for the benefit of Northmarq Capital with regard to the loan for the refinance of Summit Walk Apartments owned by Summit Walk LLC.
 - b. Authorize and direct the Executive Director, upon consultation with Legal Counsel, to execute and deliver all documents and agreements necessary for the Nonrecourse Guaranty, and other ancillary documents necessary to carry out and close the refinancing of the Summit Walk LLC loan with Northmarq Capital. (Pages 48-52)

- 12) Adopt Resolution No. 99 approving revisions to the Housing Authority of the County of San Bernardino's Employee Policy Handbook. (Pages 53–61)
- 13) Approve the 2020 Language Access Plan with an effective date of October 1, 2020. (Pages 62-74)
- 14) 1 – Approve Amendment No. 3 to Contract 15-803 with the County of San Bernardino Community Development and Housing Department extending the term for two additional years for a total contract period of November 3, 2015 through June 30, 2022 for the Homeless Veterans Housing Initiative Enhanced Security Deposit Program.

2 – Authorize and direct the Executive Director to execute and deliver the contract amendment to the County of San Bernardino and, upon consultation with Legal Counsel, to approve any non-substantive revisions necessary to complete the transaction. (Pages 75-79)
- 15) Approve an employment contract with Maria Razo to provide services as the Executive Director for the Housing Authority of the County of San Bernardino, effective September 27, 2020 through September 26, 2023, for an estimated initial annual cost of \$281,454.25 (Salary - \$193,939, Benefits and Taxes - \$87,515.25).(Pages 80-85)

CONSENT CALENDAR

- 16) APPROVAL OF CONSENT ITEMS: # 17-20
- 17) **CONTINUED FROM JULY 14, 2020** - Approve the meeting minutes for the Board of Commissioners of the Housing Authority of the County of San Bernardino Regular Meeting held on July 14, 2020. (Pages 86-95)
- 18) Approve the meeting minutes for the Board of Commissioners of the Housing Authority of the County of San Bernardino Regular Meeting held on August 11, 2020. (Pages 96-105)
- 19) Approve vacated tenant accounts for the Authority Owned Portfolio to be written off as collection losses for the month ending in June 2020. (Pages 106-110)
- 20) Approve and file Agency-wide Financial Statements through May 2020. (Pages 111-113)
- 21) Individual Board member Comments
- 22) Adjourn

This agenda contains a brief description of each item of business to be considered at the meeting. In accordance with the Ralph M. Brown Act, this meeting agenda is posted at least 72 hours prior to the regularly scheduled meeting at the Housing Authority of the County of San Bernardino (HACSB) Building located at 715 East Brier Drive, San Bernardino, California, 92408. The agenda and its supporting documents can be viewed online at <http://www.hacsb.com>. However, the online agenda may not include all available supporting

documents or the most current version of documents.

If you challenge any decision regarding any of the above proposal in court, you may be limited to raising only those issues you or someone else raised during the public testimony period regarding that proposal or in written correspondence delivered to the Board of Commissioners at, or prior to, the public hearing.

It is the intention of the HACSB to comply with the Americans with Disabilities Act (ADA). If you require special assistance, HACSB will attempt to accommodate you in every reasonable manner. Please contact Sylvia Robles at (909) 890-6318 at least 48 hours prior to the meeting to inform us of your particular needs.

HACSB ofrece asistencia idiomática gratis. Para ayuda con este documento, por favor llámenos al (909) 890-0644.

**REPORT/RECOMMENDATION TO THE BOARD OF COMMISSIONERS OF THE
HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO AND RECORD
OF ACTION**

September 8, 2020

FROM

MARIA RAZO, Executive Director, Housing Authority of the County of San Bernardino

SUBJECT

Executive Director's Report for September 8, 2020

RECOMMENDATION(S)

Receive the Executive Director's Report for September 8, 2020.
(Presenter: Maria Razo, Executive Director, 332-6305)

GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

FINANCIAL IMPACT

Approval of this item will not result in a financial impact to the Housing Authority of the County of San Bernardino (HACSB) as there is no financial impact associated with this item.

BACKGROUND INFORMATION

The Executive Director's report summarizes ongoing initiatives of HACSB's strategic plan, Moving to Work activities, overall agency updates, as well as other initiatives federally regulated by the United States Department of Housing and Urban Development.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by Legal Counsel (Julie J. Surber, Principal Assistant County Counsel, 387-5455) on August 20, 2020.

**REPORT/RECOMMENDATION TO THE BOARD OF COMMISSIONERS OF THE
HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO AND RECORD
OF ACTION**

September 8, 2020

FROM

MARIA RAZO, Executive Director, Housing Authority of the County of San Bernardino

SUBJECT

Board Building Presentation for September 8, 2020

RECOMMENDATION(S)

Receive the board building presentation for September 8, 2020 regarding an overview of the Housing Authority of the County of San Bernardino's Project-Based Voucher program.
(Presenter: Maria Razo, Executive Director, 332-6305)

GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

FINANCIAL IMPACT

Approval of this item will not result in a financial impact to the Housing Authority of the County of San Bernardino (HACSB) as there is no financial impact associated with this item.

BACKGROUND INFORMATION

Per the United States Department of Housing and Urban Development's (HUD) Commissioner Lead the Way Training, a requirement for all Board of Commissioners (Board), board building is required to provide the Board with information regarding ongoing initiatives of HACSB's strategic plan, Moving to Work activities, overall agency updates, as well as other initiatives federally regulated by HUD.

This month's board building presentation will include an overview of HACSB's Project-Based Voucher program.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by Legal Counsel (Julie J. Surber, Principal Assistant County Counsel, 387-5455) on August 19, 2020.

REPORT/RECOMMENDATION TO THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO AND RECORD OF ACTION

September 8, 2020

FROM

MARIA RAZO, Executive Director, Housing Authority of the County of San Bernardino

SUBJECT

Section 115 Trust Fund for Unfunded Pension Liabilities

RECOMMENDATION(S)

1. Adopt Resolution No. 79 approving the establishment of a Section 115 Trust administered by Public Agency Retirement Services for the Housing Authority of the County of San Bernardino's unfunded pension liabilities and appointing the Executive Director as the Plan Administrator for the Section 115 Trust program.
2. Authorize and direct the Executive Director to execute and deliver any legal and administrative documents necessary, including the attached exhibits, upon consultations with Legal Counsel, to complete the establishment of a Section 115 Trust administered by Public Agency Retirement Services.

(Presenter: Maria Razo, Executive Director, 332-6305)

GOALS & OBJECTIVES

HACSB has secured the resources needed for accomplishing its mission.

FINANCIAL IMPACT

The establishment of a Section 115 Trust for unfunded pension liabilities will have no immediate financial impact on the Housing Authority of the County of San Bernardino (HACSB). Approval of this item will approve participation in the Section 115 Trust pension stabilization trust administered by Public Agency Retirement Services (PARS). This does not commit HACSB to any financial obligations. Recommendations for an initial funding amount, an annual contribution, and the trust documents for this trust fund will be presented at a later Board of Commissioners (Board) meeting.

BACKGROUND INFORMATION

In 2015, the Government Accounting Standards Board (GASB) required implementation of Statement No. 68, Accounting and Financial Reporting for Pensions. GASB 68 requires governmental employers that sponsor Defined Benefit plans, such as California Public Employees' Retirement System (CalPERS), to recognize a net pension liability, (also known as an unfunded pension liability) on their balance sheet. The unfunded pension liability is the difference between HACSB's total pension liability (actuarial accrued liability) and actual plan assets. HACSB's total unfunded pension liability, as of the most recent CalPERS valuation, is just over \$23.3 million. A recent Private Letter Ruling issued by the Internal Revenue Service (IRS) established that public agencies and municipalities can now create a separate Section 115 Trust to "pre-fund" their CalPERS unfunded pension liability. This provides HACSB with an alternative to sending additional funds directly to CalPERS, an option that has a very modest short-term impact on reducing the annual required contribution due to the additional funds being amortized over a period of 20-30 years. Funds placed in an irrevocable supplemental pension Section 115 Trust would be restricted in use solely for pension obligations.

A Section 115 Trust would offer the following benefits to HACSB:

- Pension Volatility Risk Mitigation – contributions from the trust may be transferred to CalPERS at HACSB's discretion to offset fluctuations in the required annual contributions (a maximum of two years of pension expenses can be drawn from the trust at any point in time).
- Investment flexibility with Section 115 Trust compared to the United States Department of Housing and Urban Development imposed restrictions on federal funds.
- Oversight and local control of investment management, risk tolerance, portfolio allocation, and monitoring of investment performance.
- Increased flexibility on use of trust assets (i.e., trust assets may be accessed any time as long as the assets are used to fund HACSB's pension).
- Accumulated funds and investment earnings partially offset Net Pension Liability reportable in the Financial Statements under GASB 68.

This item was approved by the Board of Governors on September 24, 2019 (Item No. 7), but did not include the required proposed resolution.

PROCUREMENT

There are currently only two independent retirement plan administrators in California authorized to offer Section 115 Trusts, PARS and Public Financial Management Group. Both administrators have received a Private Letter Ruling from the IRS, which assures participants of the tax-exempt status of their investments. Staff evaluated the services offered by each of these administrators as well as their fee structure for administering the trust. PARS is being recommended due to its significantly lower fees to administer the plan and also due to Section 115 Trusts being the core business focus of PARS. It is staff's recommendation that HACSB would be best served by selecting PARS as its plan administrator.

REVIEW BY OTHERS

This item has been reviewed by Legal Counsel (Julie J. Surber, Principal Assistant County Counsel, 387-5455) on August 20, 2020.

HOUSING AUTHORITY RESOLUTION NO. 2020-79

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO APPROVING THE ESTABLISHMENT OF A SECTION 115 TRUST BY PUBLIC AGENCY RETIREMENT SERVICES FOR THE HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO UNFUNDED PENSION LIABILITIES

RECITALS

WHEREAS, the Housing Authority of the County of San Bernardino (the “Agency”) is currently participating in the Public Agencies Post-Retirement Health Care Plan Trust for the pre-funding of its retiree health benefits and other post-employment benefits other than pension benefits (“OPEB”); and

WHEREAS, the Agency desires to set aside funds for the purpose of pre-funding its CalPERS pension obligation that will be held in trust for the exclusive purpose of making future contributions of the Agency’s required pension contributions and any employer contributions in excess of such required contributions at the discretion of the Agency; and

WHEREAS, Public Agency Retirement Services (PARS) has made available the Public Agencies Post-Employment Benefits Trust (the “Program”) for the purpose of pre-funding both pension obligations and/or OPEB obligations as specified in the Agency’s plans and policies; and

WHEREAS, the Agency is eligible to participate in the Program, a tax-exempt trust performing an essential governmental function within the meaning of Section 115 of the Internal Revenue Code, as amended, and the Regulations issued thereunder, and is a tax-exempt trust under the relevant statutory provisions of the State of California; and

WHEREAS, the Agency can manage the pre-funding of its pension and OPEB obligations in a single trust under this Program, thereby gaining administrative and cost efficiencies; and

WHEREAS, the Agency’s adoption and operation of the Program has no effect on any current or former employee’s entitlement to post-employment benefits; and

WHEREAS, the terms and conditions of post-employment benefit entitlement, if any, are governed by contracts separate from and independent of the Program; and

WHEREAS, the Agency’s funding of the Program does not, and is not intended to, create any new vested right to any benefit nor strengthen any existing vested right; and

WHEREAS, the Agency reserves the right to make contributions, if any, to the Program.

OPERATIVE PROVISIONS

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO DOES RESOLVE AS FOLLOWS:

Section 1. The Board of Commissioners finds that all the facts set forth in the Recitals are true and correct and are incorporated herein by reference.

Section 2. The Board of Commissioners hereby adopts the Public Agencies Post-Employment Benefits Trust, effective September 9, 2020; and

Section 3. The Board of Commissioners of the Agency hereby appoints the Executive Director, or his/her successor or his/her designee as the Agency's Plan Administrator for the Program; and

Section 4. The Agency's Plan Administrator is hereby authorized to execute the PARS legal and administrative documents including the Adoption Agreement of which is attached hereto as Exhibit "A"; Agreement for Administrative Services attached hereto as Exhibit "B"; and Investment Section form attached hereto as Exhibit "C"; on behalf of the Agency and to take whatever additional actions are necessary to maintain the Agency's participation in the Program and to maintain compliance of any relevant regulation issued or as may be issued; therefore, authorizing him/her to take whatever additional actions are required to administer the Agency's Program; and

Section 5. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board of Commissioners of the Housing Authority of the County of San Bernardino, by the following vote:

AYES: COMMISSIONER:

NOES: COMMISSIONER:

ABSENT: COMMISSIONER:

STATE OF CALIFORNIA)
)
COUNTY OF SAN BERNARDINO) ss.

I, _____, Secretary of the Board of Commissioners of the Housing Authority of the County of San Bernardino, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by the Board of Commissioners, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of Tuesday, _____, 20__.

Secretary

**ADOPTION AGREEMENT
for the
POST-EMPLOYMENT SECTION 115 TRUST**

A.1.1. Trust agreement with U.S. Bank National Association (the “Bank”) (the “Trust Agreement”):

Post-Employment Section 115 Trust. Public Agencies Post-Employment Benefits—Trust Agreement, effective November 5, 2014

A.1.2. OPEB Plan: Public Agencies Post-Employment Health Care Plan

The plan document for the OPEB Plan is the Public Agencies Post-Employment Health Care Plan—Master Plan Document, effective as of November 5, 2014 (the “Plan Document”).

A.1.3. Pension Plan: CalPERS

A.1.4. Pension Plan’s effective date: October 1, 1967

☐ (Check if applicable) Additional Pension Plans (and their respective effective dates) are listed on an exhibit attached hereto.

A.2.1. Employer:

Name: Housing Authority of the County of San Bernardino

U.S. mail address: 715 East Brier Drive, San Bernardino, CA 92408

Phone number: (909) 890-0644

EIN: 95-6001632

Fiscal year end: September 30

A.2.2. Plan Administrator:

Position at Employer: Executive Director

Incumbent: Maria Razo

U.S. mail address: 715 East Brier Drive, San Bernardino, CA 92408

Phone number: (909) 890-0644

Email address: mgrazo@hacsb.com

A.3.1 **Adoption.** The Employer hereby:

A.3.1.1. Adopts the Trust Agreement as part of the (*Check one or both of the following boxes.*):

☒ OPEB Plan

☒ Pension Plan

(each such plan separately, the “Plan”) and agrees to be bound by the Trust Agreement’s terms, effective as of the Employer’s signature date below and subject to the investment approach selected below.

A.3.1.2. *The following provisions apply if and only if the **OPEB Plan** box above is checked:* (i) Adopts the Plan Document and agrees to be bound by the Plan Document’s terms, effective as of the Employer’s signature date below and (ii) acknowledges that the determination of Eligible Employees and Eligible Beneficiaries is finally and conclusively made by the Employer according to the Employer’s applicable policies and collective bargaining agreements and without reference to the Trust Agreement.

A.3.1.3. Ratifies, affirms, and approves Employer’s appointment of Phase II Systems as Trust Administrator and represents and warrants that attached hereto is a fully-executed original of Employer’s Agreement for Administrative Services with Phase II Systems, d/b/a Public Agency Retirement Services (PARS).

A.3.1.4. Agrees that capitalized terms used herein but not defined herein shall have the same meaning attributed to them as in the Trust Agreement or Plan Document, as the case may be.

A.4.1. The Employer hereby represents and warrants that:

A.4.1.1. **Authorizing Law.** Employer has reviewed with its legal counsel and has determined that Employer is authorized to establish and maintain the Plan and to establish a financial-institution trust (separate and apart from the state) for the Plan, including the authority to adopt the Trust Agreement.

A.4.1.2. **Authorizing Resolution.** Attached hereto is a certified copy of a resolution of the Employer’s governing body authorizing the adoption of the Trust Agreement as part of the Plan and authorizing the appointment of the Plan Administrator designated by position of employment at the Employer to act on the Employer’s behalf in all matters relating to the trust.

A.4.1.3. **Tax Status.** The Plan is a “governmental plan” as defined in Section 414(d) of the Internal Revenue Code of 1986, as amended; is a “Section 401(a)(24) governmental plan” as defined in Revenue Ruling 2011-1; and is not subject to Federal income taxation. The Plan’s governing document expressly provides that it is irrevocably impossible for any part of the corpus or income of the Plan to be used for, or diverted to, purposes other than for the exclusive benefit of the Plan participants and their beneficiaries. The Pension Plan is a qualified plan under Code Section 401(a). (In addition, the Employer hereby acknowledges that the Plan is prohibited from assigning any part of its equity or interest in the trust.)

A.4.2. **Investment Approach.**

A.4.2.1. *The following provisions apply if and only if the **OPEB Plan** box above is checked:*
OPEB Account. OPEB Account assets are invested in the discretion of (*check one and only one of the following boxes*):

Discretionary investment approach:

- ☒ The Bank, subject to **Exhibit A (Investment Strategy Selection and Disclosure Form)** hereto.

Directed investment approach:

- ☐ The Plan Administrator.
- ☐ The following registered investment adviser, bank (other than the Bank), or insurance company (a "Third-Party Manager"): _____ . The Employer hereby represents and warrants that attached hereto is an executed copy of the agreement with the above appointed Third Party Manager.

A.4.2.2. *The following provisions apply if and only if the **Pension Plan** box above is checked:*
Pension Account. Pension Account assets are invested in the discretion of (*check one and only one of the following boxes*):

Discretionary investment approach:

- ☒ The Bank, subject to **Exhibit A (Investment Strategy Selection and Disclosure Form)** hereto.

Directed investment approach:

- ☐ The Plan Administrator.
- ☐ The following registered investment adviser, bank (other than the Bank), or insurance company (a "Third-Party Manager"): _____ . The Employer hereby represents and warrants that attached hereto is an executed copy of the agreement with the above appointed Third Party Manager.

A.4.3. It is intended that any references to GASB pronouncements and/or statements in the Public Agencies Post-Employment Health Care Plan and Trust Agreement shall incorporate any applicable successor pronouncements and/or statements.

[signature page follows]

**HOUSING AUTHORITY OF THE COUNTY
OF SAN BERNARDINO**

By: _____
Maria Razo

Its: Executive Director

Date: _____

Accepted by:

**PHASE II SYSTEMS, DBA PUBLIC AGENCY
RETIREMENT SERVICES (PARS)**

By: _____
Daniel Johnson

Its: President

Date: _____

U.S. BANK NATIONAL ASSOCIATION

By: _____
Susan M. Hughes

Its: Vice President and Relationship Manager

Date: _____

AGREEMENT FOR ADMINISTRATIVE SERVICES

This agreement (“Agreement”) is made this 8th day of September 2020, between Phase II Systems, a corporation organized and existing under the laws of the State of California, doing business as Public Agency Retirement Services and PARS (hereinafter “PARS”) and the Housing Authority of the County of San Bernardino (“Agency”).

WHEREAS, the Agency has adopted the PARS Public Agencies Post-Employment Benefits Trust for the purpose of pre-funding pension obligations and/or OPEB obligations (“Plan”), and is desirous of retaining PARS as Trust Administrator to the Trust, to provide administrative services.

NOW THEREFORE, the parties agree:

1. **Services.** PARS will provide the services pertaining to the Plan as described in the exhibit attached hereto as “Exhibit 1A” (“Services”) in a timely manner, subject to the further provisions of this Agreement.
2. **Fees for Services.** PARS will be compensated for performance of the Services as described in the exhibit attached hereto as “Exhibit 1B”.
3. **Payment Terms.** Payment for the Services will be remitted directly from Plan assets unless the Agency chooses to make payment directly to PARS. In the event that the Agency chooses to make payment directly to PARS, it shall be the responsibility of the Agency to remit payment directly to PARS based upon an invoice prepared by PARS and delivered to the Agency. If payment is not received by PARS within thirty (30) days of the invoice delivery date, the balance due shall bear interest at the rate of 1.5% per month. If payment is not received from the Agency within sixty (60) days of the invoice delivery date, payment plus accrued interest will be remitted directly from Plan assets, unless PARS has previously received written communication disputing the subject invoice that is signed by a duly authorized representative of the Agency.
4. **Fees for Services Beyond Scope.** Fees for services beyond those specified in this Agreement will be billed to the Agency at the rates indicated in the PARS’ standard fee schedule in effect at the time the services are provided and shall be payable as described in Section 3 of this Agreement. Before any such services are performed, PARS will provide the Agency with a detailed description of the services, terms, and applicable rates for such services. Such services, terms, and applicable rates shall be agreed upon in writing and executed by both parties.
5. **Information Furnished to PARS.** PARS will provide the Services contingent upon the Agency providing PARS the information specified in the exhibit attached hereto as “Exhibit 1C” (“Data”). It shall be the responsibility of the Agency to certify the accuracy, content and completeness of the Data so that PARS may rely on such information without further audit. It shall further be the responsibility of the Agency to deliver the Data to PARS in such a manner that allows for a reasonable amount of time for the Services to be performed. Unless specified in Exhibit 1A, PARS shall be under no duty to question Data received from the Agency, to compute contributions made to the

Plan, to determine or inquire whether contributions are adequate to meet and discharge liabilities under the Plan, or to determine or inquire whether contributions made to the Plan are in compliance with the Plan or applicable law. In addition, PARS shall not be liable for non performance of Services to the extent such non performance is caused by or results from erroneous and/or late delivery of Data from the Agency. In the event that the Agency fails to provide Data in a complete, accurate and timely manner and pursuant to the specifications in Exhibit 1C, PARS reserves the right, notwithstanding the further provisions of this Agreement, to terminate this Agreement upon no less than ninety (90) days written notice to the Agency.

6. **Records.** Throughout the duration of this Agreement, and for a period of five (5) years after termination of this Agreement, PARS shall provide duly authorized representatives of Agency access to all records and material relating to calculation of PARS' fees under this Agreement. Such access shall include the right to inspect, audit and reproduce such records and material and to verify reports furnished in compliance with the provisions of this Agreement. All information so obtained shall be accorded confidential treatment as provided under applicable law.
7. **Confidentiality.** Without the Agency's consent, PARS shall not disclose any information relating to the Plan except to duly authorized officials of the Agency, subject to applicable law, and to parties retained by PARS to perform specific services within this Agreement. The Agency shall not disclose any information relating to the Plan to individuals not employed by the Agency without the prior written consent of PARS, except as such disclosures may be required by applicable law.
8. **Independent Contractor.** PARS is and at all times hereunder shall be an independent contractor. As such, neither the Agency nor any of its officers, employees or agents shall have the power to control the conduct of PARS, its officers, employees or agents, except as specifically set forth and provided for herein. PARS shall pay all wages, salaries and other amounts due its employees in connection with this Agreement and shall be responsible for all reports and obligations respecting them, such as social security, income tax withholding, unemployment compensation, workers' compensation and similar matters.
9. **Indemnification.** PARS and Agency hereby indemnify each other and hold the other harmless, including their respective officers, directors, employees, agents and attorneys, from any claim, loss, demand, liability, or expense, including reasonable attorneys' fees and costs, incurred by the other as a consequence of, to the extent, PARS' or Agency's, as the case may be, negligent acts, errors or omissions with respect to the performance of their respective duties hereunder.
10. **Compliance with Applicable Law.** The Agency shall observe and comply with federal, state and local laws in effect when this Agreement is executed, or which may come into effect during the term of this Agreement, regarding the administration of the Plan. PARS shall observe and comply with federal, state and local laws in effect when this Agreement is executed, or which may come into effect during the term of this Agreement, regarding Plan administrative services provided under this Agreement.

11. **Applicable Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of California. In the event any party institutes legal proceedings to enforce or interpret this Agreement, venue and jurisdiction shall be in any state court of competent jurisdiction.
12. **Force Majeure.** When a party's nonperformance hereunder was beyond the control and not due to the fault of the party not performing, a party shall be excused from performing its obligations under this Agreement during the time and to the extent that it is prevented from performing by such cause, including but not limited to: any incidence of fire, flood, acts of God, acts of terrorism or war, commandeering of material, products, plants or facilities by the federal, state or local government, or a material act or omission by the other party.
13. **Ownership of Reports and Documents.** The originals of all letters, documents, reports, and data produced for the purposes of this Agreement shall be delivered to, and become the property of the Agency. Copies may be made for PARS but shall not be furnished to others without written authorization from Agency.
14. **Designees.** The Plan Administrator of the Agency, or their designee, shall have the authority to act for and exercise any of the rights of the Agency as set forth in this Agreement, subsequent to and in accordance with the written authority granted by the Governing Body of the Agency, a copy of which writing shall be delivered to PARS. Any officer of PARS, or his or her designees, shall have the authority to act for and exercise any of the rights of PARS as set forth in this Agreement.
15. **Notices.** All notices hereunder and communications regarding the interpretation of the terms of this Agreement, or changes thereto, shall be effected by delivery of the notices in person or by depositing the notices in the U.S. mail, registered or certified mail, return receipt requested, postage prepaid and addressed as follows:
 - (A) To PARS: PARS; 4350 Von Karman Avenue, Suite 100, Newport Beach, CA 92660; Attention: President
 - (B) To Agency: Housing Authority of the County of San Bernardino; 715 East Brier Drive, San Bernardino, CA 92408; Attention: Executive DirectorNotices shall be deemed given on the date received by the addressee.
16. **Term of Agreement.** This Agreement shall remain in effect for the period beginning September 8, 2020 and ending September 7, 2023 ("Term"). This Agreement may be terminated at any time by giving thirty (30) days written notice to the other party of the intent to terminate. Absent a thirty (30) day written notice to the other party of the intent to terminate, this Agreement will continue unchanged for successive twelve month periods following the Term.
17. **Amendment.** This Agreement may not be amended orally, but only by a written instrument executed by the parties hereto.
18. **Entire Agreement.** This Agreement, including exhibits, contains the entire understanding of the parties with respect to the subject matter set forth in this Agreement.

In the event a conflict arises between the parties with respect to any term, condition or provision of this Agreement, the remaining terms, conditions and provisions shall remain in full force and legal effect. No waiver of any term or condition of this Agreement by any party shall be construed by the other as a continuing waiver of such term or condition.

19. **Attorneys Fees.** In the event any action is taken by a party hereto to enforce the terms of this Agreement the prevailing party herein shall be entitled to receive its reasonable attorney's fees.
20. **Counterparts.** This Agreement may be executed in any number of counterparts, and in that event, each counterpart shall be deemed a complete original and be enforceable without reference to any other counterpart.
21. **Headings.** Headings in this Agreement are for convenience only and shall not be used to interpret or construe its provisions.
22. **Effective Date.** This Agreement shall be effective on the date first above written, and also shall be the date the Agreement is executed.

AGENCY:

BY: _____
Maria Razo

TITLE: Executive Director

DATE: _____

PARS:

BY: _____
Tod Hammeras

TITLE: Chief Financial Officer

DATE: _____

EXHIBIT 1A
SERVICES

PARS will provide the following services for the Housing Authority of the County of San Bernardino Public Agencies Post-Employment Benefits Trust:

1. Plan Installation Services:

- (A) Meeting with appropriate Agency personnel to discuss plan provisions, implementation timelines, actuarial valuation process, funding strategies, benefit communication strategies, data reporting, and submission requirements for contributions/reimbursements/distributions;
- (B) Providing the necessary analysis and advisory services to finalize these elements of the Plan;
- (C) Providing the documentation needed to establish the Plan to be reviewed and approved by Agency legal counsel. Resulting final Plan documentation must be approved by the Agency prior to the commencement of PARS Plan Administration Services outlined in Exhibit 1A, paragraph 2 below.

2. Plan Administration Services:

- (A) Monitoring the receipt of Plan contributions made by the Agency to the trustee of the PARS Public Agencies Post-Employment Benefits Trust ("Trustee"), based upon information received from the Agency and the Trustee;
- (B) Performing periodic accounting of Plan assets, reimbursements/distributions, and investment activity, based upon information received from the Agency and/or Trustee;
- (C) Coordinating the processing of distribution payments pursuant to authorized direction by the Agency, and the provisions of the Plan, and, to the extent possible, based upon Agency-provided Data;
- (D) Coordinating actions with the Trustee as directed by the Plan Administrator within the scope of this Agreement;
- (E) Preparing and submitting a monthly report of Plan activity to the Agency, unless directed by the Agency otherwise;
- (F) Preparing and submitting an annual report of Plan activity to the Agency;
- (G) Facilitating actuarial valuation updates and funding modifications for compliance with GASB 45/75, if prefunding OPEB obligations;
- (H) Coordinating periodic audits of the Trust;
- (I) Monitoring Plan and Trust compliance with federal and state laws.

3. PARS is not licensed to provide and does not offer tax, accounting, legal, investment or actuarial advice.

EXHIBIT 1B
FEES FOR SERVICES

PARS will be compensated for performance of Services, as described in Exhibit 1A based upon the following schedule:

An annual asset fee shall be paid from Plan assets based on the following schedule:

<u>For Plan Assets from:</u>			<u>Annual Rate:</u>
\$1	to	\$10,000,000	0.25%
\$10,000,001	to	\$15,000,000	0.20%
\$15,000,001	to	\$50,000,000	0.15%
\$50,000,001	and	above	0.10%

Annual rates are prorated and paid monthly. The annual asset fee shall be calculated by the following formula [Annual rate divided by 12 (months of the year) multiplied by the Plan asset balance at the end of the month]. Trustee and Investment Management Fees are not included.

EXHIBIT 1C
DATA REQUIREMENTS

PARS will provide the Services under this Agreement contingent upon receiving the following information:

1. Executed Legal Documents:
 - (A) Certified Resolution
 - (B) Adoption Agreement to the Public Agencies Post-Employment Benefits Trust
 - (C) Trustee Investment Forms

2. Contribution – completed Contribution Transmittal Form signed by the Plan Administrator (or authorized Designee) which contains the following information:
 - (A) Agency name
 - (B) Contribution amount
 - (C) Contribution date
 - (D) Contribution method (Check, ACH, Wire)

3. Distribution – completed Payment Reimbursement/Distribution Form signed by the Plan Administrator (or authorized Designee) which contains the following information:
 - (A) Agency name
 - (B) Payment reimbursement/distribution amount
 - (C) Applicable statement date
 - (D) Copy of applicable premium, claim, statement, warrant, and/or administrative expense evidencing payment
 - (E) Signed certification of reimbursement/distribution from the Plan Administrator (or authorized Designee)

4. Other information pertinent to the Services as reasonably requested by PARS and Actuarial Provider.

■ This document is entered into by client and U.S. Bank National Association ("U.S. Bank"), as trustee.

■ Employer: _____

■ Plan/Trust Name: Public Agencies Post-Employment Benefits Trust

■ To: HighMark Capital Management, Inc. and U.S. Bank:

U.S. Bank has been or is hereby appointed Investment Manager of the above-referenced Plan/Trust. Please invest the assets of the above-referenced Plan/Trust for which you have been appointed Investment Manager in the **(select one of the strategies listed below for each Plan funded by the Trust)**:

DIVERSIFIED PORTFOLIOS

<input type="checkbox"/>	OPEB Account	<input type="checkbox"/>	Pension Account	Primary Goal	Strategic Range
<input type="checkbox"/>	Liquidity Management (US Treasury)	<input type="checkbox"/>	Liquidity Management (US Treasury)	Provide current income with liquidity and stability of principal through investments in short-term U.S. Treasury obligations.	Money Market Fund
<input type="checkbox"/>	Liquidity Management (Prime Obligation)	<input type="checkbox"/>	Liquidity Management (Prime Obligation)	Generate current income with liquidity.	Money Market Fund
<input type="checkbox"/>	Conservative HighMark PLUS	<input type="checkbox"/>	Conservative HighMark PLUS	Provide a consistent level of inflation-protected income over the long-term.	Equity: 5-20%
<input type="checkbox"/>	Conservative Index PLUS	<input type="checkbox"/>	Conservative Index PLUS		Fixed Income: 60-95%
<input type="checkbox"/>	Moderately Conservative HighMark PLUS	<input type="checkbox"/>	Moderately Conservative HighMark PLUS	Provide current income with capital appreciation as a secondary objective.	Equity: 20-40%
<input type="checkbox"/>	Moderately Conservative Index PLUS	<input type="checkbox"/>	Moderately Conservative Index PLUS		Fixed Income: 50-80%
<input type="checkbox"/>	Moderate HighMark PLUS	<input type="checkbox"/>	Moderate HighMark PLUS	Provide current income and moderate capital appreciation.	Equity: 40-60%
<input type="checkbox"/>	Moderate Index PLUS	<input type="checkbox"/>	Moderate Index PLUS		Fixed Income: 40-60%
<input type="checkbox"/>	Balanced HighMark PLUS	<input type="checkbox"/>	Balanced HighMark PLUS	Provide growth of principal and income.	Equity: 50-70%
<input type="checkbox"/>	Balanced Index PLUS	<input type="checkbox"/>	Balanced Index PLUS		Fixed Income: 30-50%
<input type="checkbox"/>	Capital Appreciation HighMark PLUS	<input type="checkbox"/>	Capital Appreciation HighMark PLUS	Primary goal is growth of principal.	Equity: 65-85%
<input type="checkbox"/>	Capital Appreciation Index PLUS	<input type="checkbox"/>	Capital Appreciation Index PLUS		Fixed Income: 10-30%
<input type="checkbox"/>	Custom	<input type="checkbox"/>	Custom	Refer to Investment Guidelines Document.	

Note: HighMark PLUS portfolios are diversified portfolios of actively managed mutual funds. Index PLUS portfolios are diversified portfolios of Index-based mutual funds or exchange-traded funds.

Acknowledged and Approved	
Signature of Authorized Signer	Title of Authorized Signer
Print Name of Authorized Signer	Date

REPORT/RECOMMENDATION TO THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO AND RECORD OF ACTION

September 8, 2020

FROM

MARIA RAZO, Executive Director, Housing Authority of the County of San Bernardino

SUBJECT

FY 2020-2021 Utility Allowance Schedules for the Housing Choice Voucher and Public Housing Programs

RECOMMENDATION(S)

**Adopt Resolution No. 94 approving FY 2020-2021 Utility Allowance Schedules for the Housing Choice Voucher and Public Housing programs effective October 1, 2020.
(Presenter: Maria Razo, Executive Director, 332-6305)**

GOALS & OBJECTIVES

**HACSB clients, programs, and properties are embraced by all communities.
HACSB clients live in safe and desirable homes and communities where they can develop and prosper.**

FINANCIAL IMPACT

Despite the slight increase in the value of the utility allowances from the last review in 2019, the financial impact is anticipated to be minimal because these allowances only apply to approximately 10% of families served. Every year, the Housing Authority of the County of San Bernardino (HACSB) considers the changes to the utility allowances which are included in HACSB's 2020-2021 annual budget.

BACKGROUND INFORMATION

This item will allow HACSB to update the annual Utility Allowance Schedules, a requirement per Title 24 of the Code of Federal Regulations section 982.517(c). The purpose of the utility allowances is to offset the cost of tenant-paid utilities and appliances not included in the rental subsidy. The Utility Allowance Schedule is only applicable to families participating in the Family Self-Sufficiency Program and Special Purpose Voucher Programs, which equates to approximately 1,000 households. It does not apply to households in the other Housing Choice Voucher Programs or in the Public Housing program that are not enrolled in the Family Self-Sufficiency program; these households have the utility costs incorporated within their household's rent calculation.

The Utility Allowance Schedules were derived using actual current rates from applicable utility companies and energy consumption figures specific to San Bernardino County from a utility allowance tool provided by the United States Department of Housing and Urban Development. The utility allowances for the Public Housing Program also utilize a consumption baseline calculated by our Energy Services Company, Noresco, as a result of our Energy Performance Contract (EPC). HACSB created two sets of allowances, one for units affected by the EPC and a second set for units not impacted by the EPC.

The Maplewood Homes Affordable Housing community is handled differently, since approximately one-third of the 296 units at that site have solar panels installed and the utility allowance schedules have been adjusted to ensure the savings are distributed to all the households at the community. As a result, the utility allowances for air conditioning and other electric appliances have decreased for those units with solar panels and have increased for those units without solar panels.

If any utility rate has changed by 10% or more from the rate upon which the current allowance is based, HACSB is required to update the allowance for that utility. However, HACSB reviews and updates all allowances to reflect the current rate at the time of review, regardless of the value of the change. In this year's review, the utility rates did not change by 10%, however HUD released an updated utility allowance calculation tool resulting in an increase or decrease in values for various line items on the allowance schedules. Approval of this item will update the utility allowance schedules with the current rates.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by Legal Counsel (Julie J. Surber, Principal Assistant County Counsel, 387-5455) on August 20, 2020.

HOUSING AUTHORITY RESOLUTION NO. 2020-94

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE
COUNTY OF SAN BERNARDINO APPROVING THE UTILITY ALLOWANCE SCHEDULES FOR
THE HOUSING CHOICE VOUCHER AND PUBLIC HOUSING PROGRAMS EFFECTIVE OCTOBER
1, 2020**

RECITALS

WHEREAS, the utility allowances relative to the Housing Choice Voucher and Public Housing programs are periodically reviewed;

WHEREAS, the Housing Authority of the County of San Bernardino (Authority) has conducted the review and has established new revised allowances for the resident, participant, and project-supplied utilities in accordance with current utility consumption and utility rate information; and

WHEREAS, the Authority has taken into consideration the energy performance measures for the units affected in the Public Housing program.

OPERATIVE PROVISIONS

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY
OF THE COUNTY OF SAN BERNARDINO DOES RESOLVE AS FOLLOWS:**

Section 1. The Board of Commissioners finds that all of the facts set forth in the Recitals are true and correct, and are incorporated herein by reference.

Section 2. The Board of Commissioners hereby approves the updated FY 2020-2021 Utility Allowance Schedules relative to the Housing Choice Voucher and Public Housing programs effective October 1, 2020, a copy of which is attached hereto and incorporated herein by reference.

Section 3. This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board of Commissioners of the Housing Authority of the County of San Bernardino, by the following vote:

AYES:

NOES:

ABSENT:

STATE OF CALIFORNIA)
)
COUNTY OF SAN BERNARDINO) ss.

I, _____, Secretary of the Board of Commissioners of the Housing Authority of the County of San Bernardino, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by the Board of Commissioners, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of Tuesday, _____, 20__.

Secretary

Housing Authority of the County of San Bernardino

Housing Choice Voucher Program

Allowances for
Tenant-Furnished Utilities
and Other Services

U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing

Locality San Bernardino County	Age mixed	Unit Type Apartment	Date (mm/dd/yyyy) 10/1/2020
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Utility or Service		Monthly Dollar Allowances						
		0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Heating	a. Natural Gas	19	22	24	26	29	31	33
	b. Bottle Gas	47	53	58	63	69	75	79
	c. Electric	21	26	34	41	48	54	61
Cooking	a. Natural Gas	3	4	5	7	8	10	11
	b. Bottle Gas	7	9	13	17	20	24	26
	c. Electric	9	10	15	21	28	34	39
Other Electric		32	38	53	68	84	101	115
Air Conditioning		17	21	32	45	54	64	85
Water Heating	a. Natural Gas	7	8	11	16	20	24	26
	b. Bottle Gas	16	19	28	38	48	58	62
	c. Electric	20	23	33	43	53	63	72
Water		44	46	60	81	102	123	140
Sewer		36	36	36	36	36	36	36
Trash Collection		25	25	25	25	25	25	25
Range/Microwave		5	5	5	5	5	5	5
Refrigerator		4	4	4	4	4	4	4
Other - specify		0	0	0	0	0	0	0

Actual Family Allowances to be used by the family to compute allowance. Complete below for the actual unit rented.		Utility or Service	Monthly Cost
Name of Family		Heating	
		Cooking	
		Other Electric	
Address of Use		Air Conditioning	
		Water Heating	
		Water	
		Sewer	
		Trash Collection	
		Range/Microwave	
Number of Bedrooms		Refrigerator	
		Other	
		Total	\$

Spreadsheet based on form HUD-52667 (7/19).

Previous editions are obsolete

ref. Handbook 7420.8

Any individual, company, corporation, government agency or organization using these utility allowances shall indemnify, defend, and hold harmless the Housing Authority of the County of San Bernardino, its officers, officials, employees, and volunteers from and against any and all liability, claims, damage, cost, expenses, awards, fines, judgments, and attorney fees (including, without limitation, costs, attorney fees, expert witness fees, and other expenses of litigation) of every nature arising out of or in connection with the use of these utility allowances under any circumstances.

Housing Authority of the County of San Bernardino

Housing Choice Voucher Program

Allowances for
Tenant-Furnished Utilities
and Other Services

U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing

Locality San Bernardino County	Age mixed	Unit Type Detached Houses	Date (mm/dd/yyyy) 10/1/2020
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Utility or Service		Monthly Dollar Allowances						
		0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Heating	a. Natural Gas	26	30	33	37	41	45	48
	b. Bottle Gas	62	72	81	90	99	109	118
	c. Electric	47	56	63	71	78	86	97
Cooking	a. Natural Gas	3	4	5	7	8	10	10
	b. Bottle Gas	7	9	13	17	20	24	26
	c. Electric	9	10	17	23	30	36	42
Other Electric		48	56	78	104	130	158	179
Air Conditioning		14	17	44	68	92	117	129
Water Heating	a. Natural Gas	8	10	15	20	25	30	32
	b. Bottle Gas	20	23	35	48	60	73	78
	c. Electric	25	32	44	57	68	78	88
Water		44	46	60	81	102	123	142
Sewer		36	36	36	36	36	36	36
Trash Collection		25	25	25	25	25	25	25
Range/Microwave		5	5	5	5	5	5	5
Refrigerator		4	4	4	4	4	4	4
Other - specify		0	0	0	0	0	0	0

Actual Family Allowances to be used by the family to compute allowance. Complete below for the actual unit rented.		Utility or Service	Monthly Cost
Name of Family		Heating	
		Cooking	
		Other Electric	
Address of Use		Air Conditioning	
		Water Heating	
		Water	
		Sewer	
		Trash Collection	
		Range/Microwave	
Number of Bedrooms		Refrigerator	
		Other	
		Total	\$

Spreadsheet based on form HUD-52667 (7/19).

Previous editions are obsolete

ref. Handbook 7420.8

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Housing Authority of the County of San Bernardino

Housing Choice Voucher Program

Allowances for
Tenant-Furnished Utilities
and Other Services

U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing

Locality San Bernardino County	Age mixed	Unit Type Manufactured homes	Date (mm/dd/yyyy) 10/1/2020
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Utility or Service		Monthly Dollar Allowances						
		0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Heating	a. Natural Gas	22	26	29	32	35	39	42
	b. Bottle Gas	54	62	69	76	85	93	102
	c. Electric	51	60	62	63	65	66	74
Cooking	a. Natural Gas	3	4	5	7	8	10	10
	b. Bottle Gas	7	9	13	17	20	24	26
	c. Electric	9	10	17	23	30	36	38
Other Electric		48	56	78	104	130	158	185
Air Conditioning		17	21	41	57	74	91	115
Water Heating	a. Natural Gas	8	10	15	20	25	30	32
	b. Bottle Gas	20	23	35	48	60	73	78
	c. Electric	25	32	44	57	68	78	87
Water		44	46	60	81	102	123	140
Sewer		36	36	36	36	36	36	36
Trash Collection		25	25	25	25	25	25	25
Range/Microwave		5	5	5	5	5	5	5
Refrigerator		4	4	4	4	4	4	4
Other - specify		0	0	0	0	0	0	0

Actual Family Allowances to be used by the family to compute allowance. Complete below for the actual unit rented.		Utility or Service	Monthly Cost
Name of Family		Heating	
		Cooking	
		Other Electric	
Address of Use		Air Conditioning	
		Water Heating	
		Water	
		Sewer	
		Trash Collection	
		Range/Microwave	
Number of Bedrooms		Refrigerator	
		Other	
		Total	\$

Spreadsheet based on form HUD-52667 (7/19).

Previous editions are obsolete

ref. Handbook 7420.8

Any individual, company, corporation, government agency or organization using these utility allowances shall indemnify, defend, and hold harmless the Housing Authority of the County of San Bernardino, its officers, officials, employees, and volunteers from and against any and all liability, claims, damage, cost, expenses, awards, fines, judgments, and attorney fees (including, without limitation, costs, attorney fees, expert witness fees, and other expenses of litigation) of every nature arising out of or in connection with the use of these utility allowances under any circumstances.

Housing Authority of the County of San Bernardino

PUBLIC HOUSING PROGRAM							
Utility Allowance Schedule Non Energy Performance Contract							
Effective October 1, 2020							
APARTMENTS							
	Bedrooms:	0	1	2	3	4	5
Electric							
	Cooking	6	6	7	8	9	10
	Water Heating	18	18	21	24	27	31
	Space Heating	24	24	28	32	36	41
	Air Conditioning	8	8	10	11	12	14
	Other Electric	24	24	28	32	36	41
Gas							
	Cooking	6	6	8	10	11	13
	Water Heating	29	31	39	48	56	64
	Space Heating	23	25	31	38	44	51
Bottle Gas							
	Cooking	14	16	19	24	28	32
	Water Heating	70	76	93	115	134	156
	Space Heating	56	60	74	91	107	123
Water		34	42	56	74	91	105
Sewer		32	32	32	32	32	32
Trash		24	24	24	24	24	24
Refrigerator		4	4	4	4	4	4
Range/Microwave		5	5	5	5	5	5

Housing Authority of the County of San Bernardino

PUBLIC HOUSING PROGRAM							
Utility Allowance Schedule Non Energy Performance Contract							
Effective October 1, 2020							
HOUSES							
	Bedrooms:	0	1	2	3	4	5
Electric							
	Cooking	6	6	7	8	9	10
	Water Heating	18	19	21	25	28	31
	Space Heating	25	25	29	33	37	42
	Air Conditioning	9	9	10	11	13	15
	Other Electric	25	25	29	33	37	42
Gas							
	Cooking	6	7	8	10	12	14
	Water Heating	30	32	40	49	57	66
	Space Heating	24	26	32	39	45	53
Bottle Gas							
	Cooking	15	16	20	24	29	33
	Water Heating	72	78	96	119	138	160
	Space Heating	57	62	76	94	110	127
Water		34	42	57	75	93	107
Sewer		32	32	32	32	32	32
Trash		24	24	24	24	24	24
Refrigerator		4	4	4	4	4	4
Range/Microwave		5	5	5	5	5	5

Housing Authority of the County of San Bernardino

PUBLIC HOUSING PROGRAM							
Utility Allowance Schedule Energy Performance Contract							
Effective October 1, 2020							
Apartments - Energy Performance Contract							
	Bedrooms:	0	1	2	3	4	5
Electric							
	Cooking	3	5	6	7	7	8
	Water Heating	8	15	17	20	22	25
	Space Heating	11	20	23	26	30	33
	Air Conditioning	4	7	8	9	10	12
	Other Electric	11	20	23	26	30	33
Gas							
	Cooking	5	6	7	8	9	10
	Water Heating	25	27	32	38	44	50
	Space Heating	20	21	25	30	35	39
Bottle Gas							
	Cooking	12	13	16	19	22	25
	Water Heating	61	65	77	92	106	120
	Space Heating	48	52	61	73	84	95
Water		31	37	47	58	69	77
Sewer		32	32	32	32	32	32
Trash		24	24	24	24	24	24
Refrigerator		4	4	4	4	4	4
Range/Microwave		5	5	5	5	5	5

Housing Authority of the County of San Bernardino

PUBLIC HOUSING PROGRAM							
Utility Allowance Schedule Energy Performance Contract							
Effective October 1, 2020							
Houses - Energy Performance Contract							
	Bedrooms:	0	1	2	3	4	5
Electric							
	Cooking	3	5	6	7	8	9
	Water Heating	9	15	17	20	23	26
	Space Heating	12	21	23	27	31	34
	Air Conditioning	4	7	8	10	11	12
	Other Electric	12	21	23	27	31	34
Gas							
	Cooking	5	6	7	8	9	11
	Water Heating	26	28	33	39	45	51
	Space Heating	21	22	26	31	36	41
Bottle Gas							
	Cooking	13	14	16	20	22	25
	Water Heating	63	67	79	95	109	124
	Space Heating	50	53	63	76	86	98
Water		31	38	47	59	70	78
Sewer		32	32	32	32	32	32
Trash		24	24	24	24	24	24
Refrigerator		4	4	4	4	4	4
Range/Microwave		5	5	5	5	5	5

Housing Authority of the County of San Bernardino

PUBLIC HOUSING PROGRAM							
Utility Allowance Schedule Energy Performance Contract							
Maplewood Homes - Solar							
Effective October 1, 2020							
Apartments - Energy Performance Contract							
	Bedrooms:	0	1	2	3	4	5
Electric							
	Cooking	3	5	6	7	7	8
	Water Heating	8	15	17	20	22	25
	Space Heating	11	20	23	26	30	33
	Air Conditioning	0	0	0	0	0	0
	Other Electric	10	10	10	10	10	10
Gas							
	Cooking	5	6	7	8	9	10
	Water Heating	25	27	32	38	44	50
	Space Heating	20	21	25	30	35	39
Bottle Gas							
	Cooking	12	13	16	19	22	25
	Water Heating	61	65	77	92	106	120
	Space Heating	48	52	61	73	84	95
Water		31	37	47	58	69	77
Sewer		32	32	32	32	32	32
Trash		24	24	24	24	24	24
Refrigerator		4	4	4	4	4	4
Range/Microwave		5	5	5	5	5	5

Housing Authority of the County of San Bernardino

PUBLIC HOUSING PROGRAM							
Utility Allowance Schedule Energy Performance Contract							
Maplewood Homes - Non-Solar							
Effective October 1, 2020							
Apartments - Energy Performance Contract							
	Bedrooms:	0	1	2	3	4	5
Electric							
	Cooking	3	5	6	7	7	8
	Water Heating	8	15	17	20	22	25
	Space Heating	11	20	23	26	30	33
	Air Conditioning	4	7	8	9	10	12
	Other Electric	42	51	53	57	60	64
Gas							
	Cooking	5	6	7	8	9	10
	Water Heating	25	27	32	38	44	50
	Space Heating	20	21	25	30	35	39
Bottle Gas							
	Cooking	12	13	16	19	22	25
	Water Heating	61	65	77	92	106	120
	Space Heating	48	52	61	73	84	95
Water		31	37	47	58	69	77
Sewer		32	32	32	32	32	32
Trash		24	24	24	24	24	24
Refrigerator		4	4	4	4	4	4
Range/Microwave		5	5	5	5	5	5

REPORT/RECOMMENDATION TO THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO AND RECORD OF ACTION

September 8, 2020

FROM

MARIA RAZO, Executive Director, Housing Authority of the County of San Bernardino

SUBJECT

Payment Standards for the Traditional Regulatory Assistance for Special Purpose Programs

RECOMMENDATION(S)

Adopt Resolution No. 95 approving updates to the payment standards for the traditional regulatory assistance for special purpose programs effective October 1, 2020.

(Presenter: Maria Razo, Executive Director, 332-6305)

GOALS & OBJECTIVES

HACSB clients live in safe and desirable homes and communities where they can develop and prosper.

FINANCIAL IMPACT

The proposed revisions to the Housing Authority of the County of San Bernardino (HACSB) Payment Standards for the Traditional Regulatory Assistance for Special Purpose Programs schedule includes increases to the payment standards for all bedroom sizes. While an increase to payment standards has the potential to also increase the Housing Assistance Payment (HAP) expense, the total increase would happen over a two-year period, assuming that the updated proposed payment standards are applied to all assisted households at their next recertification. The total increase over a two-year implementation period is estimated at less than \$650,000.

BACKGROUND INFORMATION

The payment standards for traditional regulatory assistance for special purpose programs apply to non-Moving to Work (MTW) assistance, including the Continuum of Care (COC) program, Master Leasing program, Veterans Affairs Supportive Housing (VASH) program, Mainstream 811 and Mainstream 5 programs, and Housing Opportunities for Persons With AIDS (HOPWA). The payment standards are established based on the Fair Market Rents (FMR) published by the United States Department of Housing and Urban Development (HUD) annually and effective October 1. HUD permits housing authorities to adopt payment standards set between 90% and 110% of the FMRs, and to establish one or more separate payment standards for designated parts of its jurisdiction.

Like the approved 2019-2020 payment standards for traditional regulatory assistance for special purpose programs, the proposed 2020-2021 payment standards include three regions representing different segments of the County of San Bernardino. The amounts are based upon analysis of the market rate rental prices for each region and are set within 90 and 110 percent of HUD's final 2021 FMRs as follows.

Region A: 90% of the HUD-published FMRs
Region B: 100% of the HUD-published FMRs
Region C: 110% of the HUD-published FMRs

The proposed 2020-2021 payment standards for traditional regulatory assistance for special purpose programs by region are included in the attached proposed schedule.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by Legal Counsel (Julie J. Surber, Principal Assistant County Counsel, 387-5455) on August 20, 2020.

HOUSING AUTHORITY RESOLUTION NO. 2020-95

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO APPROVING THE PAYMENT STANDARDS FOR THE TRADITIONAL REGULATORY ASSISTANCE FOR SPECIAL PURPOSE PROGRAMS EFFECTIVE OCTOBER 1, 2020.

RECITALS

WHEREAS, the Housing Authority of the County of San Bernardino (the "Authority") is a duly formed housing authority of the State of California, and is vested with the responsibilities set forth in Division 24, Part 2, Article 4 (Sections 34310-34334) of the California Health and Safety Code, which includes providing low- and moderate-income housing within its jurisdiction; and

WHEREAS, the Authority administers the Housing Choice Voucher program for the United States Department of Housing and Urban Development (HUD); and

WHEREAS, the Authority administers HUD programs through grants and other federal resources including Veterans Affairs Supportive Housing (VASH), Shelter Plus Care (SPC) programs, Mainstream program for disabled households, and Housing Opportunities for Persons with AIDS (HOPWA) which are traditionally regulated programs;

WHEREAS, housing authorities are required to establish payment standards which set the maximum subsidy payment a family can receive from the housing authority each month; and

WHEREAS, HUD annually sets Fair Market Rents which are used by housing authorities to develop the payment standards; and

WHEREAS, housing authorities are required to review and update payment standards annually to maintain reasonable rents paid on behalf of clients receiving subsidy.

OPERATIVE PROVISIONS

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO DOES RESOLVE AS FOLLOWS:

Section 1. The Board of Commissioners finds that all of the facts set forth in the Recitals are true and correct, and are incorporated herein by reference.

Section 2. The Board of Commissioners hereby approves the proposed payment standards for the traditional regulatory assistance for special purpose programs effective October 1, 2020, a copy of which is attached hereto and incorporated by reference herein.

Section 3. This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board of Commissioners of the Housing Authority of the County of San Bernardino, by the following vote:

AYES:

NOES:

ABSENT:

STATE OF CALIFORNIA)
)
COUNTY OF SAN BERNARDINO) ss.

I, _____, Secretary of the Board of Commissioners of the Housing Authority of the County of San Bernardino, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by the Board of Commissioners, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of Tuesday, _____, 20__.

Secretary

Special Purpose Voucher Programs Payment Standards
Effective October 1, 2020 (FY 2020-2021)

Region A

0 Bedroom	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	5 Bedroom	6 Bedroom
\$860	\$995	\$1,251	\$1,725	\$2,132	\$2,452	\$2,772
Submarket 1 - Desert						
May include the following cities: Baker, Daggett, Ridgecrest, Trona, Yermo, Amboy, Cima, Earp, Edwards, Essex, Fort Irwin, Hinkley, Ludlow, Mountain Pass, Newberry Springs, Nipton, Parker Dam, Vidal						
Submarket 2 - Victor Valley / Barstow						
May include the following cities: Adelanto, Apple Valley, Barstow, Helendale, Hesperia, Lucerne Valley, Oro Grande, Phelan, Pinon Hills, Victorville						
Submarket 3 - Morongo Valley / 29 Palms						
May include the following cities: Joshua Tree, Landers, Morongo Valley, Pioneer Town, 29 Palms, Yucca Valley						

Region B

0 Bedroom	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	5 Bedroom	6 Bedroom
\$955	\$1,106	\$1,390	\$1,917	\$2,369	\$2,724	\$3,080
Submarket 4 - Mountains						
May include the following cities: Angelus Oak, Big Bear City, Big Bear Lake, Blue Jay, Cedar Glen, Crest Park, Crestline, Fawnskin, Forest Falls, Green Valley Lake, Lake Arrowhead, Lytle Creek, Mt. Baldy, Rimforest, Running Springs, Skyforest, Sugarloaf, Twin Peaks, Wrightwood						
Submarket 5 - San Bernardino North						
May include the following cities: Cedarpines Park, Patton, San Bernardino (North)						
Submarket 6 - San Bernardino South						
May include the following cities: San Bernardino (South)						
Submarket 7 - East Valley						
May include the following cities: Bryn Mawr, Grand Terrace, Highland, Loma Linda, Mentone, Redlands, Yucaipa						
Submarket 9 - Central Valley						
May include the following cities: Bloomington, Colton, Muscoy, Rialto						

Region C

0 Bedroom	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	5 Bedroom	6 Bedroom
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\$1,051	\$1,217	\$1,529	\$2,109	\$2,606	\$2,996	\$3,388
Submarket 8 - West Valley						
May include the following cities: Chino, Chino Hills, Fontana, Guasti, Montclair, Ontario, Rancho Cucamonga, Upland						

Special Purpose Program vouchers are awarded and subsidized through the U.S. Department of Housing and Urban Development (HUD). The applicable payment standards are based on the HUD-published Fair Market Rents. The regions listed above are identified by census tracts; city names are a suggestive guide only. **Please note: some cities fall within multiple submarkets and/or regions.** For more information, please use the Payment Standard Census Tract Resource at www.hacsb.com/landlords.

REPORT/RECOMMENDATION TO THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO AND RECORD OF ACTION

September 8, 2020

FROM

MARIA RAZO, Executive Director, Housing Authority of the County of San Bernardino

SUBJECT

Fiscal Year 2019-20 Consolidated Annual Budget- Revision #1

RECOMMENDATION(S)

Adopt Resolution No. 96 recommending approval of Revision #1 to the Fiscal Year 2019-2020 Consolidated Budget of the Housing Authority of the County of San Bernardino.
(Presenter: Maria Razo, Executive Director, 332-6305)

GOALS & OBJECTIVES

HACSB has secured the resources needed for accomplishing its mission.

BACKGROUND INFORMATION

Budget Revision #1 to the Fiscal Year (FY) 2019-2020 consolidated budget of the Housing Authority of the County of San Bernardino (HACSB) is recommended for approval. The HACSB FY 2019-2020 Consolidated Budget was adopted by the Board of Governors on June 11, 2019 (Item No. 111) for an effective date October 1, 2019 through September 30, 2020. Despite an anticipated shortage of funding to the Housing Choice Voucher (HCV) due to increases in housing assistance payment costs, we are recommending for approval a balanced budget.

FINANCIAL IMPACT

The chart below summarizes the HACSB Consolidated Budget for the Fiscal Year 2020-2021, proposed revision and net change.

Absent any additional revenue sources, the additional housing assistance payment expenses result in an increase to the anticipated net loss in the amount of \$1,576,540, bringing the anticipated net loss from \$233,306 to \$1,809,847. This is primarily due to an increase in Housing Assistance Payment expenses as a result of increases in market rents and further compounded by decreases in household income. There was an increase to the previously anticipated funding from the United States Department of Housing and Urban Development for the HCV program in the amount of \$4,575,891. However, this was not sufficient to cover the total budget increased expenses in the amount of \$6,152,433.

Fortunately, HACSB received two disbursements of federal supplemental Coronavirus Aid, Relief, and Economic Security (CARES) Act funding for the HCV program in the total amount of \$3,305,501. The initial CARES Act supplemental funding disbursement was in the amount of \$1,490,340, and the second disbursement received in August was in the amount of \$1,815,161, for a total of CARES Act supplemental funding in the amount of \$3,305,501. This supplemental funding is to support additional COVID-19 related expenses through to June 30, 2021. The recommended budget revision includes the use of \$1,809,847 in CARES Act funding to establish a balanced budget. This will bring the balance of the CARES Act supplemental funding to \$1,495,655. The balance of the supplemental CARES Act funding can be used to address any

funding challenges that arise from any budget cuts to the 2020-2021 federal budget and/or COVID-19 related increases in expenses through to June 30, 2021.

A revised consolidated FY 2019-2020 budget is included as an attachment.

Moving To Work - Original Budget			
Program	Revenue	Expenses	Net
MTW Fund	\$15,000	\$1,112,723	\$(1,097,723)
Public Housing	\$176,878	\$9,910	\$166,968
Capital Funds	\$10,491,680	\$10,491,680	-
Housing Choice Vouchers	\$97,814,260	\$97,116,811	\$697,449
Total	\$ 108,497,818	\$ 108,731,124	\$(233,306)

Moving to Work - Revision #1			
Program	Revenue	Expenses	Net
MTW Fund	\$15,000	\$1,112,723	\$(1,097,723)
Public Housing	\$176,878	\$ 9,910	\$166,968
Capital Funds	\$10,491,680	\$10,491,680	-
Housing Choice Vouchers	\$104,199,998	\$103,269,244	\$930,754
Total	\$114,883,556	\$114,883,557	\$0
Difference	\$ 6,385,738	\$6,152,433	\$233,306

Adoption of Revision #1 to the Fiscal Year 2019-2020 consolidated annual budget as shown is recommended.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by Legal Counsel (Julie J. Surber, Principal Assistant County Counsel, 387-5455) on August 25, 2020.

HOUSING AUTHORITY RESOLUTION NO. 2020-96

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO APPROVING THE HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO'S FISCAL YEAR 2019-20 CONSOLIDATED ANNUAL REVISED BUDGET

RECITALS

WHEREAS, the Housing Authority of the County of San Bernardino was created pursuant to Section 34200 of the California Health and Safety Code to provide housing for low and moderate income families; and

WHEREAS, the Housing Authority of the County of San Bernardino administers a variety of local, State and Federal Programs in pursuit of its mission; and

WHEREAS, the Housing Authority of the County of San Bernardino operates the Public Housing, Housing Choice Voucher, and related programs authorized by the United States Department of Housing and Urban Development (HUD); and

WHEREAS, the attached as Exhibit A is the Consolidated Annual Revised Budget, that has been prepared in accordance with and is consistent with all applicable laws and guidelines.

OPERATIVE PROVISIONS

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO DOES RESOLVE AS FOLLOWS:

Section 1. The Board of Commissioners finds that all of the facts set forth in the Recitals are true and correct, and are incorporated herein by reference.

Section 2. The Board of Commissioners hereby approves the proposed Fiscal Year 2019-20 Consolidated Annual Revised Budget attached as Exhibit A.

Section 3. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board of Commissioners of the Housing Authority of the County of San Bernardino, by the following vote:

AYES: COMMISSIONER:

NOES: COMMISSIONER:

ABSENT: COMMISSIONER:

STATE OF CALIFORNIA)
)
COUNTY OF SAN BERNARDINO) ss.

I, _____, Secretary of the Board of Commissioners of the Housing Authority of the County of San Bernardino, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by the Board of Commissioners, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of Tuesday, _____, 20__.

Secretary

FY 2019-2020 Consolidated Annual Budget

	Moving to Work					Other Programs - Non Moving to Work						HACSB
	MTW Fund	Affordable Housing	Capital Funds	Housing Services	Total	Central Office	Other Vouchers	Authority Owned	RAD	Local Funds	Total	Total
INCOME												
Grants	-	175,378	10,491,680	90,673,832	101,340,890	-	9,325,444	-	116,331	4,576,232	14,018,007	115,358,897
Administrative Fees	-	-	-	6,995,233	6,995,233	3,699,820	1,059,965	-	-	-	4,759,785	11,755,018
Rental Income	-	1,500	-	-	1,500	-	-	15,922,912	10,557,082	-	26,479,994	26,481,494
Repayment Agreement Income	-	-	-	-	-	-	-	-	-	-	-	-
Investment Income	-	-	-	-	-	-	-	-	-	-	-	-
Residual Receipt/Partnership Contribution	-	-	-	-	-	-	-	-	-	-	-	-
Interest Income	15,000	-	-	-	15,000	156,000	-	79,650	-	1,170,682	1,170,682	1,170,682
Miscellaneous Income	-	-	-	145,195	145,195	-	-	41,316	51,516	24,135	259,785	274,785
TOTAL INCOME	15,000	176,878	10,491,680	97,814,260	108,497,818	3,855,820	10,385,409	16,043,878	10,724,929	6,015,610	47,025,646	155,523,464
EXPENSES												
Administrative Salaries	632,028	-	-	4,003,450	4,635,478	2,997,931	745,492	2,000,209	2,181,411	950,695	8,875,737	13,511,215
Administrative Expenses	231,951	3,677	-	3,496,962	3,732,590	877,188	199,983	1,962,745	1,545,093	612,842	5,197,851	8,930,441
Total Tenant Services	240,366	-	-	-	240,366	-	-	24,222	109,865	15,000	149,087	389,453
Total Grant Specific Expenses	-	-	1,962,222	-	1,962,222	-	-	-	-	4,140,000	4,140,000	6,102,222
Utilities	-	1,193	-	88,919	90,112	49,178	-	2,215,071	1,280,822	5,300	3,550,372	3,640,484
O & M Labor Costs	-	-	-	-	-	-	-	1,300,194	1,568,959	-	2,869,153	2,869,153
O&M Materials	-	1,150	-	-	1,150	5,640	-	446,235	416,950	1,300	870,125	871,275
O&M Contracts	-	2,700	-	890,619	893,319	54,910	-	1,780,134	1,722,582	34,200	3,591,826	4,485,145
General Expenses	8,379	1,189	-	66,938	76,507	39,996	6,776	637,673	467,546	12,835	1,164,826	1,241,332
Debt Service Interest	-	-	-	-	-	-	-	1,627,884	-	-	1,627,884	1,627,884
Extraordinary Maintenance	-	-	8,529,458	161,726	8,691,184	60,000	-	1,636,570	3,739,441	640,351	6,076,362	14,767,546
Depreciation	-	-	-	-	-	-	-	-	-	-	-	-
Housing Assistance Payments	-	-	-	88,408,196	88,408,196	-	9,433,159	-	-	-	9,433,159	97,841,355
TOTAL EXPENSES	1,112,723	9,910	10,491,680	97,116,811	108,731,124	4,084,843	10,385,409	13,630,937	13,032,669	6,412,523	47,546,381	156,277,505
RESIDUAL RECEIPTS/(DEF)	(1,097,723)	166,968	-	697,449	(233,306)	(229,023)	(0)	2,412,941	(2,307,739)	(396,913)	(520,735)	(754,041)
Operating Transfer In - Subsidy	108,336,123	8,410	10,491,680	96,971,616	215,807,829	-	-	-	-	-	-	215,807,829
Operating Transfer Out - Subsidy	(107,471,706)	(175,378)	(10,491,680)	(97,669,065)	(215,807,829)	-	-	-	-	-	-	(215,807,829)
RAD Required Replacement Reserve	-	-	-	-	-	-	-	-	(417,795)	-	(417,795)	(417,795)
Capital Fund Draw for Affordable Housing Projects	-	-	-	-	-	-	-	-	-	-	-	-
HUD Drawdowns	233,305	-	-	-	233,305	-	-	-	-	-	-	233,305
VASH Reserve Drawdown	-	-	-	-	-	-	-	-	-	-	-	-
Reserve Drawdown/(Buildup) - MTW (RESTRICTED)	-	-	-	-	-	-	-	-	-	-	-	-
Reserve Drawdown/(Buildup) - Non MTW	-	-	-	-	-	229,023	-	(2,412,940)	2,725,534	396,913	938,531	938,531
Net Income/(Loss)	-	-	-	-	-	-	-	-	-	-	-	-

Housing Authority of the County of San Bernardino
Fiscal Year 19-20 Annual Budget

FY 2019-2020 Consolidated Annual Budget - Revision #1

	Moving to Work					Other Programs - Non Moving to Work						HACSB
	MTW Fund	Affordable Housing	Capital Funds	Housing Services	Total	Central Office	Other Vouchers	Authority Owned	RAD	Local Funds	Total	Total
INCOME												
Grants	-	175,378	10,491,680	94,560,629	105,227,687	-	9,325,444	-	116,331	4,576,232	14,018,007	119,245,694
Administrative Fees	-	-	-	9,494,174	9,494,174	3,699,820	1,059,965	-	-	-	4,759,785	14,253,959
Rental Income	-	1,500	-	-	1,500	-	-	15,922,912	10,557,082	-	26,479,994	26,481,494
Repayment Agreement Income	-	-	-	-	-	-	-	-	-	-	-	-
Investment Income	-	-	-	-	-	-	-	-	-	-	-	-
Residual Receipt/Partnership Contribution	-	-	-	-	-	-	-	-	-	1,170,682	1,170,682	1,170,682
Interest Income	15,000	-	-	-	15,000	156,000	-	79,650	-	24,135	259,785	274,785
Miscellaneous Income	-	-	-	145,195	145,195	-	-	41,316	51,516	244,561	337,393	482,588
TOTAL INCOME	15,000	176,878	10,491,680	104,199,998	114,883,556	3,855,820	10,385,409	16,043,878	10,724,929	6,015,610	47,025,646	161,909,202
EXPENSES												
Administrative Salaries	632,028	-	-	4,003,450	4,635,478	2,997,931	745,492	2,000,209	2,181,411	950,695	8,875,737	13,511,215
Administrative Expenses	231,951	3,677	-	3,496,962	3,732,590	877,188	199,983	1,962,745	1,545,093	612,842	5,197,851	8,930,441
Total Tenant Services	240,366	-	-	-	240,366	-	-	24,222	109,865	15,000	149,087	389,453
Total Grant Specific Expenses	-	-	1,962,222	-	1,962,222	-	-	-	-	4,140,000	4,140,000	6,102,222
Utilities	-	1,193	-	88,919	90,112	49,178	-	2,215,071	1,280,822	5,300	3,550,372	3,640,484
O & M Labor Costs	-	-	-	-	-	-	-	1,300,194	1,568,959	-	2,869,153	2,869,153
O&M Materials	-	1,150	-	-	1,150	5,640	-	446,235	416,950	1,300	870,125	871,275
O&M Contracts	-	2,700	-	890,619	893,319	54,910	-	1,780,134	1,722,582	34,200	3,591,826	4,485,145
General Expenses	8,379	1,189	-	66,938	76,507	39,996	6,776	637,673	467,546	12,835	1,164,826	1,241,332
Debt Service Interest	-	-	-	-	-	-	-	1,627,884	-	-	1,627,884	1,627,884
Extraordinary Maintenance	-	-	8,529,458	161,726	8,691,184	60,000	-	1,636,570	3,739,441	640,351	6,076,362	14,767,546
Depreciation	-	-	-	-	-	-	-	-	-	-	-	-
Housing Assistance Payments	-	-	-	94,560,629	94,560,629	-	9,433,159	-	-	-	9,433,159	103,993,788
TOTAL EXPENSES	1,112,723	9,910	10,491,680	103,269,244	114,883,557	4,084,843	10,385,409	13,630,937	13,032,669	6,412,523	47,546,381	162,429,938
RESIDUAL RECEIPTS/(DEF)	(1,097,723)	166,968	-	930,754	(1)	(229,023)	(0)	2,412,941	(2,307,739)	(396,913)	(520,735)	(520,736)
Operating Transfer In - Subsidy	114,721,861	8,410	10,491,680	103,124,049	228,346,000	-	-	-	-	-	-	228,346,000
Operating Transfer Out - Subsidy	(113,624,139)	(175,378)	(10,491,680)	(104,054,803)	(228,346,000)	-	-	-	-	-	-	(228,346,000)
RAD Required Replacement Reserve	-	-	-	-	-	-	-	-	(417,795)	-	(417,795)	(417,795)
Capital Fund Draw for Affordable Housing Projects	-	-	-	-	-	-	-	-	-	-	-	-
HUD Drawdowns	-	-	-	-	-	-	-	-	-	-	-	-
VASH Reserve Drawdown	-	-	-	-	-	-	-	-	-	-	-	-
Reserve Drawdown/(Buildup) - MTW (RESTRICTED)	-	-	-	-	-	-	-	-	-	-	-	-
Reserve Drawdown/(Buildup) - Non MTW	-	-	-	-	-	229,023	-	(2,412,940)	2,725,534	396,913	938,531	938,531
Net Income/(Loss)	-	-	-	-	-	-	-	-	-	-	-	-

Housing Authority of the County of San Bernardino
Fiscal Year 19-20 Annual Budget

REPORT/RECOMMENDATION TO THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO AND RECORD OF ACTION

September 8, 2020

FROM

MARIA RAZO, Executive Director, Housing Authority of the County of San Bernardino

SUBJECT

Refinancing of Summit Place Apartments Owned by Summit Place LLC

RECOMMENDATION(S)

1. Adopt Resolution No. 97:

- a. Authorizing the Housing Authority of the County of San Bernardino to serve as Nonrecourse Guarantor for the benefit of Northmarq Capital with regard to the loan for the refinance of Summit Place Apartments owned by Summit Place LLC.
- b. Authorize and direct the Executive Director, upon consultation with Legal Counsel, to execute and deliver all documents and agreements necessary for the Nonrecourse Guaranty, and other ancillary documents necessary to carry out and close the refinancing of the Summit Place LLC loan with Northmarq Capital.

(Presenter: Maria Razo, Executive Director, 332-6305)

GOALS & OBJECTIVES

HACSB has secured the resources needed for accomplishing its mission.

HACSB clients live in safe and desirable homes and communities where they can develop and prosper.

FINANCIAL IMPACT

Approval of this item will allow for the refinance of the property and in turn will generate excess cash for Summit Place LLC of approximately \$1.9 million. The Housing Authority of the County of San Bernardino (HACSB) in partnership with affiliate nonprofit Housing Partners I, Inc. (HPI) intend to reinvest the savings in the property and also in an affordable housing development in the pipeline (such as Horizons Phase II and Valencia Grove Phase II).

BACKGROUND INFORMATION

On June 8, 2011 (Item No. 16), HACSB's Housing Commission approved the acquisition of Summit Place Apartments, a 75-unit building located at 1130 West Fourth Street, Ontario, California and the formation of Summit Place LLC (LLC) as owner of the property. Summit Place LLC members are HACSB and HPI. The Northmarq Capital loan is approaching the end of the original 10-year term and the LLC desires to refinance the loan. The value of the property has increased, and interest rates have fallen to the extent that today, the new loan will pay off the original loan, fund a "cash out" of approximately \$1.9 million, and in doing so, the new monthly payment amount will not exceed the current monthly payment amount.

PROCUREMENT

The HACSB Development Department solicited lenders in the months of May 2020 and June 2020 and refinance proposals were received from Greystone Servicing Corporation, Inc., Northmarq Capital, and Wells Fargo Bank. Based on the Development Department analysis, it was determined that Northmarq Capital had the best refinance terms and staff recommends approval and selection as the refinance lender.

REVIEW BY OTHERS

This item has been reviewed by Legal Counsel (Julie J. Surber, Principal Assistant County Counsel, 387-5455) on August 20, 2020.

HOUSING AUTHORITY RESOLUTION NO. 97

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO AUTHORIZING VARIOUS ACTIONS RELATED TO THE REFINANCING OF THE SUMMIT PLACE PROJECT

RECITALS

At a duly constituted meeting of the Board of Commissioners (the "Board") of the Housing Authority of the County of San Bernardino (the "Authority"), held on _____, 2020, the following was adopted:

WHEREAS, the Authority is a duly formed housing authority of the State of California, and is vested with the responsibilities set forth in Division 24, Part 2, Article 4 (Sections 34310-34334) of the California Health and Safety Code, which includes providing low and moderate income housing within its jurisdiction; and

WHEREAS, Summit Place LLC, a California limited liability company (the "LLC") owns that certain real property located at 1130 West 4th Street, Ontario, CA 91762 improved with a 75-unit residential project (the "Project"); and

WHEREAS, Housing Partners I, Incorporated, a California nonprofit public benefit corporation is the managing member of the LLC (the "Manager"), and the Authority is a member of the LLC; and

WHEREAS, the Project is currently encumbered by a loan from NorthMarq Capital, LLC ("NorthMarq") which is reaching the end of its original ten (10) year term and which the LLC wishes to refinance with a new ten (10) year loan from NorthMarq, which loan will be purchased by the Federal Home Loan Mortgage Corporation (Freddie Mac, the loan being referred to herein as the "Northmarq Freddie Mac Loan"); and

WHEREAS, Northmarq and Freddie Mac will require that the LLC execute certain documents in relation to the Northmarq Freddie Mac Loan including but not limited to a promissory note, loan agreement and deed of trust and other documents necessary to consummate the Northmarq Freddie Mac Loan (the "Loan Documents"); and

WHEREAS, Northmarq and Freddie Mac will require that the Authority execute certain documents in relation to the Northmarq Freddie Mac Loan including but not limited to a non-recourse guaranty, certificates and other documents necessary to consummate the Northmarq Freddie Mac Loan (the "Guaranty"); and

WHEREAS, the Authority desires to enter into any other contract, certification or agreement, and to take any other actions, necessary to enable the refinancing and operation of the Project.

OPERATIVE PROVISIONS

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO DOES RESOLVE AS FOLLOWS:

Secretary

By: _____

Date: _____

REPORT/RECOMMENDATION TO THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO AND RECORD OF ACTION

September 8, 2020

FROM

MARIA RAZO, Executive Director, Housing Authority of the County of San Bernardino

SUBJECT

Refinancing of Summit Walk Apartments Owned by Summit Walk LLC

RECOMMENDATION(S)

1. Adopt Resolution No. 98:

- a. Authorizing the Housing Authority of the County of San Bernardino to serve as Nonrecourse Guarantor for the benefit of Northmarq Capital with regard to the loan for the refinance of Summit Walk Apartments owned by Summit Walk LLC.
- b. Authorize and direct the Executive Director, upon consultation with Legal Counsel, to execute and deliver all documents and agreements necessary for the Nonrecourse Guaranty, and other ancillary documents necessary to carry out and close the refinancing of the Summit Walk LLC loan with Northmarq Capital.

(Presenter: Maria Razo, Executive Director, 332-6305)

GOALS & OBJECTIVES

HACSB has secured the resources needed for accomplishing its mission.

HACSB clients live in safe and desirable homes and communities where they can develop and prosper.

FINANCIAL IMPACT

Approval of this item will allow for the refinance of the property and in turn will generate excess cash for Summit Walk LLC of approximately \$2.2 million. The Housing Authority of the County of San Bernardino (HACSB) in partnership with affiliate nonprofit Housing Partners I, Inc. (HPI) intend to reinvest the savings in the property and also in an affordable housing development in the pipeline (such as Horizons Phase II and Valencia Grove Phase II).

BACKGROUND INFORMATION

On June 8, 2011 (Item No. 15), HACSB's Housing Commission approved the acquisition of Summit Walk Apartments, a 78-unit building located at 1206 West Fourth Street, Ontario, California and the formation of Summit Walk LLC (LLC) as owner of the property. Summit Walk LLC members are HACSB and HPI. The Northmarq Capital loan is approaching the end of the original 10-year term and the LLC desires to refinance the loan. The value of the property has increased, and interest rates have fallen to the extent that today, the new loan will pay off the original loan, fund "cash out" of approximately \$2.2 million, and in doing so, the new monthly payment amount will not exceed the current monthly payment amount.

PROCUREMENT

The HACSB Development Department solicited lenders in the months of May 2020 and June 2020 and refinance proposals were received from Greystone Servicing Corporation, Inc., Northmarq Capital, and Wells Fargo Bank. Based on the Development Department analysis, it was determined that Northmarq Capital had the best refinance terms and staff recommends approval and selection as the refinance lender.

REVIEW BY OTHERS

This item has been reviewed by Legal Counsel (Julie J. Surber, Principal Assistant County Counsel, 387-5455) on August 20, 2020.

HOUSING AUTHORITY RESOLUTION NO. 98

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO AUTHORIZING VARIOUS ACTIONS RELATED TO THE REFINANCING OF THE SUMMIT WALK PROJECT

RECITALS

At a duly constituted meeting of the Board of Commissioners (the "Board") of the Housing Authority of the County of San Bernardino (the "Authority"), held on _____, 2020, the following was adopted:

WHEREAS, the Authority is a duly formed housing authority of the State of California, and is vested with the responsibilities set forth in Division 24, Part 2, Article 4 (Sections 34310-34334) of the California Health and Safety Code, which includes providing low and moderate income housing within its jurisdiction; and

WHEREAS, Summit Walk LLC, a California limited liability company (the "LLC") owns that certain real property located at 1206 West 4th Street, Ontario, CA 91762 improved with a 78-unit residential project (the "Project"); and

WHEREAS, Housing Partners I, Incorporated, a California nonprofit public benefit corporation is the managing member of the LLC (the "Manager"), and the Authority is a member of the LLC; and

WHEREAS, the Project is currently encumbered by a loan from NorthMarq Capital, LLC ("NorthMarq") which is reaching the end of its original ten (10) year term and which the LLC wishes to refinance with a new ten (10) year loan from NorthMarq, which loan will be purchased by the Federal Home Loan Mortgage Corporation (Freddie Mac, the loan being referred to herein as the "Northmarq Freddie Mac Loan"); and

WHEREAS, Northmarq and Freddie Mac will require that the LLC execute certain documents in relation to the Northmarq Freddie Mac Loan including but not limited to a promissory note, loan agreement and deed of trust and other documents necessary to consummate the Northmarq Freddie Mac Loan (the "Loan Documents"); and

WHEREAS, Northmarq and Freddie Mac will require that the Authority execute certain documents in relation to the Northmarq Freddie Mac Loan including but not limited to a non-recourse guaranty, certificates and other documents necessary to consummate the Northmarq Freddie Mac Loan (the "Guaranty"); and

WHEREAS, the Authority desires to enter into any other contract, certification or agreement, and to take any other actions, necessary to enable the refinancing and operation of the Project.

OPERATIVE PROVISIONS

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO DOES RESOLVE AS FOLLOWS:

Secretary

By: _____

Date: _____

REPORT/RECOMMENDATION TO THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO AND RECORD OF ACTION

September 8, 2020

FROM

MARIA RAZO, Executive Director, Housing Authority of the County of San Bernardino

SUBJECT

Employee Policy Handbook Revisions

RECOMMENDATION(S)

Adopt Resolution No. 99 approving revisions to the Housing Authority of the County of San Bernardino's Employee Policy Handbook.

(Presenter: Maria Razo, Executive Director, 332-6305)

GOALS & OBJECTIVES

HACSB has secured the resources needed for accomplishing its mission.

HACSB communication is open, honest and consistent.

FINANCIAL IMPACT

Approval of the proposed revisions to the Employee Policy Handbook will not have a material net financial impact to the Housing Authority of the County of San Bernardino's (HACSB) approved annual budget. Any costs related to implementation of these policy revisions will be reimbursed through the Coronavirus Aid, Relief, and Economic Security (CARES) Act or through the tax relief as outlined in the Families First Coronavirus Response Act (FFCRA).

BACKGROUND INFORMATION

In March 2017, the Board of Commissioners (Board) approved HACSB's Employee Policy Handbook. Since that time, the handbook has been presented to the Board and approved for changes in 2011, 2012, 2013, 2014, 2015 and most recently in July of 2020. However, in response to evolving times with the COVID-19 pandemic, additional policy revisions are being requested. The policy revisions being presented reflect recent emergency changes needed as part of HACSB's change in work practices. Revisions to policies include the merging of the Board approved supplemental emergency telecommuting policy with the existing telecommuting policy and a modification of the temporary supplemental policy on the Emergency Family Medical Leave to allow for smaller time increments of use.

HACSB's temporary supplemental policy for the Emergency Family Medical Leave policy allow eligible employees to take time off related to child care issues for a minimum of one full work day. The proposed revision will allow employees to take leave in a minimum of three hour increments versus one full work day. This smaller increment of time allows for employee flexibility in taking time off for child care due to COVID-19 but allows the employee to still complete work for any remaining hours, thus benefiting HACSB's operations.

With the approval of these policies, the supplemental emergency telecommuting policy will be removed and the existing Policy 4011, Telecommuting will remain the main policy in effect. The Supplemental Policy 5008.2 Emergency Family and Medical Leave policy will remain in effect as originally approved, from April 1, 2020 – December 31, 2020 and as stated by law.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by Legal Counsel (Julie J. Surber, Principal Assistant County Counsel, 387-5455) on August 20, 2020.

HOUSING AUTHORITY RESOLUTION NO. 2020-99

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE
COUNTY OF SAN BERNARDINO APPROVING REVISIONS TO THE HOUSING AUTHORITY OF
THE COUNTY OF SAN BERNARDINO EMPLOYEE POLICY HANDBOOK**

RECITALS

WHEREAS, the Housing Authority of the County of San Bernardino (HACSB) Employee Policy Handbook sets forth the terms and conditions of employment for all full-time and part-time employees; and

WHEREAS, the Employee Policy Handbook contains the employment policies and practices of HACSB in effect at the time of publication, and it supersedes all previous policies, rules, procedures and past practices of HACSB, both oral and written; and

WHEREAS, HACSB desires to amend its policies and procedures as they relate to recent emergency personnel operations due to the COVID-19 pandemic, and updates to applicable law through legal review.

OPERATIVE PROVISIONS

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY
OF THE COUNTY OF SAN BERNARDINO DOES RESOLVE AS FOLLOWS:**

Section 1. The Board of Commissioners finds that all of the facts set forth in the Recitals are true and correct and are incorporated herein by reference.

Section 2. The Board of Commissioners hereby approves the revisions to the HACSB Employee Policy Handbook, a redline version of which is attached hereto as Exhibit "A" and Supplemental Policies of which is attached hereto as Exhibit "B" and incorporated by reference herein.

Section 3. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board of Commissioners of the Housing Authority of the County of San Bernardino, by the following vote:

AYES: COMMISSIONER:

NOES: COMMISSIONER:

ABSENT: COMMISSIONER:

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

I, _____, Secretary of the Board of Commissioners of the Housing Authority of the County of San Bernardino, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by the Board of Commissioners, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of Tuesday, _____, 20__.

Secretary

By _____

Policy 4011 Telecommuting

The Housing Authority may authorize telecommuting from a home office or satellite office for eligible employees in order to create a flexible and supportive work environment. Telecommuting is an alternative work arrangement in which an eligible employee, with written approval from the Director of Human Resources or Executive Director, works one or more days each work week or month from home or a satellite office instead of commuting to their assigned work site. Telecommuting is not intended for employees to work from home or a satellite office on a full-time basis unless business needs dictate. In general, telecommuting is a privilege which may be granted under appropriate circumstances, and the operational needs of the Housing Authority are paramount in any decision to grant or revoke the privilege. Telecommuting cannot be used in place of sick leave, FMLA, or other types of leave in which the employee is not medically able to work based on a doctor's certification.

Under no circumstances will an employee be permitted to telecommute without written approval by the Director of Human Resources or Executive Director. Any telecommuting agreement is subject to the terms and conditions set forth in this policy below.

Telecommuting is not suitable for all employees and/or positions. Authorization for telecommuting assignments will be made based on the following criteria:

- Regular full-time employee with 6 months or more time in current position;
- The operational needs of the department, as determined by the appropriate Sr. Management Team member;
- The prior work history and specific job duties of the employee and the ability to perform such duties from a remote location; an employee who has been subject to discipline within the prior 6 months is not eligible for consideration.
- The specific job duties of the employee and the ability to perform such duties from a remote location.
- The ability to provide the necessary equipment and supplies to a remote location at a reasonable cost.
- The ability of the employee to perform their specific job duties without diminishing the quantity and quality of the work performed.
- Other considerations deemed necessary and appropriate by the employee's immediate supervisor, Department Head and the Director of Human Resources.

All employees approved for telecommuting must comply with the following telecommuting guidelines in place ~~criteria~~:

- The employee must be able to be immediately contacted by phone or e-mail during predetermined work hours;
- For employees eligible to earn overtime, the employee must accurately report all time worked. ~~and the employee is prohibited from working overtime without the express approval of his or her supervisor;~~
- Home office must be free of distractions, with reliable and secure internet and/or wireless access.

- Employees are required to have other primary care arrangements during work hours to care for individuals in the home who need supervision, including children under 12 and older individuals in the home who need supervision or are incapable of self-care.
- Employees must notify their supervisor promptly when unable to perform work assignments because of equipment failure or other unforeseen circumstances.
- If the Housing Authority has provided Authority owned equipment, employees agree to follow the Housing Authority Policy for the use of such equipment. Employees will report to their supervisor any loss, damage, or unauthorized access to Authority owned equipment, immediately upon discovery of such loss, damage, or unauthorized access.
- The employee must remain in good standing with respect to performance and discipline as determined by the Director of Human Resources or Executive Director.

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An employee can request a telecommuting assignment from their direct supervisor using the Telecommuting Request Form. Requests will be assessed and approved by the appropriate level of Management, including the Sr. Management Team member overseeing the employee's location or program. All telecommuting arrangements must be assessed and approved by the Director of Human Resources or Executive Director. Any telecommuting assignment may be canceled at any time by the Director of Human Resources or Executive Director. For further information on telecommuting and specific guidelines, please contact Human Resources.

Based on a national or local emergency, the need to telecommute may arise. During such emergency, the Executive Director, Director of Human Resources or Executive Director designee may authorize telecommuting outside of the approved policy. Exceptions may include authorization for employees in a position less than 6 months and authorization for an employee who has received a disciplinary action within the past 6 months. Under these circumstances, telecommuting may be approved on a longer term basis. Telecommuting would be approved at a maximum of two week increments.

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Supplemental Policy

5008.2 Family Medical Leave and California Family Rights Act Leaves

As part of the Families First Coronavirus Response Act (“FFCRA”), from April 1, 2020 – December 31, 2020, eligible employees can take Family and Medical Leave consistent with the Emergency Family and Medical Leave Expansion Act (EFMLA). In addition to the leave reasons under Policy 5008, EFMLA allows for leave based on the following:

Leave due to an inability to work (or telework) because the employee needs to provide care for the employee’s son or daughter under the Emergency Family and Medical Leave Expansion Act. (FMLA Sec. 110 (a)(2)(A).)

Eligibility

Employees are entitled to up to 12 weeks of job-protected Emergency FMLA Leave if the employee satisfies the following requirements:

- (1) The employee has worked for the Agency for at least 30 calendar days (FMLA Sec. 110(a)(1)(A);
- (2) The employee is unable to work (or telework) due to a need to care for the son or daughter (under 18 years of age or 18 years of age or older who is incapable of self-care because of a mental or physical disability) who’s school or place of care has been closed, or who’s child care provider is unavailable due to a COVID–19 emergency declared by either a Federal, State, or local authority, (FMLA Secs. 101(12); 110(a)(2)(A) & (B); 29 CFR §§ 825.102, 826.010);
- (3) The employee has not used all available FMLA leave. Emergency FMLA Leave is a form of FMLA leave, and is not in addition to any other FMLA leave; and
- (4) There is no other suitable person (*e.g.*, co-parent, co-guardian, or normal child care provider) available to care for the employee’s son or daughter during the period for which the Employee takes Emergency FMLA Leave.

Definitions

For purposes of this policy, the following definitions apply:

“Child” or “son or daughter” means a child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee’s child is one for whom the employee has actual day-to-day responsibility for

care, and includes a biological, adopted, foster or step-child. A child is “incapable of self-care” if he/she requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living or instrumental activities of daily living, such as caring for grooming and hygiene, bathing, dressing and eating, cooking, cleaning shopping, taking public transportation, paying bills, maintaining a residence, or using telephones and directories. (29 CFR §§ 825.102, 826.010; Gov. Code § 12945.2(c)(1).)

“Child Care Provider,” for purposes of Emergency FMLA means a provider who receives compensation for providing child care services on a regular basis. The term includes a center-based child care provider, a group home child care provider, a family child care provider, or other provider of child care services for compensation that is licensed, regulated, or registered under State law; and satisfies the State and local requirements. However, under the Families First Coronavirus Response Act (“FFCRA”), the eligible child care provider *need not be compensated or licensed* if he or she is a family member or friend, such as a neighbor, who regularly cares for the employee’s child.

Payment While on EFML

The first ten (10) days of Emergency FMLA Leave may consist of unpaid leave. During this period, the employee may elect to use Emergency Paid Sick Leave (EPSL), as described in Supplemental Policy 5006.2, if the employee has not exhausted such leave through use at the Agency or prior employer. If the employee has exhausted the EPSL to which they are entitled, an employee may use their earned and accrued leaves to supplement their unpaid Emergency FMLA Leave compensation they receive under Emergency FMLA Leave in order to achieve 100% of the pay they would normally receive in a given week for working their regularly scheduled hours. Use of such accrued and unused leave will run concurrently with use of Emergency FMLA Leave.

After the tenth day, and for the remaining ten (10) weeks of EFMLA Leave, an employee is entitled to compensation for such leave at two-thirds (2/3) of the employee’s regular rate of pay, subject to a cap of \$200 per day and \$10,000 total. (FMLA Sec. 110(b).)

Employees may supplement the compensation they receive under EFMLA Leave (paid up to the specified limitations under the FFCRA) with their earned or accrued leaves in order to achieve 100% of the pay they would normally receive in a given week for working their regularly scheduled hours.

An eligible employee is entitled to a maximum of twelve workweeks of FMLA Leave during the period in which the leave may be taken (between April 1, 2020 to December 31, 2020) even if the twelve workweeks spans two FMLA leave twelve-month period.

Administration

Employees must notify Human Resources as soon as possible regarding the need for EFMLA Leave. Employees will be required to complete a Request for EFML through Human Resources along with supporting documentation as indicated on the form.

It is understandable that an employee may not know the need for EFML arises until after the first day of need. As soon as the employee becomes aware, they must notify Human Resources.

An employee may provide notice of the need to use EFML orally or in writing, or may provide such notice through the employee's spokesperson (e.g., spouse, adult family member, or other responsible party) if the employee is unable to provide such notice themselves. Notice is recommended directly to Human Resources.

If an employee fails to provide proper notice, the Agency will provide the employee notice of the failure and provide the employee with an opportunity to provide the required documentation, described below, prior to denying the employee's request for leave.

Employees on an EFML will still be responsible for abiding by all policies as set forth in the employee personnel policy. Employees on EFML are not to accept any other form of employment without prior written request and approval from the Housing Authority Human Resources Department.

Intermittent Leave

The Agency agrees to allow intermittent EFML for employees who have requested leave to care for their son or daughter or if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions. Intermittent Leave will be approved in three hour ~~whole day~~ increments.

Protected Sick Leave

Any leave approved as EFML is considered protected leave and the Agency may not discharge, discipline or discriminate against employees who takes such leave. An employee who uses Emergency Paid Sick Leave is entitled to reinstatement to their prior position unless the position held by the employee does not exist due to economic conditions or other changes in operating conditions caused by a public health emergency during the period of leave such that the employee would not otherwise have been employed at the time of reinstatement.

REPORT/RECOMMENDATION TO THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO AND RECORD OF ACTION

September 8, 2020

FROM

MARIA RAZO, Executive Director, Housing Authority of the County of San Bernardino

SUBJECT

2020 Language Access Plan

RECOMMENDATION(S)

Approve the 2020 Language Access Plan with an effective date of October 1, 2020.
(Presenter: Maria Razo, Executive Director, 332-6305)

GOALS & OBJECTIVES

HACSB communication is open, honest and consistent.

HACSB clients, programs, and properties are embraced by all communities.

HACSB clients live in safe and desirable homes and communities where they can develop and prosper.

FINANCIAL IMPACT

Approval of this item will not result in a financial impact to the Housing Authority of the County of San Bernardino (HACSB) as there are no financial impacts associated with this item.

BACKGROUND INFORMATION

On August 11, 2000, President Clinton signed Executive Order 13166 – Improving Access to Persons with Limited English Proficiency (LEP). To assist agencies, the United States Department of Justice issued policy guidance entitled Enforcement of Title VI of the Civil Rights Act of 1964 – National Origin Discrimination Against Persons With Limited English Proficiency. Federal agencies are required to ensure that recipients of federal financial assistance provide meaningful access to LEP applicants and beneficiaries. Each federal agency is required to draft guidance specific to its recipients detailing general standards that would be applied. In 2007, the United States Department of Housing and Urban Development (HUD) issued final guidelines which apply to any recipient of HUD assistance including, but not limited to, public housing agencies (PHA) and assisted housing providers. Under the 2007 HUD Guidelines, PHAs are required to make all of their programs accessible to LEP persons. As a result, each year, HACSB reviews and updates its LAP to ensure its programs and services are accessible to LEP clients. HACSB's 2020 LAP has been updated with LEP population data in San Bernardino County, HACSB service data with LEP clients, and if approved, the plan to continue to provide translations and noticing in Spanish.

HACSB's analysis revealed Spanish continues to be the primary language of its LEP clients. As in 2019, HACSB will continue to provide translation services and noticing in Spanish, as well as to continue to designate certain positions for bilingual employees who have frequent interactions with our LEP clients. LEP clients who speak a language other than Spanish will be provided the same access to programs and services through oral interpretation available through contract vendors. HACSB will continue to conduct reviews of population and service data on an annual

basis and the LAP will be updated to include languages that may become more prevalent in the future if necessary.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by Legal Counsel (Julie J. Surber, Principal Assistant County Counsel, 387-5455) on August 20, 2020.

Housing Authority of the County of San Bernardino

2020

Language Access Plan

(Effective October 1, 2020)

2020 Language Access Plan

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Language Access Plan Summary

Federal and HUD Guidelines

On August 11, 2000, President William Clinton signed Executive Order 13166 – Improving Access to Services for Persons With Limited English Proficiency which took effect August 16, 2000 for the Enforcement of Title VI of the Civil Rights Act of 1964 – National Origin Discrimination Against Persons With Limited English Proficiency. The order stated “each Federal agency shall work to ensure that recipients of Federal financial assistance provide meaningful access to their Limited English Proficiency (LEP) applicants and beneficiaries.” Under the order, each federal agency was required to draft guidance specific to its recipients detailing general standards that would be applied.

In 2003, the United States Department of Housing and Urban Development (HUD) issued guidelines that were finalized on January 22, 2007. These guidelines apply to any recipient of HUD assistance including, but not limited to, public housing agencies and assisted housing providers.

Under the 2007 HUD Guidelines, recipients are required to make all of their programs accessible to LEP persons. The LEP persons included in the guidelines include persons seeking housing assistance, seeking supportive services to become first-time homebuyers, seeking housing-related social services, training, or any other assistance from HUD recipients, current tenants, or parents or family members of these persons. The types of services and LEP communities targeted are based on a 4 Factor Analysis which includes:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program.
2. The frequency with which LEP individuals come into contact with the program.
3. The nature and importance of the program, activity, or service provided by the program to people’s lives.
4. The resources available to the grantee/recipient and costs.

Complaints of discrimination based on national origin due to failure to provide meaningful access filed with HUD will be investigated. Continued failure to provide meaningful access will result in the withdrawal of HUD funding.

Language Access Plan

Plan Statement

The Housing Authority of the County of San Bernardino (HACSB) is committed to its mission of empowering all individuals and families in need to achieve an enriched quality of life by providing housing opportunities and resources throughout San Bernardino County. In keeping with this mission, in 2005 HACSB adopted its first Language Access Plan (LAP) to ensure its programs and services are accessible to persons with limited English proficiency.

Identification of LEP Communities

LEP persons are those who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English¹. When reviewing demographic data to analyze language assistance needs, it is important to focus on the languages spoken by those who are not proficient in English, and not simply individuals who speak multiple languages.

A 2020 review of the language proficiency of the residents of San Bernardino County revealed approximately 298,530 individuals who do not “speak English very well.”² Of the languages spoken by the residents of San Bernardino County, there are 11 languages that are spoken by the threshold population size of 5% or 1,000 persons. Those languages are:

<u>Language</u>	<u>Number of Individuals in Population</u>
Spanish	236,326
Chinese	18,984
Tagalog	8,638
Korean	7,990
Vietnamese.....	5,846
Other Pacific Island languages.....	3,178
Arabic	4,763
Hindi	1,832
Mon Khmer, Cambodian	1,227
Japanese	1,135
Persian (incl. Farsi, Dari)	1,080

¹ January 22, 2007 HUD Guidance – Who is a Limited English Proficient Individual?

² U.S. Census Bureau – 2018 American Community Survey 1-Year Estimates – Languages Spoken at Home by Ability to Speak English for the Population 5 Years and Over

While there are 11 languages in the population that meet the HUD thresholds, the frequency of contact with LEP individuals who speak languages other than Spanish is limited. HACSB's local annual analysis shows that the total client contact with LEP clients who do not speak Spanish is less than 1% of HACSB's program population as detailed below.

Language Assistance July 2019 - June 2020				
Total HACSB Participants and Applicants		92,623		
Languages	# of Times Served	% of HACSB Total	Services	# of Times
Spanish	432	0.47%	Client Interpreter	8
Vietnamese	36	0.04%	Meeting	3
Tongan	1	0.00%	Oral - Document Interpretation	2
American Sign Language	1	0.00%	Oral - Telephone	158
Total	470	0.51%	Oral - Visitor	297
			Written	2
			Total	470
			*households	

The frequency with which LEP persons come into contact with the program, written translation and noticing should continue to be completed in Spanish. LEP clients who contact HACSB for service who speak other languages will still be provided access to programs and services through oral interpretation.

Language Assistance Measures

HACSB serves the LEP community with oral interpretation and written translation services for the Housing Choice Voucher (HCV), Public Housing (PH) programs and Authority owned properties.

Oral Interpretation Services

HACSB serves LEP persons with oral interpretation services that include, but are not limited to, the following services:

- Bilingual Staff – Spanish and Vietnamese³.
- Free interpretation services offered through contract vendor.
- Special HCV and PH Briefings offered to LEP clients.
- LEP persons are allowed to use interpreters of their own choosing who are 18 years of age or older.

³ Bilingual HACSB Staff are tested for accuracy using an independent third-party. New employees are subject to independent testing before serving as bilingual employees. Please see Attachment B.

Accessibility to Vital Program Documents

HACSB will provide language assistance of documents determined to be “vital” to assist with access to HACSB’s housing programs by LEP persons. The Vital Documents list is included as Attachment A and was developed with consideration of the applicable State of California and Fair Housing Laws.

Oral interpretation services will be used for all documents that have not been translated. Individualized documents containing important information will include noticing that language assistance services are available free of charge and oral interpretation services will be provided by bilingual employees and/or a contracted telephone vendor.

Expand Accessibility Services to the Authority Owned Portfolio

HACSB will expand the Language Assistance services to its Authority Owned portfolio with the use of Spanish bilingual employees at property offices, telephonic interpretation services, and noticing through posters in property offices and “I Speak” cards for clients to self-identify as an LEP person and the language in which they are comfortable communicating.

Accessibility to Non-Vital Programs

All housing related programs are considered vital to participants and the public. Other programs not directly related to housing or that may affect someone’s right to housing are considered non-vital. While the accessibility to non-vital programs is important, it is not subject to the same standards as housing programs. HACSB programs that are considered non-vital include:

- Section 3
- Career Development Initiatives
- Procurement

LEP assistance in accessing these programs will be offered through the use of bilingual employees and cost effective written translation programs available through the internet. Notice of these services will be provided on program documents issued to participants and the public.

Notice of Language Assistance Services

HACSB will provide notice of the availability of its LEP Services free of charge. The notices include:

- Interpretation Service Posters in all offices.
- Spanish available on the automated phone system.
- “I Speak” cards available for clients to self-identify at all offices.
- Interpretation Service Notice added to the HACSB website, community notices, public notices, and other identified communications.
- Notices in local ethnic media.
- Language Access Plan available on the HACSB website and at all offices.

Implementation and Training

Persons Charged with Plan Implementation

While all HACSB employees are responsible for ensuring LEP persons are provided adequate access to our information, programs and resources, there are key individuals who specifically have the responsibility of implementing and monitoring this Language Access Plan.

The Language Access Coordinator is responsible for ensuring the agency adheres to the plan and procedures to provide meaningful access. This person is responsible for the oversight, performance, and implementation of the plan. The Language Access Coordinator is also responsible for performing the annual plan evaluation and analyzing the survey responses and complaints of LEP persons as part of the evaluation process. The Language Access Coordinator is the Management Analyst of HACSB.

The Assistant Director of Housing Services is responsible for implementing the Language Access Plan for the Housing Choice Voucher Programs. The Senior Regional Communities Manager is responsible for implementing the Language Access Plan for the Affordable (Public) Housing Program, Project Based Voucher housing sites and Authority Owned portfolio.

Training

All HACSB employees may at one time or another come into contact with either a participant or member of the public who may be an LEP person. All HACSB employees are trained on the following items:

- LAP policies and procedures.
- Types of services available to assist LEP persons.
- How to respond to LEP callers.
- How to respond to LEP visitors.
- How to respond to written communication from LEP persons.
- How to access oral interpretation and written translation services.
- How to work effectively with interpreters.
- How to record and document language assistance services provided to clients.

Staff who serve as Bilingual Employees are also trained on the following items:

- Interpreter Standards for HACSB Bilingual Employees.
- How to record and document language assistance services provided to clients.

Monitoring and Updating the Plan, Policies, and Procedures

HACSB's Language Access Plan is monitored annually by the Language Access Coordinator. The Coordinator reviews:

- Languages in San Bernardino County that meet the threshold requirements.
- Languages most frequently used by program participants and public contacts.
- Implementation status.
- Effectiveness of services.
- The availability and cost of providing additional services.

Upon completion of the annual review, updates and revisions of the Language Access Plan are submitted for approval by the Executive Director and the Board of Governors.

Languages in San Bernardino County

To evaluate the languages in San Bernardino County that meet the threshold requirements, information is obtained from the U.S. Census Bureau, community based associations, and any other resources available.

Languages Most Frequently Used by Program Participants and Public Contacts

To determine the languages most frequently used by program participants and public contacts, HACSB reviews data recorded in the client management system, by bilingual employees, and by site-level Language Assistance Designees. The data is analyzed annually to determine the frequency and types of services being used. Reviewed data includes:

- Primary language used by person who contacted HACSB.
- Type of assistance provided during encounter.
- LEP persons choice to use own interpreter and age of interpreter.
- Number of LEP persons served.

This information will not only identify the languages HACSB comes into contact with most frequently, but also assists with evaluating the effectiveness of the services provided.

Implementation Status

The status of implementing the services will be evaluated and adjusted as necessary annually.

Effectiveness of Service

HACSB's efforts will be monitored annually for effectiveness in providing meaningful access to housing programs. The effectiveness will be evaluated based on annual customer service surveys and any responses received through the Feedback Process available to the public.

The Feedback Process will allow any member of the public, participant, or past participant to submit comments regarding the Language Access Services provided by HACSB. The comment form will be available on the HACSB website and at all HACSB offices. The comments will be submitted to the Language Access Coordinator for review and follow up with the appropriate personnel, or adjustments to the plan.

Availability and Cost of Providing Additional Services

Each year, the Language Access Coordinator will research and solicit ideas for new ways to serve LEP persons. An evaluation of the availability, cost, and potential effectiveness of the additional services will be performed and adjustments to the plan will be recommended accordingly.

Attachment A

Vital Documents

HACSB has developed a list of the documents that are vital to the access of LEP persons to HACSB's housing programs. This list was developed with consideration of the applicable laws of the State of California and Fair Housing laws. Documents have also been identified that may contain important information and contain noticing of HACSB language access services and how to obtain services.

Briefing Packets –MTW, Non-MTW, and Special Programs

- Program Summary
- Applying for HUD Housing Assistance –Consequences of Fraud
- Calculating Your Assistance/Helpful Tips to Search for a Home
- Census Tract Map
- Certification/Acknowledgement of Receipt
- Crime Free Addendum
- Documents for your Use and to be Returned
- Family Obligations Agreement
- HACSB LAP Contract –Part C: Tenancy Addendum
- Individual Training and Services Plan Goal –Planning Questionnaire
- Payment Standards
- Program Offices and Areas Served
- Questions and Answers Quiz
- Record of Contacts Made to Find a Unit
- Rental Assistance Booklet
- Request for Reasonable Accommodation
- Request for Tenancy Approval and Ownership Document Packet
- Special Program –Payment Standards
- Utility Allowance Schedule
- Zero Tolerance Fraud Policy

Housing Services

- Acknowledgement of Program Violations
- Conditional Termination Letter
- Informal Hearing Letter
- MTW Voucher
- MTW Contract
- Privacy Act
- Program Termination Letter
- Enter of Term Letter
- Zero Income Letter
- Section 214 Verification Consent
- Repayment Agreement
- Release of Information
- List of Non-Contending Members
- Disclosure Questionnaire and Supplement
- Hardship Request
- Hardship Determination
- Reasonable Accommodation Request
- Reasonable Accommodation Response
- VAWA Documents

Public Housing

- Acknowledgement of Program Violations Applicant Correspondence
- Application Needs Letter
- Application Removal Letter
- Unit Offer Letter
- Criminal History Background Info
- Eligibility Briefing Letter
- Disclosure Questionnaire and Supplement
- Debts Owed form
- Privacy Act and Release of Information
- Request for Settlement Conference
- List of Non-Contending Members
- Section 214 Verification Consent
- Holding Deposit Agreement
- Hardship Request
- Hardship Determination
- Reasonable Accommodation Request
- Reasonable Accommodation Response
- VAWA Documents

HOPE Program

- Requirements & Obligations
- Documentation Submission Letter
- HOPE NE Letter
- HOPE Recertification Appointment Letter
- Voluntary Termination Letter

Translated Documents Available from HUD and Other Sources

- Are You a Victim of Housing Discrimination
- Protect Your Family From Lead in Your Home

Attachment B

Bilingual Program

Eligibility: Full or Part-time employees in designated positions who successfully pass the Bilingual Skill Assessment, are eligible to participate in the Bilingual Pay Program.

Designated Positions: Positions which require direct contact with current or potential clients are “Designated” Positions. Additional positions may be designated in the Administrative Office, as required, to provide sufficient bi-lingual support services.

Bilingual Skill Assessment: Effective January 1, 2011, all eligible personnel will be assessed (or reassessed) for:

- Proficiency in speaking and understanding the spoken Spanish and/or Vietnamese Languages.
- Effective communication with sign language.

Newly-hired employees in designated positions will be assessed at the time of hire.

Bilingual Pay Incentive: Eligible employees who successfully pass the Bilingual Skill Assessment will receive the following incentive pay:

Defined	Full Time	Part Time
<ul style="list-style-type: none">• Speak and understand the spoken language; and/or• Communicate effectively with sign language	\$40.00 Per pay period	\$20.00 Per pay period

REPORT/RECOMMENDATION TO THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO AND RECORD OF ACTION

September 8, 2020

FROM

MARIA RAZO, Executive Director, Housing Authority of the County of San Bernardino

SUBJECT

Contract Amendment with the County of San Bernardino Community Development and Housing Department for the Homeless Veterans Housing Initiative Enhanced Security Deposit Program

RECOMMENDATION(S)

1. Approve Amendment No. 3 to Contract 15-803 with the County of San Bernardino Community Development and Housing Department extending the term for two additional years for a total contract period of November 3, 2015 through June 30, 2022 for the Homeless Veterans Housing Initiative Enhanced Security Deposit Program.
2. Authorize and direct the Executive Director to execute and deliver the contract amendment to the County of San Bernardino and, upon consultation with Legal Counsel, to approve any non-substantive revisions necessary to complete the transaction.

(Presenter: Maria Razo, Executive Director, 332-6305)

GOALS & OBJECTIVES

HACSB has secured the resources needed for accomplishing its mission.

HACSB clients, programs, and properties are embraced by all communities.

HACSB clients live in safe and desirable homes and communities where they can develop and prosper.

FINANCIAL IMPACT

Approval of this amendment will extend the current term of the contract by two years through June 30, 2022. Funding sources are from the County of San Bernardino (County) Community Development and Housing Department (CDH) to the Housing Authority of the County of San Bernardino (HACSB) for the implementation of the Homeless Veterans Housing Initiative Enhanced Security Deposit (ESD) program, for a total contract amount of \$200,000. Under Amendment No. 3, CDH will provide additional time for HACSB to expend approximately \$78,000 in remaining funds for the ESD program.

BACKGROUND INFORMATION

Under the terms of the recommended amendment, HACSB will continue to provide services to the chronic and veteran homeless populations for the ESD program. As part of the countywide initiative to end Veteran homelessness, CDH and HACSB partnered to create the ESD program approved by the Board of Governors on November 3, 2015 (Item No. 36). The goal of the program is to provide landlords with a risk mediation fund to pay for any damages in excess of the security deposit. The program initially served homeless veterans but was amended on December 20, 2016 (Item No. 27), to include modifications expanding the target populations of the program to include chronically homeless individuals, youth and families; and increasing the supply of units used specifically to house homeless families and individuals by allowing the use of funds for holding deposits, excessive property damage and vacant unit retention.

The proposed amendment to extend the contract term to June 30, 2022 will allow for the continuation of the existing program. To date, approximately \$122,000 has been expended assisting approximately 120 households/individuals.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by Legal Counsel (Julie J. Surber, Principal Assistant County Counsel, 387-5455) on August 20, 2020.



Contract Number

15-803-A3

SAP Number

COMMUNITY DEVELOPMENT AND HOUSING

Department Contract Representative	Shanikqua Freeman, Deputy Director
Telephone Number	(909) 387-4327
Contractor	Housing Authority County of San Bernardino
Contractor Representative	Mario Razo, Executive Director
Telephone Number	(909) 890-0644
Contract Term	11/03/2015 through 06/30/2022
Original Contract Amount	\$100,000
Amendment Amount	\$100,000
Total Contract Amount	\$200,000
Cost Center	6210007702 (\$200,000)

IT IS HEREBY AGREED AS FOLLOWS:

(Use space below and additional bond sheets. Set forth service to be rendered, amount to be paid, manner of payment, time for performance or completion, determination of satisfactory performance and cause for termination, other terms and conditions, and attach plans, specifications, and addenda, if any.)

This amendment between the County of San Bernardino and the Housing Authority of the County of San Bernardino provides for the extension of the term, expansion of the target homeless population that will be served through Homeless Veterans Housing Initiative Enhanced Security Deposit Program, and certain program enhancements to further the goals of the program, hereinafter referred to as "Program."

CONTRACT 15-803 AMENDMENT #3

This Third Amendment to the Contract ("Third Amendment") is made and entered into, by and between the County of San Bernardino, hereinafter referred to as "COUNTY" and the Housing Authority of the County of San Bernardino, a public body, corporate and politic, hereinafter referred to as "CONTRACTOR."

RECITALS

WHEREAS, CONTRACTOR is the Public Housing Agency administering permanent supportive housing programs to homeless veterans; and

WHEREAS, on November 3, 2015 (Item No. 18), the Board of Supervisors approved Contract #15-803 between CONTRACTOR and the COUNTY, hereinafter referred to as "CONTRACT" for \$100,000 to support the efforts of the Homeless Veterans Housing Initiative to increase landlord engagement and access to available private market units throughout the Housing Authority of the County of San Bernardino's service area; and

WHEREAS, on December 20, 2016 (Item No. 27), the Board of Supervisors approved Amendment #1 to Contract #15-803 between CONTRACTOR and the COUNTY, to extend the term to June 30, 2019; expand the target homeless population to include non-veteran, chronic homeless individuals and families; expand the scope of services to include holding deposits, vacated unit retention deposits, and excessive property damage restitution; and

WHEREAS, on October 16, 2018 (Item No. 23), the Board of Supervisors approved Amendment #2 to Contract #15-803 to increase the contract amount by \$100,000, for a total contract amount of \$200,000 (restricted Housing Trust funds); extend the term one (1) additional year to June 30, 2020; and, expand the scope of services to include a provision for pet security deposits. The deposits will cover required costs related to the allowance of pet(s) at move-in and/ or costs for pet-related damages upon move out. The pet security deposit may not exceed \$500.00; and,

WHEREAS, COUNTY desires to extend CONTRACT term an additional two (2) years to June 30, 2022; and,

WHEREAS, CONTRACTOR will continue to prioritize providing services to the chronic and veterans homeless populations to align with the overall County focus.

NOW, THEREFORE, in consideration of mutual covenants herein set forth and the mutual benefits to be derived therefrom, the parties agree as follows:

1. Section 1 of the Contract is hereby amended to read as follows:

"TERMS OF AGREEMENT"

The contract amount is \$200,000, no more than the amount specified in the Project Parameter Summary (Project Summary), attached as Exhibit 1 to Amendment No. 2 incorporated herein by this reference, and may be expended only for activities specified in the Project Summary without prior written approval of the COUNTY.

The term of this Contract begins on November 3, 2015, and ends June 30, 2022, unless terminated earlier as provided in Section 14, General Contract Terms.

Any extension would be at the sole discretion of the COUNTY and can be made administratively without Board approval providing the Purchasing thresholds of the contract value does not exceed the annual maximum of \$200,000 and the contract term does not exceed 5-years.

CONTRACTOR shall submit program status progress reports including data accounting and accomplishments of the program quarterly during the contract performance period.

SIGNATURES ON FOLLOWING PAGE

IN WITNESS WHEREOF, the COUNTY and the CONTRACTOR have each caused with Second Amendment to be subscribed by its respective duly authorized officers, on its behalf.

BOARD OF SUPERVISORS

►

Curt Hagman, Chairman, Board of Supervisors

Dated: _____
SIGNED AND CERTIFIED THAT A COPY OF THIS
DOCUMENT HAS BEEN DELIVERED TO THE
CHAIRMAN OF THE BOARD

LYNNA MONELL
Clerk of the Board of Supervisors
of the County of San Bernardino

By _____
Deputy

Housing Authority of the County of San Bernardino

(Print or type name of corporation, company, contractor, etc.)

By ► _____
(Authorized signature - sign in blue ink)

Name Maria Razo
(Print or type name of person signing contract)

Title Executive Director
(Print or Type)

Dated: _____

Address 715 East Brier Drive

San Bernardino, CA 92408

FOR COUNTY USE ONLY

Approved as to Legal Form

►

Suzanne Bryant, Deputy County Counsel

Date _____

Reviewed for Contract Compliance

►

Date _____

Reviewed/Approved by Department

►

Gary Hallen, Director

Date _____

**REPORT/RECOMMENDATION TO THE BOARD OF COMMISSIONERS OF THE
HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO AND RECORD
OF ACTION**

September 8, 2020

FROM

JULIE J. SURBER, Legal Counsel

SUBJECT

Employment Contract for the Executive Director

RECOMMENDATION(S)

Approve an employment contract with Maria Razo to provide services as the Executive Director for the Housing Authority of the County of San Bernardino, effective September 27, 2020 through September 26, 2023, for an estimated initial annual cost of \$281,454.25 (Salary - \$193,939, Benefits and Taxes - \$87,515.25).

(Presenter: Julie J. Surber, Legal Counsel, 387-5455)

GOALS & OBJECTIVES

HACSB leaders and supporters are innovative policy makers and influencers of legislation.

HACSB has secured the resources needed for accomplishing its mission.

HACSB communication is open, honest and consistent.

FINANCIAL IMPACT

The Executive Director's salary and benefit costs are included in the Housing Authority of the County of San Bernardino's (HACSB) Fiscal Year 2020-21 budget and will be included in subsequent fiscal year budgets.

BACKGROUND INFORMATION

Maria Razo has been serving as HACSB's Executive Director since September 27, 2016 as approved by HACSB's Board of Governors on September 27, 2016 (Item No. 51). Approval of this contract will allow Maria Razo to continue to serve as the Executive Director of HACSB. This recommended employment contract is for three years, from September 27, 2020 through September 26, 2023, with the option for HACSB's Board of Commissioners and the Executive Director to amend the contract for future extensions.

HACSB's Executive Director has historically been employed by contract and serves in an at-will capacity. The Executive Director may terminate the agreement with 30 days written notice. The Board of Commissioners may terminate the Executive Director at any time, with or without cause, upon written notice.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by Legal Counsel (Julie J. Surber, Principal Assistant County Counsel, 387-5455) on September 1, 2020.

HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO
EMPLOYMENT AGREEMENT

MARIA RAZO

THIS EMPLOYMENT AGREEMENT (“Agreement”) is made and entered into this 27th day of September, 2020 by and between the HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO (“HACSB”) and MARIA RAZO (“Employee”). HACSB and Employee are sometimes individually referred to herein as “Party” and collectively as “Parties”.

RECITALS

- A. The Board of Commissioners of the HACSB has selected Employee to be the Executive Director of the HACSB and wishes to memorialize the terms and conditions of Employee’s employment.

AGREEMENT

1. DUTIES.

(a) HACSB agrees to employ Employee as Executive Director of HACSB to perform the functions and duties specified in the policies and resolutions of HACSB, and to perform other legally permissible and proper duties and functions as included in the Executive Director’s job description. This position shall be deemed exempt from the FLSA and no overtime will be paid to Employee.

(b) Employee shall perform her duties to the best of her ability in accordance with the highest professional and ethical standards of the profession and shall comply with all general rules and regulations established by HACSB.

(c) Employee shall not engage in any activity which is or may become a conflict of interest, prohibited by contract, or which may create an incompatibility of office as defined under California Law. Prior to performing any services under this Agreement and annually thereafter, Employee must complete disclosure forms required by law.

2. TERM.

(a) Upon execution by both parties, the term of this Agreement shall be in accordance with subsection (b) or until terminated by either Party in accordance with the provisions set forth in Paragraph 3 of this Agreement or until terminated in the event of death or permanent disability of Employee.

(b) This Agreement shall be effective as of September 27, 2020 and continue in effect until September 26, 2023. Except in the event of earlier termination as provided in this Agreement, this Agreement may be extended upon execution by both parties of an amendment to this Agreement.

(c) Employee agrees to remain in the exclusive employ of HACSB during the term of this agreement.

3. RESIGNATION AND TERMINATION.

(a) Employee may resign at any time and agrees to give HACSB thirty (30) days advance written notice of the effective date of resignation.

(b) The Board of Commissioners of the HACSB may terminate Employee at any time, with or without cause, upon immediate written notice to Employee. In the event that HACSB chooses to terminate this Agreement without cause, upon termination the Employee shall receive an amount equal to six (6) months of base salary plus the cash value of currently accrued vacation and sick leave balances in accordance with HACSB policies.

4. SALARY.

(a) HACSB agrees to pay Employee in accordance with the salary provided in personnel policies/manual (initially \$193,939.20 per annum) for her services, payable in installments at the same time as other employees of HACSB and subject to customary withholding. Employee's salary may be increased in accordance with HACSB personnel/policies manual.

(b) In addition to salary, HACSB agrees to pay Employee \$2,250 per month pursuant to the HACSB approved Management Incentive Policy.

(c) Notwithstanding the foregoing, Employee understands and agrees that payment of the salary shall be in compliance with all regulations of the federal Department of Housing & Urban Development ("HUD"), including, but not limited to, HUD Notice PIH-2012-14(HA).

5. SUPPLEMENTAL BENEFITS.

(a) HACSB shall also provide Employee the same benefits as provided to executive employees of the HACSB and as they may be amended from time to time. Such benefits include, but are not limited to, eligibility for participation in HACSB's deferred compensation plan and the Public Employee Retirement System (PERS). Thus, all actions taken by HACSB relating to

benefits for executive employees shall be considered actions granting the same benefits to Employee. As used herein, benefits include, but are not limited to paid holidays as provided in the HACSB Employee Policy Handbook, vacation leave, administrative leave, sick leave, retirement benefits and payments, health insurance, vision insurance, dental insurance, and life insurance.

(b) Employee shall provide her own vehicle to be used in the performance of her duties in the course of employment with HACSB. In consideration, HACSB shall provide Employee a Six Hundred Dollar (\$600) vehicle allowance on a monthly basis as additional compensation. Employee shall be insurable at HACSB rates, however if Employee is ineligible or dropped from coverage, Employee shall be solely responsible for securing adequate automobile liability insurance on her vehicle and for listing HACSB as an additional insured on the policy in amounts that are typically provided for other employees of the HACSB.

(c) Employee shall be provided with a cell phone allowance in accordance with HACSB's current cell phone policy.

(d) Employee shall accrue vacation and sick leave consistent with HACSB policy. Employee shall be entitled to three (3) days of administrative leave annually pursuant to HACSB's Management Incentive Policy.

(e) Employee's vacation accrual maximum shall be three times the annual vacation accrual amount.

6. PERFORMANCE EVALUATION.

The Board of Commissioners of the HACSB shall evaluate Employee's performance at least annually.

7. NOTICES.

Any notices required by this Agreement shall be in writing and either given in person or by first class mail with the postage prepaid and addressed as follows:

TO HACSB:
Board of Commissioners
c/o Director of Human Resources
715 East Brier Drive
San Bernardino, CA 92408

TO EMPLOYEE:
Maria Razo, Executive Director
On File

8. ENTIRE AGREEMENT.

This Agreement is the final expression of the complete agreement of the Parties with respect to the matters specified herein and supersedes all prior oral or written understandings. Except as prescribed herein this Agreement cannot be modified except by written mutual agreement signed by the Parties.

9. SEVERABILITY.

In the event that any provision of this Agreement is finally held or determined to be illegal or void by a court having jurisdiction over the Parties, the remainder of the Agreement shall remain in full force and effect unless the parts found to be void are wholly inseparable from the remaining portion of the Agreement.

10. COUNTERPARTS.

This Agreement shall be executed simultaneously in three counterparts which be identified by number and each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

11. LAW GOVERNING AGREEMENT.

This Agreement shall be governed by and construed in accordance with the laws of the State of California. Venue shall be in San Bernardino County, California.

12. NO PRESUMPTION OF DRAFTER.

The Parties acknowledge and agree that the terms and provisions of this Agreement have been negotiated and discussed between the Parties, and this Agreement reflects their mutual agreement regarding the subject matter of this Agreement. Because of the nature of such negotiations and discussions, it would be inappropriate to deem any Party to be the drafter of this Agreement and, therefore, no presumption for or against validity or as to any interpretation hereof, based upon the identity of the drafter shall be applicable in interpreting or enforcing this Agreement.

13. ASSISTANCE OF COUNSEL.

Each Party to this Agreement warrants to the other Party that it has either had the assistance of counsel in negotiation for, and preparation of, this Agreement or could have had such assistance and voluntarily declined to obtain such assistance.

14. CONTRACT EXECUTION

This Contract may be executed in any number of counterparts, each of which so executed shall be deemed to be an original, and such counterparts shall together constitute one and the same Contract. The parties shall be entitled to sign and transmit an electronic signature of this Contract (whether by facsimile, PDF or other email transmission), which signature shall be binding on the party whose name is contained therein. Each party providing an electronic signature agrees to promptly execute and deliver to the other party an original signed Contract upon request

IN WITNESS WHEREOF, HACSB has caused this Agreement to be signed and executed in its behalf by the Chairperson of the Board of Commissioners and duly attested by the Secretary to the Board of Commissioners. It has also been executed by Employee.

**HOUSING AUTHORITY OF THE
COUNTY OF SAN BERNARDINO**

EMPLOYEE

Tim Johnson, Chairman, Board of
Commissioners

By: _____
Maria Razo

Date: _____

Date: _____

Approved as to Legal Form:

By: _____
Julie Surber, Legal Counsel

Date: _____

**REPORT/RECOMMENDATION TO THE BOARD OF COMMISSIONERS OF THE
HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO AND RECORD
OF ACTION**

September 8, 2020

FROM

MARIA RAZO, Executive Director, Housing Authority of the County of San Bernardino

SUBJECT

Regular Meeting Minutes for Meeting Held on July 14, 2020

RECOMMENDATION(S)

CONTINUED FROM TUESDAY, AUGUST 11, 2020, ITEM NO. 17

Approve the meeting minutes for the Board of Commissioners of the Housing Authority of the County of San Bernardino Regular Meeting held on July 14, 2020.

(Presenter: Maria Razo, Executive Director, 332-6305)

GOALS & OBJECTIVES

HACSB communication is open, honest and consistent.

FINANCIAL IMPACT

Approval of this item will not result in a financial impact to the Housing Authority of the County of San Bernardino (HACSB) as there are no financial impacts associated with this item.

BACKGROUND INFORMATION

The HACSB Board of Commissioners (Board) Regular Meeting took place on July 14, 2020, and attached are the comprehensive minutes for review and approval by the Board.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by Legal Counsel (Julie J. Surber, Principal Assistant County Counsel, 387-5455) on August 20, 2020.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF
THE HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO
July 14, 2020**

The Board of Commissioners of the Housing Authority of the County of San Bernardino met in a regular meeting via teleconference and videoconference (Zoom at call-in number (669) 900-6833, Meeting ID 896 1456 2127, Password 264374) at 3:10 p.m. on July 14, 2020.

The meeting was called to order, and upon roll call, the following were present:

Commissioner Johnson
Commissioner Cooper
Commissioner MacDuff
Commissioner Pinedo
Commissioner Tarango
Commissioner Miller

Also in attendance were: Maria Razo, Executive Director; Gus Joslin, Deputy Executive Director; Ana Gamiz, Director of Policy & Public Relations; Rishad Mitha, Director of Operations; Jennifer Dawson, Director of Human Resources; Kristin Maithonis, Assistant Director of Housing Services; Remy Gaither, Career Development Initiatives Manager; Renee Kangas, Management Analyst; Nicole Beydler, Sr. Management Analyst; Jere Thrasher, Knowledge and Education for Your Success, Executive Director and Claudia Hurtado, Executive Assistant.

Also present: Julie Surber, Legal Counsel to the Housing Authority.

The Chairman called for additions or deletions to the July 14, 2020 agenda. Secretary of the Board declared there were no additions or deletions to the July 14, 2020 agenda.

The Chairman provided an opportunity for members of the public to address the Board of Commissioners. Secretary of the Board, read the public comment submitted by Desert Sanctuary, Inc.

The Executive Director's Report was requested.

Maria Razo, Executive Director gave the Executive Director's Report.

Commissioner Muñoz entered the meeting at 3:15 p.m.

The Board Building Presentation for July 14, 2020 regarding an overview of the Housing Authority of the County of San Bernardino's Annual Moving to Work Plan and Agency Budget for Fiscal Year 2020-2021, was requested.

The Board Building Presentation regarding the overview of the Annual Moving to Work Plan was presented by Sr. Management Analyst, Nicole Beydler and the Board Building Presentation regarding the Agency Budget for Fiscal Year 2020-2021 was presented by Executive Director, Maria Razo.

Commissioner Muñoz left the meeting at 4:32 p.m.

Approval for discussion calendar item number 6, to 1) Adopt Resolution No. 87, a) approving the Housing Authority of the County of San Bernardino's Annual Moving to Work Plan for Fiscal Year 2020-2021, b) Approving the Annual Moving to Work Plan Certification of Compliance to the United States Department of Housing and Urban Development, was requested.

Executive Director explained the item.

Commissioner Miller moved to approve the discussion calendar item number 6 to 1) Adopt Resolution No. 87, a) approving the Housing Authority of the County of San Bernardino's Annual Moving to Work Plan for Fiscal Year 2020-2021, b) Approving the Annual Moving to Work Plan Certification of Compliance to the United States Department of Housing and Urban Development, which motion was duly seconded by Commissioner MacDuff, and upon roll call, the Ayes and Nays were as follows:

Ayes

Commissioner Johnson
Commissioner Cooper
Commissioner MacDuff
Commissioner Pinedo
Commissioner Tarango
Commissioner Miller

Nays

Approval for the discussion calendar item number 7, to Adopt Resolution No. 88 to approve and adopt: A) The Fiscal Year 2020-21 Consolidated Annual Budget including operating transfers in/out, B) The Fiscal Year 2020-21 Public Housing Annual Budget including operating transfers in/out, C) Any changes to the Consolidated Annual Budget or the Public Housing Annual Budget that the Board of Commissioners may direct, was requested.

Executive Director explained the item.

Commissioner Miller moved to approve the discussion calendar item number 7, to Adopt Resolution No. 88 to approve and adopt: A) The Fiscal Year 2020-21 Consolidated Annual Budget including operating transfers in/out, B) The Fiscal Year 2020-21 Public Housing Annual Budget including operating transfers in/out, C) Any changes to the Consolidated Annual Budget or the Public Housing Annual Budget that the Board of Commissioners may direct, which motion was duly seconded by Commissioner Tarango, and upon roll call, the Ayes and Nays were as follows:

Ayes

Commissioner Johnson
Commissioner Cooper

Nays

Commissioner MacDuff
Commissioner Pinedo
Commissioner Tarango
Commissioner Miller

Approval for the discussion calendar item number 8, to Adopt Resolution No. 89 approving revisions to the Administrative Plan governing the Housing Authority of the County of San Bernardino's rental assistance programs, was requested.

Executive Director explained the item.

Commissioner Miller moved to approve the discussion calendar item number 8, to Adopt Resolution No. 89 approving revisions to the Administrative Plan governing the Housing Authority of the County of San Bernardino's rental assistance programs, which motion was duly seconded by Commissioner Pinedo, and upon roll call, the Ayes and Nays were as follows:

Ayes

Commissioner Johnson
Commissioner Cooper
Commissioner MacDuff
Commissioner Pinedo
Commissioner Tarango
Commissioner Miller

Nays

Approval of discussion calendar item 9, to Adopt Resolution No. 90 approving revisions to the Admissions and Continued Occupancy Plan governing the Housing Authority of the County of San Bernardino's Public Housing program, was requested.

Executive Director explained the item.

Commissioner Miller moved to approve the discussion calendar item number 9, Adopt Resolution No. 90 approving revisions to the Admissions and Continued Occupancy Plan governing the Housing Authority of the County of San Bernardino's Public Housing program, which motion was duly seconded by Commissioner MacDuff, and upon roll call, the Ayes and Nays were as follows:

Ayes

Commissioner Johnson
Commissioner Cooper
Commissioner Pinedo
Commissioner Tarango
Commissioner Miller
Commissioner MacDuff

Nays

Approval of discussion calendar item 10, to Adopt Resolution No. 91 approving revisions to the Housing Authority of the County of San Bernardino's Employee Personnel Handbook, was requested.

Executive Director explained the item.

Commissioner Miller moved to approve the discussion calendar item number 10, to Adopt Resolution No. 91 approving revisions to the Housing Authority of the County of San Bernardino's Employee Personnel Handbook, which motion was duly seconded by Commissioner MacDuff, and upon roll call, the Ayes and Nays were as follows:

Ayes

Commissioner Johnson
Commissioner Cooper
Commissioner Pinedo
Commissioner Tarango
Commissioner Miller
Commissioner MacDuff

Nays

Approval of discussion calendar item number 11, to 1) Approve a data use agreement, effective August 1, 2020, between the Housing Authority of the County of San Bernardino, Inland Empire Health Plan, San Bernardino County Department of Behavioral Health, Valley Star Behavioral Health, Inc., Step Up on Second Street, Inc., and Brilliant Corners for permanent supportive housing development, Desert Haven Apartments, for a five-year term through July 31, 2025, 2) Authorize and direct the Executive Director to execute and deliver the agreement to Inland Empire Health Plan, San Bernardino County Department of Behavioral Health, Valley Star Behavioral Health, Inc., Step Up on Second Street, Inc., and Brilliant Corners and, upon consultation with Legal Counsel, to approve any non-substantive revisions necessary to complete the transaction, was requested.

Executive Director explained the item.

Commissioner Miller moved to approve the discussion calendar item number 11, to 1) Approve a data use agreement, effective August 1, 2020, between the Housing Authority of the County of San Bernardino, Inland Empire Health Plan, San Bernardino County Department of Behavioral Health, Valley Star Behavioral Health, Inc., Step Up on Second Street, Inc., and Brilliant Corners for permanent supportive housing development, Desert Haven Apartments, for a five-year term through July 31, 2025, 2) Authorize and direct the Executive Director to execute and deliver the agreement to Inland Empire Health Plan, San Bernardino County Department of Behavioral Health, Valley Star Behavioral Health, Inc., Step Up on Second Street, Inc., and Brilliant Corners and, upon consultation with Legal Counsel, to approve any non-substantive revisions necessary to complete the transaction, which motion was duly seconded by Commissioner MacDuff, and upon roll call, the Ayes and Nays were as follows:

Ayes

Commissioner Johnson
Commissioner Cooper

Nays

Commissioner Pinedo
Commissioner Tarango
Commissioner Miller
Commissioner MacDuff

Approval of discussion calendar item number 12, to 1) Approve a data use agreement, retroactive to June 1, 2020, between the Housing Authority of the County of San Bernardino, Inland Empire Health Plan, San Bernardino County Department of Behavioral Health, Mental Health Systems, Inc., Step Up on Second Street, Inc., and Brilliant Corners for permanent supportive housing development, Golden Apartments, for a five-year term through May 31, 2025, 2) Authorize and direct the Executive Director to execute and deliver the agreement to Inland Empire Health Plan, San Bernardino County Department of Behavioral Health, Mental Health Systems, Inc., Step Up on Second Street, Inc., and Brilliant Corners and, upon consultation with Legal Counsel, to approve any non-substantive revisions necessary to complete the transaction, was requested.

Executive Director explained the item.

Commissioner Miller moved to approve discussion calendar item number 12, to 1) Approve a data use agreement, retroactive to June 1, 2020, between the Housing Authority of the County of San Bernardino, Inland Empire Health Plan, San Bernardino County Department of Behavioral Health, Mental Health Systems, Inc., Step Up on Second Street, Inc., and Brilliant Corners for permanent supportive housing development, Golden Apartments, for a five-year term through May 31, 2025, 2) Authorize and direct the Executive Director to execute and deliver the agreement to Inland Empire Health Plan, San Bernardino County Department of Behavioral Health, Mental Health Systems, Inc., Step Up on Second Street, Inc., and Brilliant Corners and, upon consultation with Legal Counsel, to approve any non-substantive revisions necessary to complete the transaction, which motion was duly seconded by Commissioner MacDuff, and upon roll call, the Ayes and Nays were as follows:

Ayes

Commissioner Johnson
Commissioner Cooper
Commissioner Pinedo
Commissioner Tarango
Commissioner Miller
Commissioner MacDuff

Nays

Approval of discussion calendar item number 13, to approve an increase in appropriations for heating, ventilation, and air conditioning services by \$300,000 for a total amount not to exceed \$764,740 through January 24, 2022, was requested.

Executive Director explained the item.

Commissioner Miller moved to approve discussion calendar item number 13, to approve an increase in appropriations for heating, ventilation, and air conditioning services by \$300,000 for a total amount not to exceed \$764,740 through January 24, 2022, which motion was duly seconded by Commissioner MacDuff, and upon roll call, the Ayes and Nays were as follows:

Ayes

Commissioner Johnson
Commissioner Cooper
Commissioner Pinedo
Commissioner Tarango
Commissioner Miller
Commissioner MacDuff

Nays

Approval of discussion calendar item number 14, to 1) Approve contract addendums to Contract No. PC938, with Sillman Wright Architects, Onyx Architects, Inc., Pyatok Architects, and BASIS Architecture & Consulting, for on-call architect services, exercising the option to extend one additional two-year term from August 1, 2020 through July 31, 2022, 2) Approve an increase in appropriations for on-call architect services by \$500,000 for an overall amount not to exceed \$1,085,000 through July 31, 2022, 3) Authorize and direct the Executive Director to execute and deliver the contract addendums to Sillman Wright Architects, Onyx Architects, Inc., Pyatok Architects, and BASIS Architecture & Consulting and, upon consultation with Legal Counsel, to approve any non-substantive revisions necessary to complete the transaction, was requested.

Executive Director explained the item.

Commissioner Miller moved to approve discussion calendar item number 14, to 1) Approve contract addendums to Contract No. PC938, with Sillman Wright Architects, Onyx Architects, Inc., Pyatok Architects, and BASIS Architecture & Consulting, for on-call architect services, exercising the option to extend one additional two-year term from August 1, 2020 through July 31, 2022, 2) Approve an increase in appropriations for on-call architect services by \$500,000 for an overall amount not to exceed \$1,085,000 through July 31, 2022, 3) Authorize and direct the Executive Director to execute and deliver the contract addendums to Sillman Wright Architects, Onyx Architects, Inc., Pyatok Architects, and BASIS Architecture & Consulting and, upon consultation with Legal Counsel, to approve any non-substantive revisions necessary to complete the transaction, which motion was duly seconded by Commissioner MacDuff, and upon roll call, the Ayes and Nays were as follows:

Ayes

Commissioner Johnson
Commissioner Cooper
Commissioner Pinedo
Commissioner Tarango
Commissioner Miller
Commissioner MacDuff

Nays

Approval of discussion calendar item number 15, to 1) Approve Amendment No. 1 to Contract No. PC947, with Vizion's West, Inc. and Unlimited Environmental, Inc. for environmental abatement services, exercising the option to extend one additional two-year term from July 24, 2020 through July 23, 2022, 2) Approve an increase in appropriations for environmental abatement services by \$250,000 for an overall amount not to exceed \$450,000 through July 23, 2022, 3) Authorize and direct the Executive Director to execute and deliver the contract

amendments to Vizion's West, Inc. and Unlimited Environmental, Inc. and, upon consultation with Legal Counsel, to approve any non-substantive revisions necessary to complete the transaction, was requested.

Executive Director explained the item.

Commissioner Miller moved to approve discussion calendar item number 15, to 1) Approve Amendment No. 1 to Contract No. PC947, with Vizion's West, Inc. and Unlimited Environmental, Inc. for environmental abatement services, exercising the option to extend one additional two-year term from July 24, 2020 through July 23, 2022, 2) Approve an increase in appropriations for environmental abatement services by \$250,000 for an overall amount not to exceed \$450,000 through July 23, 2022, 3) Authorize and direct the Executive Director to execute and deliver the contract amendments to Vizion's West, Inc. and Unlimited Environmental, Inc. and, upon consultation with Legal Counsel, to approve any non-substantive revisions necessary to complete the transaction, which motion was duly seconded by Commissioner Tarango, and upon roll call, the Ayes and Nays were as follows:

Ayes

Commissioner Johnson
Commissioner Cooper
Commissioner Pinedo
Commissioner Tarango
Commissioner Miller
Commissioner MacDuff

Nays

Approval of discussion calendar item number 16, to 1) Approve Amendment No. 1 to Contract No. PC1111 with Noble E&C Inc. for interior plumbing re-pipe services at the Parkside Pines Affordable Housing community increasing the total contract amount by \$64,263, from \$472,600 to a not-to-exceed \$536,863 and extending the contract through August 31, 2020, 2) Authorize and direct the Executive Director to execute and deliver the contract amendment to Noble E&C Inc. and, upon consultation with Legal Counsel, to approve any non-substantive revisions necessary to complete the transaction, was requested.

Executive Director explained the item.

Commissioner Miller moved to approve discussion calendar item number 16, to 1) Approve Amendment No. 1 to Contract No. PC1111 with Noble E&C Inc. for interior plumbing re-pipe services at the Parkside Pines Affordable Housing community increasing the total contract amount by \$64,263, from \$472,600 to a not-to-exceed \$536,863 and extending the contract through August 31, 2020, 2) Authorize and direct the Executive Director to execute and deliver the contract amendment to Noble E&C Inc. and, upon consultation with Legal Counsel, to approve any non-substantive revisions necessary to complete the transaction, which motion was duly seconded by Commissioner MacDuff, and upon roll call, the Ayes and Nays were as follows:

Ayes

Nays

Commissioner Johnson
Commissioner Cooper
Commissioner Pinedo
Commissioner Tarango
Commissioner Miller
Commissioner MacDuff

Approval of consent calendar items number 18 through 20 to 18) Approve the meeting minutes for the Board of Commissioners of the Housing Authority of the County of San Bernardino Regular Meeting held on June 9, 2020, 19) Vacated Tenant Accounts for the Authority Owned Portfolio to be Written Off as Collection Loss for the Month Ending May 2020, 20) Approve and file Agency-wide Financial Statements through March 2020, was requested.

Commissioner Miller moved to approve consent calendar items 18 through 20 to 18) Approve the meeting minutes for the Board of Commissioners of the Housing Authority of the County of San Bernardino Regular Meeting held on June 9, 2020, 19) Vacated Tenant Accounts for the Authority Owned Portfolio to be Written Off as Collection Loss for the Month Ending May 2020, 20) Approve and file Agency-wide Financial Statements through March 2020, which motion was duly seconded by Commissioner MacDuff, and upon roll call, the Ayes and Nays were as follows:

Ayes

Commissioner Johnson
Commissioner Cooper
Commissioner Pinedo
Commissioner Tarango
Commissioner Miller
Commissioner MacDuff

Nays

Chairman provided an opportunity for individual Board member comments. There were no comments.

There being no other business, Chairman moved for the regular meeting of Tuesday, July 14, 2020 to be adjourned, which motion was duly seconded by Commissioner MacDuff, and upon roll call, the Ayes and Nays were as follows:

Ayes

Commissioner Johnson
Commissioner Cooper
Commissioner MacDuff
Commissioner Pinedo
Commissioner Tarango
Commissioner Miller

Nays

The meeting adjourned at 5:31 p.m.

Tim Johnson, Chair

Beau Cooper, Vice Chair

Cassie MacDuff

Sylvia Miller

Absent
Jessie Muñoz

Dr. Ciriaco “Cid” Pinedo

Bobby Tarango

Attest:

Secretary

**REPORT/RECOMMENDATION TO THE BOARD OF COMMISSIONERS OF THE
HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO AND RECORD
OF ACTION**

September 8, 2020

FROM

MARIA RAZO, Executive Director, Housing Authority of the County of San Bernardino

SUBJECT

Regular Meeting Minutes for Meeting Held on August 11, 2020

RECOMMENDATION(S)

Approve the meeting minutes for the Board of Commissioners of the Housing Authority of the County of San Bernardino Regular Meeting held on August 11, 2020.
(Presenter: Maria Razo, Executive Director, 332-6305)

GOALS & OBJECTIVES

HACSB communication is open, honest and consistent.

FINANCIAL IMPACT

Approval of this item will not result in a financial impact to the Housing Authority of the County of San Bernardino (HACSB) as there are no financial impacts associated with this item.

BACKGROUND INFORMATION

The HACSB Board of Commissioners (Board) Regular Meeting took place on August 11, 2020, and attached are the comprehensive minutes for review and approval by the Board.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by Legal Counsel (Julie J. Surber, Principal Assistant County Counsel, 387-5455) on August 20, 2020.

**REVISED MINUTES OF A REGULAR MEETING OF THE BOARD OF
COMMISSIONERS OF THE HOUSING AUTHORITY OF THE COUNTY OF SAN
BERNARDINO
August 11, 2020**

The Board of Commissioners of the Housing Authority of the County of San Bernardino met in a regular meeting via teleconference and videoconference (Zoom at call-in number (669) 900-6833, Meeting ID 896 1144 8466, Password 648530) at 3:00 p.m. on August 11, 2020.

The meeting was called to order, and upon roll call, the following were present:

Commissioner Johnson
Commissioner Cooper
Commissioner MacDuff
Commissioner Pinedo
Commissioner Tarango
Commissioner Miller
Commissioner Muñoz

Also in attendance were: Maria Razo, Executive Director; Gus Joslin, Deputy Executive Director; Ana Gamiz, Director of Policy & Public Relations; Rishad Mitha, Director of Operations; Jennifer Dawson, Director of Human Resources; Kristin Maithonis, Assistant Director of Housing Services; Remy Gaither, Career Development Initiatives Manager; Renee Kangas, Management Analyst; Nicole Beydler, Sr. Management Analyst; Jesse Diaz, Finance Manager; Ron Ruhl, Real Estate Development Manager; Angie Lardapide, Procurement and Contracts Supervisor; Sylvia Robles, Property Compliance Manager and Claudia Hurtado, Executive Assistant.

Also present: Julie Surber, Legal Counsel to the Housing Authority.

The Chairman called for additions or deletions to the August 11, 2020 agenda.

Executive Director requested for item number 17, to approve the meeting minutes for the Board of Commissioners of the Housing Authority of the County of San Bernardino Regular Meeting held on July 14, 2020, to be continued to the September 8, 2020 Board of Commissioners meeting.

The Chairman provided an opportunity for members of the public to address the Board of Commissioners. Secretary of the Board, declared that no public comment had been submitted.

The Executive Director's Report was requested.

Maria Razo, Executive Director gave the Executive Director's Report.

The Board Building Presentation for August 11, 2020 regarding an overview of the Housing Authority of the County of San Bernardino's Veterans Affair Supportive Housing program, was requested.

The Board Building Presentation regarding the overview of the Veterans Affair Supportive Housing program was presented by Executive Director, Maria Razo.

Approval for discussion calendar item number 6, to Adopt Resolution No. 92 approving a delegation of authority to the Executive Director or designee, upon consultation with Legal Counsel, to review, approve, and execute all documents necessary and appropriate to administer and implement the Housing Assets of the Former Redevelopment Agency of the City of Redlands, including, but not limited to the subordination agreements, assignments, loan amendments and modifications, and other administrative and real property documents that result in more affordable terms for individual homeowners., was requested.

Executive Director explained the item.

Commissioner Miller moved to approve the discussion calendar item number 6, to Adopt Resolution No. 92 approving a delegation of authority to the Executive Director or designee, upon consultation with Legal Counsel, to review, approve, and execute all documents necessary and appropriate to administer and implement the Housing Assets of the Former Redevelopment Agency of the City of Redlands, including, but not limited to the subordination agreements, assignments, loan amendments and modifications, and other administrative and real property documents that result in more affordable terms for individual homeowners, which motion was duly seconded by Commissioner Tarango, and upon roll call, the Ayes and Nays were as follows:

Ayes

Commissioner Johnson
Commissioner Cooper
Commissioner MacDuff
Commissioner Pinedo
Commissioner Tarango
Commissioner Miller
Commissioner Muñoz

Nays

Approval for the discussion calendar item number 7, to Adopt Resolution No. 93 to a) Authorize submittal of a joint application with the Mountain Homeless Coalition to the California Department of Housing and Community Development for Homekey grant funds in an amount not to exceed \$1,000,000 for capital expenditures and capitalized operating subsidy. b) Authorize the Housing Authority of the County of San Bernardino to serve as a member in a to be formed LLC with Mountain Homeless Coalition serving as Managing member, for the specific purpose of applying, as Eligible Applicant, for Homekey grant funds and subsequently acquiring and managing an apartment complex at 402 Georgia Street in Big Bear Lake, California; and, c) Authorize and direct the Executive Director, upon consultation with Legal Counsel, to execute and deliver all documents and agreements necessary to consummate the role in the limited liability company, including the Articles of Organization and Operating Agreement, and other ancillary documents necessary to carry out and close the acquisition of the 6-unit property at 402 Georgia Street in Big Bear Lake, California in collaboration with the Mountain Homeless

Coalition, and to approve any non-substantive revisions necessary to complete the transaction, was requested.

Executive Director explained the item.

Commissioner Miller moved to approve the discussion calendar item number 7, to Adopt Resolution No. 93 to a) Authorize submittal of a joint application with the Mountain Homeless Coalition to the California Department of Housing and Community Development for Homekey grant funds in an amount not to exceed \$1,000,000 for capital expenditures and capitalized operating subsidy. b) Authorize the Housing Authority of the County of San Bernardino to serve as a member in a to be formed LLC with Mountain Homeless Coalition serving as Managing member, for the specific purpose of applying, as Eligible Applicant, for Homekey grant funds and subsequently acquiring and managing an apartment complex at 402 Georgia Street in Big Bear Lake, California; and, c) Authorize and direct the Executive Director, upon consultation with Legal Counsel, to execute and deliver all documents and agreements necessary to consummate the role in the limited liability company, including the Articles of Organization and Operating Agreement, and other ancillary documents necessary to carry out and close the acquisition of the 6-unit property at 402 Georgia Street in Big Bear Lake, California in collaboration with the Mountain Homeless Coalition, and to approve any non-substantive revisions necessary to complete the transaction, which motion was duly seconded by Commissioner Tarango, and upon roll call, the Ayes and Nays were as follows:

Ayes

Commissioner Johnson
Commissioner Cooper
Commissioner MacDuff
Commissioner Pinedo
Commissioner Tarango
Commissioner Miller
Commissioner Muñoz

Nays

Approval for the discussion calendar item number 8, to 1) Approve Amendment No. 1 to Contract No. PC943 with Potomac Partners DC for legislative consulting services increasing the current contract amount by \$300,000 for a total contract amount not to exceed \$750,000 for services provided during the one additional two-year option period through from October 1, 2020 to September 30, 2022, 2) Authorize and direct the Executive Director to execute and deliver the contract amendment to Potomac Partners DC, and, upon consultation with Legal Counsel, to approve any non-substantive revisions necessary to complete the transaction, was requested.

Executive Director explained the item.

Commissioner Miller moved to approve the discussion calendar item number 8, to 1) Approve Amendment No. 1 to Contract No. PC943 with Potomac Partners DC for legislative consulting services increasing the current contract amount by \$300,000 for a total contract amount not to exceed \$750,000 for services provided during the one additional two-year option period through from October 1, 2020 to September 30, 2022, 2) Authorize and direct the Executive Director to execute and deliver the contract amendment to Potomac Partners DC, and, upon consultation

with Legal Counsel, to approve any non-substantive revisions necessary to complete the transaction, which motion was duly seconded by Commissioner Tarango, and upon roll call, the Ayes and Nays were as follows:

Ayes

Commissioner Johnson
Commissioner Cooper
Commissioner MacDuff
Commissioner Pinedo
Commissioner Tarango
Commissioner Miller
Commissioner Muñoz

Nays

Approval of discussion calendar item number 9, to 1) Authorize the Housing Authority of the County of San Bernardino to enter into a Permanent Loan Promissory Note in an amount not-to-exceed \$1,990,000 and to execute related documents with Golden Apartments San Bernardino, L.P., to serve as permanent financing for a development known as the Golden Apartments, said Note to be executed in substantially the form attached, such approval to be evidenced conclusively by the execution and delivery thereof, 2) Authorize and direct the Executive Director upon consultation with Legal Counsel, to make modifications to the Permanent Loan Promissory Note and the documents or exhibits attached to the Note in order to conform to the transaction and funding for the Project (County of San Bernardino and City of San Bernardino HOME program transaction) and to execute all documents or certificates which are necessary or appropriate to carry out and close the transaction as contemplated in the Note, was requested.

Executive Director explained the item.

Commissioner Miller moved to approve discussion calendar item number 9, to 1) Authorize the Housing Authority of the County of San Bernardino to enter into a Permanent Loan Promissory Note in an amount not-to-exceed \$1,990,000 and to execute related documents with Golden Apartments San Bernardino, L.P., to serve as permanent financing for a development known as the Golden Apartments, said Note to be executed in substantially the form attached, such approval to be evidenced conclusively by the execution and delivery thereof, 2) Authorize and direct the Executive Director upon consultation with Legal Counsel, to make modifications to the Permanent Loan Promissory Note and the documents or exhibits attached to the Note in order to conform to the transaction and funding for the Project (County of San Bernardino and City of San Bernardino HOME program transaction) and to execute all documents or certificates which are necessary or appropriate to carry out and close the transaction as contemplated in the Note, which motion was duly seconded by Commissioner Muñoz, and upon roll call, the Ayes and Nays were as follows:

Ayes

Commissioner Johnson
Commissioner Cooper
Commissioner Pinedo
Commissioner Tarango
Commissioner Miller

Nays

Commissioner MacDuff
Commissioner Muñoz

Approval of discussion calendar item number 10, to 1) Award a contract, effective August 12, 2020, to CohnReznick LLP for financial auditing services in an amount not to exceed \$291,790 for a three year base period through August 11, 2023, and the option for two additional single-year contract extensions through August 11, 2025, 2) Authorize and direct the Executive Director to execute and deliver the contract to CohnReznick LLP, and upon consultation with Legal Counsel, to approve any non-substantive revisions necessary to complete the transaction, was requested.

Executive Director explained the item.

Commissioner Miller moved to approve the discussion calendar item number 10, to 1) Award a contract, effective August 12, 2020, to CohnReznick LLP for financial auditing services in an amount not to exceed \$291,790 for a three year base period through August 11, 2023, and the option for two additional single-year contract extensions through August 11, 2025, 2) Authorize and direct the Executive Director to execute and deliver the contract to CohnReznick LLP, and upon consultation with Legal Counsel, to approve any non-substantive revisions necessary to complete the transaction, which motion was duly seconded by Commissioner Muñoz, and upon roll call, the Ayes and Nays were as follows:

Ayes

Commissioner Johnson
Commissioner Cooper
Commissioner Pinedo
Commissioner Tarango
Commissioner Miller
Commissioner MacDuff
Commissioner Muñoz

Nays

Approval of discussion calendar item number 11, to 1) Approve Memorandum of Understanding with County of San Bernardino Department of Behavioral Health for referral and supportive services for the Mainstream Voucher Program for three years effective September 1, 2020 through August 31, 2023, 2) Authorize and direct the Executive Director to execute and deliver Memorandum of Understanding to County of San Bernardino Department of Behavioral Health, and upon consultation with Legal Counsel, to approve any non-substantive revisions necessary to complete the transaction, was requested.

Executive Director explained the item.

Commissioner Muñoz moved to approve the discussion calendar item number 11, to 1) Approve Memorandum of Understanding with County of San Bernardino Department of Behavioral Health for referral and supportive services for the Mainstream Voucher Program for three years effective September 1, 2020 through August 31, 2023, 2) Authorize and direct the Executive Director to execute and deliver Memorandum of Understanding to County of San Bernardino Department of Behavioral Health, and upon consultation with Legal Counsel, to approve any

non-substantive revisions necessary to complete the transaction, which motion was duly seconded by Commissioner Miller, and upon roll call, the Ayes and Nays were as follows:

Ayes

Commissioner Johnson
Commissioner Cooper
Commissioner Pinedo
Commissioner Tarango
Commissioner Miller
Commissioner MacDuff
Commissioner Muñoz

Nays

Approval of discussion calendar item number 12, to 1) Approve Memorandum of Understanding with Rolling Start, Inc. for referral and supportive services for the Mainstream Voucher Program for three years effective September 1, 2020 through August 31, 2023, 2) Authorize and direct the Executive Director to execute and deliver Memorandum of Understanding to Rolling Start, Inc., and upon consultation with Legal Counsel, to approve any non-substantive revisions necessary to complete the transaction, was requested.

Executive Director explained the item.

Commissioner Miller moved to approve discussion calendar item number 12, to 1) Approve Memorandum of Understanding with Rolling Start, Inc. for referral and supportive services for the Mainstream Voucher Program for three years effective September 1, 2020 through August 31, 2023, 2) Authorize and direct the Executive Director to execute and deliver Memorandum of Understanding to Rolling Start, Inc., and upon consultation with Legal Counsel, to approve any non-substantive revisions necessary to complete the transaction, which motion was duly seconded by Commissioner Tarango, and upon roll call, the Ayes and Nays were as follows:

Ayes

Commissioner Johnson
Commissioner Cooper
Commissioner Pinedo
Commissioner Tarango
Commissioner Miller
Commissioner MacDuff
Commissioner Muñoz

Nays

Approval of discussion calendar item number 13, to 1) Approve Memorandum of Understanding with Inland Regional Center for referral and supportive services for the Mainstream Voucher Program for three years effective September 1, 2020 through August 31, 2023, 2) Authorize and direct the Executive Director to execute and deliver the Memorandum of Understanding to Inland Regional Center, and upon consultation with Legal Counsel, to approve any non-substantive revisions necessary to complete the transaction, was requested.

Executive Director explained the item.

Commissioner Tarango moved to approve discussion calendar item number 13, to 1) Approve Memorandum of Understanding with Inland Regional Center for referral and supportive services for the Mainstream Voucher Program for three years effective September 1, 2020 through August 31, 2023, 2) Authorize and direct the Executive Director to execute and deliver the Memorandum of Understanding to Inland Regional Center, and upon consultation with Legal Counsel, to approve any non-substantive revisions necessary to complete the transaction, which motion was duly seconded by Commissioner Miller, and upon roll call, the Ayes and Nays were as follows:

Ayes

Commissioner Johnson
Commissioner Cooper
Commissioner Pinedo
Commissioner Tarango
Commissioner Miller
Commissioner MacDuff
Commissioner Muñoz

Nays

Approval of discussion calendar item number 14, to 1) Approve Memorandum of Understanding with Inland Empire Health Plan for referral and supportive services for the Mainstream Voucher Program for three years effective September 1, 2020 through August 31, 2023, 2) and direct the Executive Director to execute and deliver the Memorandum of Understanding to Inland Empire Health Plan, and upon consultation with Legal Counsel, to approve any non-substantive revisions necessary to complete the transaction, was requested.

Executive Director explained the item.

Commissioner Miller moved to approve discussion calendar item number 14, to 1) Approve Memorandum of Understanding with Inland Empire Health Plan for referral and supportive services for the Mainstream Voucher Program for three years effective September 1, 2020 through August 31, 2023, 2) and direct the Executive Director to execute and deliver the Memorandum of Understanding to Inland Empire Health Plan, and upon consultation with Legal Counsel, to approve any non-substantive revisions necessary to complete the transaction, which motion was duly seconded by Commissioner Muñoz, and upon roll call, the Ayes and Nays were as follows:

Ayes

Commissioner Johnson
Commissioner Cooper
Commissioner Pinedo
Commissioner Tarango
Commissioner Miller
Commissioner MacDuff
Commissioner Muñoz

Nays

Approval of discussion calendar item number 15, to 1) Approve Memorandum of Understanding with Knowledge and Education for Your Success, Inc. for referral and supportive services for the Mainstream Voucher Program for three years effective September 1, 2020 through August 31, 2023, 2) Authorize and direct the Executive Director to execute and deliver the Memorandum of Understanding to Knowledge and Education for Your Success, Inc. and upon consultation with Legal Counsel, to approve any non-substantive revisions necessary to complete the transaction, was requested.

Executive Director explained the item.

Commissioner Miller moved to approve discussion calendar item number 15, to 1) Approve Memorandum of Understanding with Knowledge and Education for Your Success, Inc. for referral and supportive services for the Mainstream Voucher Program for three years effective September 1, 2020 through August 31, 2023, 2) Authorize and direct the Executive Director to execute and deliver the Memorandum of Understanding to Knowledge and Education for Your Success, Inc. and upon consultation with Legal Counsel, to approve any non-substantive revisions necessary to complete the transaction, which motion was duly seconded by Commissioner Muñoz, and upon roll call, the Ayes and Nays were as follows:

Ayes

Commissioner Johnson
Commissioner Cooper
Commissioner Pinedo
Commissioner Tarango
Commissioner Miller
Commissioner MacDuff
Commissioner Muñoz

Nays

Approval of consent calendar item number 18, to Approve and File Agency-wide Financial Statements through April 2020, was requested.

Commissioner Miller moved to approve consent calendar item number 18, to Approve and File Agency-wide Financial Statements through April 2020, which motion was duly seconded by Commissioner Muñoz, and upon roll call, the Ayes and Nays were as follows:

Ayes

Commissioner Johnson
Commissioner Cooper
Commissioner Pinedo
Commissioner Tarango
Commissioner Miller
Commissioner MacDuff
Commissioner Muñoz

Nays

Chairman provided an opportunity for individual Board member comments. Commissioner MacDuff spoke about the Washington Post article regarding the USPS suspending mail services to a public housing site in Minnesota, due to reported COVID-19 cases. Commissioner MacDuff suggests that in the event the USPS were to stop mail services to any HACSB site to inform on-site managers, staff and/or Board of Commissioners

There being no other business, Chairman moved for the regular meeting of Tuesday, August 11, 2020 to be adjourned, which motion was duly seconded by Commissioner Miller, and upon roll call, the Ayes and Nays were as follows:

Ayes

Commissioner Johnson
Commissioner Cooper
Commissioner MacDuff
Commissioner Pinedo
Commissioner Tarango
Commissioner Miller
Commissioner Muñoz

Nays

The meeting adjourned at 4:35 p.m.

Tim Johnson, Chair

Beau Cooper, Vice Chair

Cassie MacDuff

Sylvia Miller

Jessie Muñoz

Dr. Ciriaco “Cid” Pinedo

Bobby Tarango

Attest:

Secretary

REPORT/RECOMMENDATION TO THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO AND RECORD OF ACTION

September 8, 2020

FROM

MARIA RAZO, Executive Director, Housing Authority of the County of San Bernardino

SUBJECT

Vacated Tenant Accounts for the Authority Owned Portfolio to be Written Off as Collection Loss for the Month Ending June 2020

RECOMMENDATION(S)

Approve vacated tenant accounts for the Authority Owned Portfolio to be written off as collection losses for the month ending in June 2020.

(Presenter: Maria Razo, Executive Director, 332-6305)

GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

FINANCIAL IMPACT

The accounts receivable losses for the month ending June 30, 2020 is \$7,014.34. The Housing Authority of the County of San Bernardino (HACSB) projects and anticipates collection losses in their annual budget. The monthly losses as detailed below are in line with the budgeted losses and historical trends.

BACKGROUND INFORMATION

On a monthly basis, HACSB records vacated tenant accounts for the Authority Owned Portfolio for the purpose of being written off to collection losses. The agency's Authority Owned Portfolio units are owned by HACSB and were either acquired or developed through a variety of partnerships with local governments and/or HACSB's non-profit affiliate Housing Partners I, Inc., and also include public housing developments converted through the United States Department of Housing and Urban Development's (HUD) Rental Assistance Demonstration (RAD) program. Despite the agency's reasonable efforts to collect the debts listed in the attached reports, it has been determined that such debts are uncollectible. However, collection efforts will continue with the agency's contracted collection agency. As part of HACSB's standard property management business practices, Board of Commissioners approval is requested to write off these accounts as accounts receivable losses to the Authority Owned Portfolio. Please note that due to the rental eviction moratorium, all of the losses during this time period are for voluntary move outs and skips. The total write off for the month of June 2020 is \$7,014.34 as delineated in the table below. Attached is a worksheet that itemizes the individual accounts.

SUMMARY BY PROPERTY MANAGEMENT		
PROPERTY	NO. VACATED	TOTAL
203 – Maplewood	1	\$1,215.00
207 – Barstow	1	198.44
403 – Summit Walk	1	-

SUMMARY BY PROPERTY MANAGEMENT		
PROPERTY	NO. VACATED	TOTAL
407 – Sunset Pointe	2	\$1,326.00
408 – Sunrise Vista	4	\$892.00
409 – Andalusia	5	\$3,623.00
423 – Mesa Gardens	1	-
425a – Sequoia	1	\$916.00
426 – Sunnyside	1	\$225.00
467 - Hillcrest	1	\$39.00
Concessions Write Off		-
TOTAL RENT WRITE OFF	18	\$8,434.44
Miscellaneous Charges		\$21.24
Maintenance Charges		\$7,509.66
Legal Charges		-
Security Deposits Applied		(\$8,951.00)
NET TOTAL WRITE OFF		\$7,014.34

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by Legal Counsel (Julie J. Surber, Principal Assistant County Counsel, 387-5455) on August 20, 2020.

Housing Authority County of San Bernardino

COLLECTION WRITE-OFFS - Authority Owned Portfolio

Month End: 06/30/20

Item #	Last Name	First Name	ID No.	REASON	MONTHLY RENT	UNPAID RENT (*)	CONC. REVERSAL	UNPAID MISC (*)	MAINT. FEES	LEGAL FEES	TOTAL OWED	LESS DEPOSIT	NET DUE
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203- Maplewood													
1	H.	J.		V	892.00	1,215.00	-		-		1,215.00	993.00	222.00
							-				-		-
TOTALS:						1,215.00	-	-	-	-	1,215.00	993.00	222.00

Item #	Type of Notice	Date Notice Served	Posted or Hand Delivered	Date File Sent to Attorney	Date Attorney Filed in Court	Response Filed by Tenant (Y or N)		Court Date	Lock Out Date	Vacate Date
1	Resident 30 day notice to vacate	05/23/20	NA	NA	NA	NA		NA	NA	06/23/20

207- Barstow													
1	J.	K.		S	199.00	198.44	-		345.00		543.44	540.00	3.44
							-				-		-
TOTALS:						198.44	-	-	345.00	-	543.44	540.00	3.44

Item #	Type of Notice	Date Notice Served	Posted or Hand Delivered	Date File Sent to Attorney	Date Attorney Filed in Court	Response Filed by Tenant (Y or N)		Court Date	Lock Out Date	Vacate Date
1	Skip	NA	NA	NA	NA	NA		NA	NA	06/23/20

403 - Summit Walk													
1	R.	J.					-		(341.00)		(341.00)		(341.00)
							-				-		-
TOTALS:						-	-	-	(341.00)	-	(341.00)	-	(341.00)

Item #	Type of Notice	Date Notice Served	Posted or Hand Delivered	Date File Sent to Attorney	Date Attorney Filed in Court	Response Filed by Tenant (Y or N)		Court Date	Lock Out Date	Vacate Date
1	Payment on bad debt									

407 - Sunset Pointe													
2	D.	S.					-		(325.00)		(325.00)		(325.00)
3	H.	L.		S	825.00	1,326.00	-		1,598.00		2,924.00	100.00	2,824.00
							-				-		-
TOTALS:						1,326.00	-	-	1,273.00	-	2,599.00	100.00	2,499.00

Item #	Type of Notice	Date Notice Served	Posted or Hand Delivered	Date File Sent to Attorney	Date Attorney Filed in Court	Response Filed by Tenant (Y or N)		Court Date	Lock Out Date	Vacate Date
2	Payment on bad debt									
3	Skip									06/16/20

*Reasons: E=Eviction S=Skip V=Voluntary T=Terminated Tenancy **Unpaid Misc. Stipulated agreements for rent maintenance charges, late charges, etc.

Housing Authority County of San Bernardino

COLLECTION WRITE-OFFS - Authority Owned Portfolio

Month End: 06/30/20

Item #	Last Name	First Name	ID No.	REASON	MONTHLY RENT	UNPAID RENT (*)	CONC. REVERSAL	UNPAID MISC (*)	MAINT. FEES	LEGAL FEES	TOTAL OWED	LESS DEPOSIT	NET DUE
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408 - Sunrise Vista													
4	F.	S.					-		(100.00)		(100.00)		(100.00)
5	J.	M.		V	825.00	845.00	-	21.24	649.50		1,515.74	700.00	815.74
6	A.	N.		V	850.00	62.00	-		873.72		935.72	700.00	235.72
7	F.	C.		V	900.00	(15.00)	-		399.18		384.18	100.00	284.18
							-			-	-		-
TOTALS:						892.00	-	21.24	1,822.40	-	2,735.64	1,500.00	1,235.64

Item #	Type of Notice	Date Notice Served	Posted or Hand Delivered	Date File Sent to Attorney	Date Attorney Filed in Court	Response Filed by Tenant (Y or N)		Court Date	Lock Out Date	Vacate Date
4	Payment on bad debt									
5	30 Day Notice	05/01/20								06/10/20
6	30 Day Notice	05/14/20								06/16/20
7	30 Day Notice	05/01/20								06/01/20

409- Andalusia													
1	B.	A.		V	960.00	704.00	-		265.00		969.00	960.00	9.00
2	M.	B.		V	1,300.00	72.00			1,715.17		1,787.17	999.00	788.17
3	P.	B.		V	960.00	(33.00)			1,792.40		1,759.40	960.00	799.40
4	W.	J.		S	960.00	2,880.00			1,304.30		4,184.30	799.00	3,385.30
5	Q.	M.		T			-		(3,113.86)	-	(3,113.86)		(3,113.86)
TOTALS:						3,623.00	-	-	1,963.01	-	5,586.01	3,718.00	1,868.01

Item #	Type of Notice	Date Notice Served	Posted or Hand Delivered	Date File Sent to Attorney	Date Attorney Filed in Court	Response Filed by Tenant (Y or N)		Court Date	Lock Out Date	Vacate Date
2	Resident 30 Day Notice	04/23/20	NA	NA	NA	NA		NA	NA	05/22/20
2	Lease non-renewal Notice	05/15/20	NA	Oh	NA	NA		NA	NA	06/15/20
3	Resident 30 Day Notice	05/14/20	NA	NA	NA	NA		NA	NA	06/16/20
3	Skip	NA	NA	NA	NA	NA		NA	NA	06/22/20
5	Payment on bad debt									

423 - Mesa Gardens													
8	F.	K.		T	875.00	-	-	-	416.00		416.00	400.00	16.00
TOTALS:						-	-	-	416.00	-	416.00	400.00	16.00

Item #	Type of Notice	Date Notice Served	Posted or Hand Delivered	Date File Sent to Attorney	Date Attorney Filed in Court	Response Filed by Tenant (Y or N)		Court Date	Lock Out Date	Vacate Date
	30 Day to Vacate	04/30/20	Hand	n/a						05/31/20

*Reasons: E=Eviction S=Skip V=Voluntary T=Terminated Tenancy **Unpaid Misc. Stipulated agreements for rent maintenance charges, late charges, etc.

Housing Authority County of San Bernardino

COLLECTION WRITE-OFFS - Authority Owned Portfolio

Month End: 06/30/20

Item #	Last Name	First Name	ID No.	REASON	MONTHLY RENT	UNPAID RENT (*)	CONC. REVERSAL	UNPAID MISC (*)	MAINT. FEES	LEGAL FEES	TOTAL OWED	LESS DEPOSIT	NET DUE
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425a - Sequoia													
9	R.	C.		V	800.00	916.00			490.00		1,406.00	875.00	531.00
											-		-
TOTALS:						916.00	-	-	490.00	-	1,406.00	875.00	531.00
Item #	Type of Notice	Date Notice Served	Posted or Hand Delivered	Date File Sent to Attorney	Date Attorney Filed in Court	Response Filed by Tenant (Y or N)		Court Date	Lock Out Date		Vacate Date		
9	30 Day Notice	05/13/20									06/13/20		

426 - Sunnyside													
10	S.	R.		V	1,379.00	225.00			896.00		1,121.00	400.00	721.00
											-		-
TOTALS:						225.00	-	-	896.00	-	1,121.00	400.00	721.00
Item #	Type of Notice	Date Notice Served	Posted or Hand Delivered	Date File Sent to Attorney	Date Attorney Filed in Court	Response Filed by Tenant (Y or N)		Court Date	Lock Out Date		Vacate Date		
10	30 Day Notice	05/03/20									06/05/20		

467 - Hillcrest													
11	P.	T.		V	643.00	39.00			645.25		684.25	425.00	259.25
											-		-
TOTALS:						39.00	-	-	645.25	-	684.25	425.00	259.25
Item #	Type of Notice	Date Notice Served	Posted or Hand Delivered	Date File Sent to Attorney	Date Attorney Filed in Court	Response Filed by Tenant (Y or N)		Court Date	Lock Out Date		Vacate Date		
11	30 Day Notice	04/21/20									05/26/20		

ALL PROPERTY TOTALS:						8,434.44	-	21.24	7,509.66	-	15,965.34	8,951.00	7,014.34
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Submitted by:

Date:

Reviewed by:

Date:

*Reasons:

E=Eviction

S=Skip

V=Voluntary

T=Terminated Tenancy

**Unpaid Misc.:

Stipulated agreements for rent, maintenance charges, late charges, etc.

REPORT/RECOMMENDATION TO THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO AND RECORD OF ACTION

September 8, 2020

FROM

MARIA RAZO, Executive Director, Housing Authority of the County of San Bernardino

SUBJECT

Agency-wide Financial Statements through May 2020

RECOMMENDATION(S)

Approve and file Agency-wide Financial Statements through May 2020.
(Presenter: Maria Razo, Executive Director, 332-6305)

GOALS & OBJECTIVES

HACSB has secured the resources needed for accomplishing its mission.

FINANCIAL IMPACT

The Housing Authority of the County of San Bernardino's (HACSB) year-to-date agency-wide net income through May 2020 for Federal Fiscal Year (FFY) 2019-20 is \$11,798,735. The net income is currently greater than the anticipated \$31,315 net income, with a variance of \$11.7 million, primarily due to:

- Housing Assistance Payment expenses were significantly higher due to an increased cost per unit. A draw from HACSB's United States Department of Housing and Urban Development (HUD) held reserve was received in the amount of \$4.2 million for increased expenses in the last calendar year and does not offset the current year's increased cost per unit.
- Depreciation expense reflected monthly is not included in the annual budget which amounts to \$3.9 million.
- Physical Needs Assessment and Capital Fund project expenses that were lower than expected, which also lowered the amount of Capital Fund grant income that was recognized. This is primarily due to the timing of these expenses which will need to occur in the upcoming fiscal year (reflected in the extraordinary maintenance expenses line item) and amounts to \$7.9 million.
- Administrative and maintenance expenses are lower due to vacant positions, which we expect to fill later in the year as well as other administrative savings which amounts to \$2.8 million.

Financial Summary	FY 2020 YTD
Revenues	\$112,973,381
Expenses	\$97,266,421
Operating Gain	\$15,706,960
Operating Transfers/Non-Operating Items	\$(3,908,225)
Net Income/(Loss)	\$11,798,735

BACKGROUND INFORMATION

HACSB administers multiple housing programs and is the largest provider of affordable housing in the County of San Bernardino. The FFY 2019-20 budget and financial operations continue to support the vision and mission of HACSB and are in line with its Strategic Plan and Moving to Work Annual Plans. Overall, HACSB has demonstrated fiscal stability even though the primary funding provider, HUD, has significantly decreased funding each year while expecting full program utilization. FFY 2019-20 continues to be another challenging year due to the following:

- Anticipated federal funding cuts to the Housing Choice Voucher (HCV) program, Administrative Fees, Public Housing Subsidy and Capital Funds.
- Expected reserve drawdowns in order to balance the FFY budget for the HCV program due to rental assistance costs exceeding funding. HACSB is presenting a budget revision on today's agenda.
- Additional projections are also underway to forecast COVID-19 related expenditures and income losses, including related increases to the housing assistance payments for the voucher programs and rental income loss. To be included in the budget revision.
- Maintenance of aging properties is extremely costly, but it is needed to preserve much needed affordable housing in the County.

Based on HUD's guidance to routinely present key information to HACSB's Board of Commissioners, HACSB is presenting the financial statements on a monthly basis.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by Legal Counsel (Julie J. Surber, Principal Assistant County Counsel, 387-5455) on August 19, 2020.

HACSB Budget Comparison

Period = Oct 2019-May 2020

	YTD Actual	YTD Budget	Variance	% Var	Annual
INCOME					
TENANT INCOME					
Total Rental Income	17,731,200	17,202,210	528,990	3.08	25,890,742
Total Other Tenant Income	388,193	385,835	2,358	0.61	578,752
NET TENANT INCOME	18,119,393	17,588,045	531,349	3.02	26,469,494
GRANT INCOME					
TOTAL GRANT INCOME	90,445,829	82,371,216	8,074,613	9.80	123,414,095
OTHER INCOME					
TOTAL OTHER INCOME	4,408,158	4,102,144	306,015	7.46	5,639,874
TOTAL INCOME	112,973,381	104,061,405	8,911,976	8.56	155,523,464
EXPENSES					
GRANT EXPENSES					
TOTAL GRANT EXPENSES	4,304,724	4,068,148	-236,576	-5.82	6,102,222
ADMINISTRATIVE					
Total Administrative Salaries	8,306,222	8,989,044	682,822	7.60	13,511,215
Total Legal Expense	201,476	230,485	29,009	12.59	345,727
Total Other Admin Expenses	3,619,516	3,653,439	33,923	0.93	5,646,658
Total Miscellaneous Admin Expenses	1,501,378	2,279,484	778,106	34.14	2,938,056
TOTAL ADMINISTRATIVE EXPENSES	13,628,593	15,152,452	1,523,859	10.06	22,441,656
TENANT SERVICES					
TOTAL TENANT SERVICES EXPENSES	185,771	258,969	73,197	28.26	389,453
UTILITIES					
TOTAL UTILITY EXPENSES	2,207,953	2,426,989	219,035	9.02	3,640,484
MAINTENANCE AND OPERATIONS					
Total General Maint Expense	1,722,101	1,913,436	191,334	10.00	2,869,153
Total Materials	536,989	580,851	43,862	7.55	871,275
Total Contract Costs	1,966,561	2,991,889	1,025,328	34.27	4,485,145
TOTAL MAINTENANCE EXPENSES	4,225,652	5,486,175	1,260,524	22.98	8,225,573
GENERAL EXPENSES					
TOTAL GENERAL EXPENSES	804,148	827,091	22,943	2.77	1,241,332
EXTRAORDINARY MAINTENANCE EXPENSES					
TOTAL EXTRAORDINARY MAINTENANCE EXPENSES	1,624,091	9,558,964	7,934,873	83.01	14,767,546
HOUSING ASSISTANCE PAYMENTS					
TOTAL HOUSING ASSISTANCE PAYMENTS	69,243,907	64,880,263	-4,363,644	-6.73	97,841,355
FINANCING EXPENSE					
TOTAL FINANCING EXPENSES	1,041,582	1,085,256	43,674	4.02	1,627,884
TOTAL OPERATING EXPENSES	97,266,421	103,744,306	6,477,885	6.24	156,277,505
OPERATING NET INCOME	15,706,960	317,099	15,389,861	4,853.33	-754,041
NET OPERATING TRANSFER IN/OUT	0	285,783	285,783	100.00	285,783
NON-OPERATING ITEMS					
TOTAL NON-OPERATING ITEMS	3,908,225	0	-3,908,225	N/A	0
NET INCOME	11,798,735	31,316	11,767,419	37,576.54	-1,039,824