

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

TO BE HELD TELEPHONICALLY
October 11, 2022 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: 843 9169 5671
Password: 318088

This meeting is being held in accordance with the Brown Act as currently in effect and will take place in accordance with Government Code section 54953(e) et seq. (AB 361), which 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. In addition to providing public comments using the above teleconference information, public comments, limited to 250 words or less, may also be submitted via web at <https://hacsb.com/board-of-commissioners/> 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, you may do so during the meeting online or, alternatively, 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 <https://hacsb.com/board-of-commissioners/> 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 for October 11, 2022.
(Page 1)
- 5) Receive the board building presentation for October 11, 2022, an overview of the industry organizations that are partners with Housing Authority of the County of San Bernardino.
(Page 2)
- 6) 1 – Approve Amendment No. 3 to Memorandum of Understanding with Foothill AIDS Project for the Housing Opportunities for Persons with AIDS program, modifying the annual funding amount for a total amount not to exceed \$906,328.

2 – Authorize and direct the Executive Director to execute and deliver the contract amendment to Foothill AIDS Project and, upon consultation with Legal Counsel, to approve any non-substantive revisions necessary to complete the transaction.
(Page 3-5)
- 7) 1 – Authorize the Housing Authority of the County of San Bernardino to increase the Below Market Interest Rate Loan to Valencia Grove II, LLC in an amount not-to-exceed Two Million Dollars (\$2,000,000) and to execute related documents with Valencia Grove II, LLC, to serve as construction financing for the Valencia Grove Phase II affordable housing project, said agreements and documents to be executed in substantially the form attached, such approval to be evidenced conclusively by the execution and delivery thereof.

2 – Amend resolution No. 2022-146 to reflect revised loan amount and also to authorize the Executive Director of the Housing Authority of the County of San Bernardino to execute the Completion Guaranty by the Housing Authority of the County of San Bernardino in favor of Cathay bank.

3 – Authorize the Executive Director of the Housing Authority of the County of San Bernardino, upon consultation with Legal Counsel, to make modifications to the Loan Agreement and the documents or exhibits attached to the Agreement in order to conform to the transaction and funding for the Project and to execute all documents or certificates which are necessary or appropriate to carry out and close the transaction as contemplated in the Agreement.
(Pages 6-14)
- 8) 1 – Approve Amendment No. 4 to Contract No. PC1041, effective December 1, 2022, with Reliant Asset Management Solutions for Housing Quality Standards Inspection services, increasing the current contract amount by \$410,630.39 for a total contract amount not to exceed \$2,026,630.39 and extending the contract by an additional one-year period pursuant to the original contract terms through November 30, 2023.

2 – Authorize and direct the Executive Director to execute and deliver the contract amendment to Reliant Asset Management Solutions and, upon consultation with Legal Counsel, to approve any non-substantive revisions necessary to complete the transaction.
(Pages 15-21)

CONSENT CALENDAR

APPROVAL OF CONSENT ITEMS: # 9 - 12

- 9) Approve the meeting minutes for the Board of Commissioner of the Housing Authority of the County of San Bernardino Regular Meeting held on September 13, 2022.
(Pages 22-29)
- 10) Approve and file Agency-wide Financial Statements through June 2022.
(Pages 30-32)
- 11) Approve vacated tenant accounts for the Authority Owned Portfolio to be written off as collection losses for the month of July 2022.
(Pages 33-37)
- 12) Adopt Resolution No. 166 authorizing the use of remote teleconference meeting procedures by the Board of Commissioners, as authorized by Government Code Section 54953(e) *et seq.*, for the period of October 16, 2022, through November 15, 2022.
(Pages 38-42)
- 13) Individual Board member Comments
- 14) 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 agenda items in court, you may be limited to raising only those issues you or someone else raised during the public testimony period regarding that agenda item 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 Cynthia Robinson at (909) 890-5388 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**

October 11, 2022

FROM

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

SUBJECT

Executive Director's Report for October 11, 2022

RECOMMENDATION(S)

Receive the Executive Director's Report for October 11, 2022.
(Presenter: Maria Razo, Executive Director, 332-6305)

GOALS & OBJECTIVES

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

FINANCIAL IMPACT

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 General Legal Counsel, Fred Galante, on September 23, 2022.

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

October 11, 2022

FROM

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

SUBJECT

Board Building Presentation for October 11, 2022

RECOMMENDATION(S)

Receive the board building presentation for October 11, 2022, an overview of the industry organizations that are partners with Housing Authority of the County of San Bernardino.
(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, board building is required to provide the Board of Commissioners with information regarding ongoing initiatives of HACSB's strategic plan, Moving to Work (MTW) activities, overall agency updates, as well as other initiatives federally regulated by HUD.

This month's board building presentation will include an overview of the industry organizations that HACSB is a partner to.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by General Legal Counsel, Fred Galante, on September 23, 2022.

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

October 11, 2022

FROM

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

SUBJECT

Amendment No. 3 to Memorandum of Understanding with Foothill AIDS Project for the Housing Opportunities for Persons with AIDS program

RECOMMENDATION(S)

1. Approve Amendment No. 3 to Memorandum of Understanding with Foothill AIDS Project for the Housing Opportunities for Persons with AIDS program, modifying the annual funding amount for a total amount not to exceed \$906,328.
2. Authorize and direct the Executive Director to execute and deliver the contract amendment to Foothill AIDS Project 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

Under the Memorandum of Understanding (MOU), Foothill AIDS Project (FAP) will provide up to \$906,328 annually to the Housing Authority of the County of San Bernardino (HACSB) which will fund the rental assistance payments for the Housing Opportunity for Persons with AIDS (HOPWA) program for approximately 77 households including administrative costs related to the program.

BACKGROUND INFORMATION

The HOPWA program is funded by the United States Department of Housing and Urban Development's (HUD) Office of HIV/AIDS Housing and was established to provide housing assistance and related supportive services for low-income persons living with HIV/AIDS and their families. The program goals are to maintain stable housing, reduce the risk of homelessness and increase access to care.

FAP contracts with HACSB to administer the HOPWA grant in San Bernardino County. This partnership provides housing assistance and personal stability for HOPWA participants so they can achieve and maintain an enriched quality of life. Currently, HACSB provides housing assistance payments to private market landlords on behalf of 50 eligible families and housing assistance under a project-based voucher contract for up to 12 units for a total of 62 units. The funding amount also covers the administrative duties related to the housing assistance component. FAP provides ongoing case management and supportive services for HOPWA participants. FAP has received additional funding for the HOPWA program and is offering HACSB an additional \$300,000, which will cover increasing rental costs, assist at least 15 more HOPWA

Amendment to the Memorandum of Understanding with Foothill AIDS project
For the Housing Opportunities for Persons with AIDS program
October 11, 2022

households, and provide for administrative costs. With the additional funds, staff estimate that the program can assist a total of 77 households per year.

The recommended Amendment No. 3 to the MOU will increase the annual funding amount from \$606,328 to \$906,328.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by General Legal Counsel, Fred Galante, on September 23, 2022.

AMENDMENT NO. 3

MEMORANDUM OF UNDERSTANDING

**Between
Housing Authority of the County of San Bernardino
and
Foothill AIDS Project
for
Housing Opportunities for Persons with AIDS Program**

October 11, 2022 – June 30, 2023

THIS AMENDMENT NO. 3 TO MEMORANDUM OF UNDERSTANDING, dated as of October 11, 2022 (this Amendment), is entered into by and between the HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO, a public corporation (HACSB) and the FOOTHILL AIDS PROJECT, a California nonprofit corporation (FAP).

WHEREAS, the HACSB and FAP entered into that certain Memorandum of Understanding, dated July 1, 2020 (the "MOU"); and

WHEREAS, the HACSB and FAP now desire to amend the term of the MOU;

NOW, THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, HACSB and FAP agree as follows:

- I. SECTION VI **FISCAL PROVISIONS** of the MOU is hereby amended to read as follows:
FY 2022/2023 Housing Opportunity for Persons with AIDS (HOPWA) budget of \$906,328, (which may be modified in the sixth (6th) month of the contract year), is projected to cover approximately 77 households, dependent on per unit cost per household per month.
- II. All other terms, conditions and covenants in the basic agreement remain in full force and effect.

This Agreement 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 Agreement. The parties shall be entitled to sign and transmit an electronic signature of this Agreement (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 Agreement upon request.

IN WITNESS WHEREOF, the Housing Authority of the County of San Bernardino and the Foothill AIDS Project have entered into this Amendment No. 3 as of the date first set forth above.

FOOTHILL AIDS PROJECT

HOUSING AUTHORITY OF THE COUNTY
OF SAN BERNARDINO

By: _____
Maritza Tona, Executive Director

By: _____
Maria Razo, Executive Director

Date: _____

Date: _____

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

October 11, 2022

FROM

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

SUBJECT

Increase HACSB Capital Loan to facilitate construction of the Valencia Grove Phase II affordable Housing project and amend Resolution 2022-146

RECOMMENDATION(S)

1. Authorize the Housing Authority of the County of San Bernardino to increase the Below Market Interest Rate Loan to Valencia Grove II, LLC in an amount not-to-exceed Two Million Dollars (\$2,000,000) and to execute related documents with Valencia Grove II, LLC, to serve as construction financing for the Valencia Grove Phase II affordable housing project, said agreements and documents to be executed in substantially the form attached, such approval to be evidenced conclusively by the execution and delivery thereof.
2. Amend resolution No. 2022-146 to reflect revised loan amount and also to authorize the Executive Director of the Housing Authority of the County of San Bernardino to execute the Completion Guaranty by the Housing Authority of the County of San Bernardino in favor of Cathay bank.
3. Authorize the Executive Director of the Housing Authority of the County of San Bernardino, upon consultation with Legal Counsel, to make modifications to the Loan Agreement and the documents or exhibits attached to the Agreement in order to conform to the transaction and funding for the Project and to execute all documents or certificates which are necessary or appropriate to carry out and close the transaction as contemplated in the Agreement.

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

GOALS & OBJECTIVES

HACSB has secured the resources needed for accomplishing its mission.

HACSB is a leading developer and provider of affordable housing in the County of San Bernardino.

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 action authorizes the Housing Authority of the County of San Bernardino (HACSB) to increase the below market interest rate construction loan to Valencia Grove II, LLC in an amount not-to-exceed \$2,000,000, which brings the total amount of the loan to \$13,745,000. HACSB is utilizing local, unrestricted funding to fund the below market interest rate loan which is derived from the refinancing of multiple properties within HACSB's housing portfolio as well as the sale of 3 single-family homes. The capital commitment of local unrestricted funds does not impact HACSB's Fiscal Year (FY) 2022 or 2023 budget(s).

The original loan approval in May 2022 projected that \$7 million in "cash out" proceeds from the refinance of 4 HACSB properties would be utilized. The refinance however, as approved by the

INCREASE CAPITAL LOAN AMOUNT
VALENCIA GROVE PHASE II PROJECT
October 11, 2022

board in March 2022, actually generates approximately \$8.4 million in “cash out”, so this additional \$1.4 million will substantially fund the \$2 million HASCB loan increase needed. The \$600,000 balance will be derived from operating reserve funds under the Housing Authority owned portfolio.

BACKGROUND INFORMATION

On May 10, 2022 the Board of Commissioners approved a below market interest rate loan in the amount of \$11,745,000 from HACSB to Valencia Grove II, LLC to support construction of the Valencia Grove II affordable housing project. At that point in time, the development team, led by Managing Member HPI as assisted by contracted Construction Manager IMG Construction Management, was finalizing negotiations with the low-bid general contractor for the Guaranteed Maximum (GMAX) Construction Contract in anticipation of closing the construction financing. Subsequent to the board approval, negotiations with the contractor unexpectedly slowed, and it became apparent to the development team that the contractor was reluctant to agree to terms locking in their original pricing as required by the GMAX contract. With no progress being made to finalize and execute the contract, staff began further due diligence and background checks on the contractor (which originally had not revealed concerns as to financial stability). This additional due diligence revealed the presence of multiple mechanics liens recorded against the contractor as well as ongoing and pending litigation in which the contractor is now involved. The development team has concluded that, in light of these findings, it is not in the best interest of the project to continue negotiations with that contractor.

Unfortunately, having to begin negotiations with a new contractor will obviously result in additional cost to the project and the financial closing has necessarily been delayed. Fortunately, the interest rate on the construction loan from CATHAY Bank has already been “locked”. The development team opted to request best and final proposals from both the second and third bid contractors in order to preserve a competitive process to receive the best possible pricing for the GMAX contract.

In the inflationary environment that we are in today, construction costs have continued to increase across the board. As a result, pricing that the development team received from both contractors has increased from the original bid period. In order to finalize a GMAX contract with the new contractor, construction funding must be increased by approximately \$3.8 million. Furthermore, as a hedge against the volatility in current construction costs, the bank is requiring a 7% construction contingency (\$2.1 million), which they are willing to fund by increasing the construction loan amount. Finally, restructuring of the financing will in turn result in increasing the cost of the overall financing (interest, etc.) by approximately \$400,000. Such cost increases result in an increase in total development cost of approximately \$6.3 million. The development team is in agreement that this cost increase to the project should effectively be divided as equally as possible among the principal parties involved in the financing (HACSB, HPI, and Cathay Bank). The revised financial breakdown is delineated in the tables that follow.

Financial Breakdown as approved in May 2022:

INCREASE CAPITAL LOAN AMOUNT
 VALENCIA GROVE PHASE II PROJECT
 October 11, 2022

CONSTRUCTION SOURCES	AMOUNT	CONSTRUCTION USES	AMOUNT
Cathay Bank Letter of Credit (Tax-Exempt VRDO)	\$18,665,000	Direct Construction Costs	\$28,795,554
HACSB Capital Loan	\$11,745,000	Indirect Costs (A&E Construction Admin, Insurance, bonds & Misc. Fees)	\$ 1,890,140
HPI Capital Loan	\$ 2,000,000	Financing Costs	\$ 1,724,306
Total	\$32,410,000		\$32,410,000

Proposed Revised Financial Breakdown:

CONSTRUCTION SOURCES	AMOUNT	CONSTRUCTION USES	AMOUNT
Cathay Bank Letter of Credit (Tax-Exempt VRDO)	\$21,000,000	Direct Construction Costs	\$32,596,457
HACSB Capital Loan	\$13,745,000	Indirect Costs (A&E Construction Admin, Insurance, bonds & Misc. Fees)	\$ 1,890,140
HPI Capital Loan	\$ 4,000,000	Financing Costs	\$ 2,127,194
		Bank Required Contingency	\$ 2,131,209
Total	\$38,745,000		\$38,745,000

This action also authorizes amendments to Resolution No. 2022-146 which was adopted by the board on May 10, 2022 authorizing certain acts and approving certain agreements relating to the Valencia Grove Phase II affordable housing project. The amendments will include the revision to the total loan amount discussed above as well as authorization for the Executive Director to execute a (Construction) Completion Guaranty in favor of Cathay Bank to induce the bank to enter into the construction loan agreement. The Completion Guaranty was discussed during the May 10, 2022 meeting, but authorization for its execution was erroneously omitted within the form of Resolution presented in the board agenda package.

INCREASE CAPITAL LOAN AMOUNT
VALENCIA GROVE PHASE II PROJECT
October 11, 2022

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by General Legal Counsel, Fred Galante, on October 06, 2022

**HOUSING AUTHORITY RESOLUTION NO. 2022- 146
(AMENDED OCTOBER 11, 2022)**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE
COUNTY OF SAN BERNARDINO AUTHORIZING CERTAIN ACTS AND APPROVING CERTAIN
AGREEMENTS RELATING TO VALENCIA GROVE PHASE II AFFORDABLE HOUSING PROJECT**

On Tuesday, _____, 20____, on motion of Commissioner _____, duly seconded by Commissioner _____ and carried, the following amended resolution No. 2022-146 is adopted by the Board of Commissioners of the Housing Authority of the County of San Bernardino.

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, Housing Partners I, Inc. (HPI) is a California 501(c)(3) tax exempt nonprofit public benefit corporation formed to assist the Authority in providing affordable housing; and

WHEREAS, the Authority and HPI formed a California Limited Liability Company to undertake the development of the Valencia Grove Phase II project consisting of one hundred four (104) affordable rental housing units (the "Project"); and

WHEREAS, The Authority is the owner of the former Redlands Lugonia Public Housing site which consists of approximately 20 acres at the Northeast corner of Lugonia Avenue and Orange Street in the City of Redlands, San Bernardino County (the "Project site"); and

WHEREAS, HPI is acting as Managing Member of Valencia Grove II LLC, a California limited liability company, (the "LLC") formed to develop, own, and operate the Project; and

WHEREAS, the Authority is also a Member of the LLC; and

WHEREAS, the Authority will convey a leasehold interest in a portion of the Project site to the LLC by execution of a long-term ground lease for development of the Project; and

WHEREAS, the Authority will allow easements for right of way, utilities and reciprocal use to be established at the Project site to facilitate development of the Project; and

WHEREAS, the Authority will provide loans to the LLC in an aggregate amount not to exceed fourteen million, eight hundred forty five thousand dollars (\$14,845,000) (the "Development Loans") for development of the Project; and

WHEREAS, the Authority received approval from the United States Department of Housing and Urban Development ("HUD") for the Demolition and Disposition of the former Redlands Lugonia Public Housing development (the "HUD Disposition Agreement"), whereupon HUD also awarded the Authority with an allocation of tenant protection vouchers to support replacement of the former public housing units, as a result of which the Authority will commit eight (8) Project-Based Vouchers (PBV) to the Project; and

WHEREAS, the Authority will request that HUD amend the Demolition and Disposition Agreement to reflect that the land lease will be conveyed to the LLC pursuant to a land lease loan valued at the current appraised value of the land, that the development may utilize financing other than

low income housing tax credits for construction and that bedroom sizes of units to be developed will be adjusted to reflect market demand for respective bedroom sizes; and

WHEREAS, as part of the PBV commitment the Authority is required to enter into certain documents evidencing the PBV commitment including but not limited to an Agreement to Enter Into a Housing Assistance Payments Contract (AHAP).

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Housing Authority of the County of San Bernardino, as follows:

Section 1. The above recitals are true and correct, and the Board of Commissioners of the Housing Authority so finds and determines.

Section 2. The Executive Director of the Housing Authority of the County of San Bernardino (the "Authorized Officer") is hereby authorized and directed, for and in the name of the Housing Authority acting in its capacity as member of the LLC, to vote on and approve, in consultation with Legal Counsel, any action requiring unanimous Vote of the Members as delineated under Article 7 of the Operating Agreement of the LLC.

Section 3. The Development Loan Agreement, in substantially the form on file with the Secretary of the Board and made a part hereof as though set forth in full herein, be and the same is hereby approved. The Authorized Officer is hereby authorized and directed, for and in the name of the Housing Authority, to execute and deliver the Development Loan Agreement in the form on file with the Secretary of the Board, with such changes, insertions and omissions as the Authorized Officer, in consultation with Legal Counsel, may require or approve, such requirement or approval to be conclusively evidenced by the execution of the Development Loan Agreement by the Authorized Officer.

Section 4. The documents ancillary to the Development Loan Agreement, including the Promissory Note, Deed of Trust and Regulatory Agreement, in substantially the form on file with the Secretary of the Board and made a part hereof as though set forth in full herein, be and the same is hereby approved. The Authorized Officer is hereby authorized and directed, for and in the name of the Housing Authority, to execute and deliver the documents ancillary to the Development Loan Agreement in the form on file with the Secretary of the Board, with such changes, insertions and omissions as the Authorized Officer, in consultation with Legal Counsel, may require or approve, such requirement or approval to be conclusively evidenced by the execution of the documents ancillary to the Development Loan Agreement by the Authorized Officer.

Section 5. The Ground Lease Agreement, in substantially the form on file with the Secretary of the Board and made a part hereof as though set forth in full herein, be and the same is hereby approved. The Authorized Officer is hereby authorized and directed, for and in the name of the Housing Authority, to execute and deliver the Ground Lease Agreement in the form on file with the Secretary of the Board, with such changes, insertions and omissions as the Authorized Officer, in consultation with Legal Counsel, may require or approve, such requirement or approval to be conclusively evidenced by the execution of the Ground Lease Agreement by the Authorized Officer.

Section 6. The Ground Lease Loan Agreement, in substantially the form on file with the Secretary of the Board and made a part hereof as though set forth in full herein, be and the same is hereby approved. The Authorized Officer is hereby authorized and directed, for and in the name of the Housing Authority, to execute and deliver the Ground Lease Agreement in the form on file with the Secretary of the Board, with such changes, insertions and omissions as the Authorized Officer, in consultation with Legal Counsel, may require or approve, such requirement or approval to be conclusively evidenced by the execution of the Ground Lease Agreement by the Authorized Officer.

Section 7. The documents ancillary to the Ground Lease Loan Agreement, including the Promissory Note and Deed of Trust, in substantially the form on file with the Secretary of the Board and made a part hereof as though set forth in full herein, and Ground Lessor Estoppel Certificate be and the same is hereby approved. The Authorized Officer is hereby authorized and directed, for and in the name of the Housing Authority, to execute and deliver the documents ancillary to the Ground Lease Loan Agreement in the form on file with the Secretary of the Board, with such changes, insertions and omissions as the Authorized Officer, in consultation with Legal Counsel, may require or approve, such requirement or approval to be conclusively evidenced by the execution of the documents ancillary to the Ground Lease Loan Agreement(s) by the Authorized Officer.

Section 8. The AHAP, in substantially the form on file with the Secretary of the Board and made a part hereof as though set forth in full herein, be and the same is hereby approved. The Authorized Officer is hereby authorized and directed, for and in the name of the Housing Authority, to execute and deliver the AHAP in the form on file with the Secretary of the Board, with such changes, insertions and omissions as HUD or the Authorized Officer, in consultation with Legal Counsel, may require or approve, such requirement or approval to be conclusively evidenced by the execution of the AHAP by the Authorized Officer.

Section 9. The second amendment to the HUD Disposition Agreement for the land identified as CA019000150 (future known as Valencia Grove) in substantially the form on file with the Secretary of the Board and made a part hereof as though set forth in full herein, be and the same is hereby approved. The Authorized Officer is hereby authorized and directed, for and in the name of the Housing Authority, to execute and deliver the second amendment to the HUD Disposition Agreement in the form on file with the Secretary of the Board, with such changes, insertions and omissions as HUD or the Authorized Officer, in consultation with Legal Counsel, may require or approve, such requirement or approval to be conclusively evidenced by the execution of the documents(s) by the Authorized Officer.

Section 10. The documents ancillary to the HUD Disposition Agreement, as may be required by HUD, including the Releases of Declarations of Trust, the HUD Use Agreement, and HUD Subordination Agreements, in substantially the form on file with the Secretary of the Board and made a part hereof as though set forth in full herein, be and the same is hereby approved. The Authorized Officer is hereby authorized and directed, for and in the name of the Housing Authority, to execute and deliver the documents ancillary to the HUD Disposition Agreement in the form on file with the Secretary of the Board, with such changes, insertions and omissions as HUD or the Authorized Officer, in consultation with Legal Counsel, may require or approve, such requirement or approval to be conclusively evidenced by the execution of the documents(s) by the Authorized Officer.

Section 11. The Reciprocal Easement Agreement, in substantially the form on file with the Secretary of the Board and made a part hereof as though set forth in full herein, be and the same is hereby approved. The Authorized Officer is hereby authorized and directed, for and in the name of the Housing Authority, to execute and deliver the Reciprocal Easement Agreement in the form on file with the Secretary of the Board, with such changes, insertions and omissions as the Authorized Officer, in consultation with Legal Counsel, may require or approve, such requirement or approval to be conclusively evidenced by the execution of the Reciprocal Easement Agreement by the Authorized Officer. The Authorized Officer is further authorized and directed, for and in the name of the Housing Authority, to execute and deliver additional Easement Agreements as may be required to establish rights of way, utilities and reciprocal use as necessary to facilitate the development of the Project, with such Easement Agreements as the Authorized Officer, in consultation with Legal Counsel, may approve, such approval to be conclusively evidenced by the execution of the Easement Agreements by the Authorized Officer. The Authorized Officer is further authorized and directed, for and in the name of the Housing Authority, to execute and deliver all Certifications and other documents as may be required to facilitate the development of the Project, with such Certifications and other documents as the Authorized Officer, in consultation with Legal Counsel, may approve, such approval to be

conclusively evidenced by the execution of the Certifications and other documents by the Authorized Officer.

Section 12. The Bank Subordination Agreements and Assignments of Agreements and authorization to encumber Authority's fee interest in the Project site during construction of the Project as security for the Bank loan, as necessary to facilitate development of the project, in substantially the form on file with the Secretary of the Board and made a part hereof as though set forth in full herein, be and the same is hereby approved. The Authorized Officer is hereby authorized and directed, for and in the name of the Housing Authority, to execute and deliver the Bank Subordination Agreements and Assignments of Agreements in the form on file with the Secretary of the Board, with such changes, insertions and omissions as the Authorized Officer, in consultation with Legal Counsel, may require or approve, such requirement or approval to be conclusively evidenced by the execution of the Bank Subordination Agreements and Assignments of Agreements by the Authorized Officer.

Section 13. The Completion Guaranty, in substantially the form on file with the Secretary of the Board and made a part hereof as though set forth in full herein, be and the same is hereby approved. The Authorized Officer is hereby authorized and directed, for and in the name of the Housing Authority, to execute and deliver the Completion Guaranty in the form on file with the Secretary of the Board, with such changes, insertions and omissions as the Authorized Officer, in consultation with Legal Counsel, may require or approve, such requirement or approval to be conclusively evidenced by the execution of the Completion Guaranty by the Authorized Officer.

Section 14. The Authorized Officer shall deliver to the Secretary of the Board of Commissioners an original of each of the Development Loan Agreement, documents ancillary to the Development Loan Agreement, Ground Lease Agreement, Ground Lease Loan Agreement, documents ancillary to the Ground Lease Loan Agreement, AHAP, second amendment to the HUD Disposition Agreement, documents ancillary to the HUD Disposition Agreement, Reciprocal Easement Agreement, Bank Subordination Agreements, and Assignments of Agreements, and Completion Guaranty within thirty (30) days of the full execution thereof.

Section 15. The Authorized Officer shall be authorized to execute any other form or document required by any lender, investor, regulator or other third party involved in the transaction, as long as the Authorized Officer and Legal Counsel determine that the substance of such document does not materially conflict with the substance and intent of this Resolution.

Section 16. The Authorized Officer shall be authorized to advance funds under the Development Loan Agreement in an amount not to exceed \$500,000 to cover necessary deposits and/or fees including, but not limited to, Bank commitment fees, Credit Enhancement fees, Rate-Lock fees and other associated costs of the financing as required prior to financial closing.

Section 17. All actions heretofore taken by the officers, employees and agents of the Authority toward finalizing the Ground Lease, Development Loan Agreement, including the Promissory Note, Deed of Trust and Regulatory Agreement and all related agreements and activities with respect to the Valencia Grove Phase II Multifamily Rental Housing Project are approved, confirmed and ratified.

Section 18. 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:

* * * * *

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

October 11, 2022

FROM

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

SUBJECT

Contract amendment with Reliant Asset Management Solutions for Housing Quality Standards Inspection Services

RECOMMENDATION(S)

1. Approve Amendment No. 4 to Contract No. PC1041, effective December 1, 2022, with Reliant Asset Management Solutions for Housing Quality Standards Inspection services, increasing the current contract amount by \$410,630.39 for a total contract amount not to exceed \$2,026,630.39 and extending the contract by an additional one-year period pursuant to the original contract terms through November 30, 2023.
2. Authorize and direct the Executive Director to execute and deliver the contract amendment to Reliant Asset Management Solutions 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 is a leading developer and provider of affordable housing in the County of San Bernardino.

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

FINANCIAL IMPACT

Approval of this amendment will increase the current contract amount by \$410,630.39 for a total contract amount not to exceed \$2,026,630.39, which is included in the Housing Authority of the County of San Bernardino's (HACSB) approved FY 2022-2023 annual budget.

BACKGROUND INFORMATION

HACSB contracts with Reliant Asset Management Solutions (Reliant) to fulfill requirements by the United States Department of Housing and Urban Development (HUD) to conduct Housing Quality Standards (HQS) inspections, determine rent reasonableness, and serve as the Project Based Voucher (PBV) contract administrator for HACSB owned properties. Approval of this item will extend the contract by one year and increase the contract amount by \$410,630.39.

Housing Authorities are required to conduct Housing Quality Standards (HQS) inspections of all Housing Choice Voucher (HCV) units to ensure they are decent, safe, and sanitary. On behalf of HACSB, Reliant conducts HQS inspections for HCV units at initial lease up and annually or biannually thereafter. All Reliant inspectors are trained and certified to perform these inspections. HUD also requires that Housing Authorities ensure that rents charged by landlords to HCV program participants are reasonable. Therefore, Reliant inspectors must compare the rent for the HCV unit to rents for similar unassisted units in the marketplace, as well as compare

the rent to rents for similar units on the premises. This process is called rent reasonableness because it ensures that the rents are fair and reasonable for the area. Inspectors also use rent reasonableness to negotiate rents with the various landlords as required. Also, Reliant, as the PBV contract administrator, conducts rent reasonableness and Housing Assistance Payment monitoring and auditing for PBV properties owned by HACSB pursuant to HUD's requirements.

PROCUREMENT

HACSB previously issued a Request for Proposal (RFP) PC1041 on August 8, 2018, which resulted in the receipt of two proposals. Proposals were evaluated per the requirements of the RFP in which Reliant Asset Management Solutions was the most qualified and most responsive vendor selected to provide these services to the HACSB. The terms of the proposal included a one-year base with four, single-year options to extend through to November 30, 2023.

On November 13, 2018, the HACSB Housing Commission approved and authorized the Executive Director to execute a contract in the amount of \$404,000 through the one-year base contract period until November 30, 2019.

On November 19, 2019, the HACSB Board of Governors approved and awarded an amendment in the amount of \$404,000 for a total amount not to exceed \$808,000 exercising the first option year through November 30, 2020.

On November 10, 2020, the HACSB Board of Commissioners approved and authorized the Executive Director to execute an amendment in the amount of \$404,000 for a total amount not to exceed \$1,212,000 exercising the second option year through November 30, 2021.

On November 9, 2021, the HACSB Board of Commissioners approved and authorized the Executive Director to execute an amendment in the amount of \$404,000 for a total amount not to exceed \$1,616,000 exercising the third option year through November 30, 2022.

REVIEW BY OTHERS

This item has been reviewed by General Legal Counsel, Fred Galante, on September 23, 2022.



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

**AMENDMENT #4 TO CONTRACT FOR HQS INSPECTION SERVICES
(PC1041)**

BETWEEN

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

And

RELIANT ASSET MANAGEMENT SOLUTIONS

This Amendment No. 4 ("Fourth Amendment"), dated December 1, 2022 ("Effective Date"), to Agreement for HQS Inspection Services (PC1041), is entered into by and between the Housing Authority of the County of San Bernardino, a California public body, ("Authority") and Reliant Asset Management Solutions, a California Non-Profit Organization ("Contractor").

RECITALS

WHEREAS, the Authority and Contractor entered into that certain Consulting, Services, and Non-Routine Maintenance Related Services Agreement (Non-Construction), dated December 1, 2018 relating to HQS Inspection Services ("Agreement") with a total price of \$404,000.00;

WHEREAS, the Authority and Contractor entered into Amendment No. 1 to the Agreement, dated December 1, 2019, to exercise option year 1 effective December 1, 2019 through November 30, 2020 increasing the contract by \$404,000.00 for a total amount not to exceed \$808,000.00;

WHEREAS, the Authority and Contractor entered into Amendment No. 2 to the Agreement, dated December 1, 2020, to exercise option year 2 effective December 1, 2020 through November 30, 2021 increasing the contract by \$404,000.00 for a total amount not to exceed \$1,212,000.00.

WHEREAS, the Authority and Contractor entered into Amendment No. 3 to the Agreement dated December 1, 2021 to exercise option year 3 effective December 1, 2021 through November 30, 2022 increasing the contract by \$404,000.00 for a total amount not to exceed \$1,616,000.00.

WHEREAS, the Authority and Contractor now wish to enter into this Amendment No. 4 to the Agreement to exercise option year 4 effective December 1, 2022 through November 30, 2023 increasing the contract by \$410,630.39 for a total amount not to exceed \$2,026,630.39.

OPERATIVE PROVISIONS

NOW, THEREFORE, the foregoing Recitals being true and correct, and in consideration of the mutual covenants and obligations contained in this Fourth Amendment by the parties and other consideration, the sufficiency of which is hereby expressly acknowledged, the Parties hereto agree as follows:

Section 1. Article 3 of the Agreement is hereby amended to extend the term for an additional one (1) year and expiring on November 30, 2023. Except as so amended, the other provisions of Article 3 shall remain unmodified and in full force and effect.

Section 2. Article 4 of the Agreement, entitled "Price" is hereby amended to increase the compensation payable to Contractor for the provision of the Work the total not-to-exceed sum as shown in the Total Agreement Cost set forth on Exhibit "A-1. Except as so amended, the other provisions of Article 4 shall remain unmodified and in full force and effect.

Section 3. Continuing Effect of Agreement. Except as amended by this Fourth Agreement, all provisions of the Agreement, as amended, shall remain unchanged and in full force and effect. From and after the date of this Fourth Amendment, whenever the term "Agreement" appears in the Agreement, it shall mean the Agreement, as amended by the Amendment Nos. 1, 2, and 3 and this Fourth Amendment to the Agreement.

Section 4. Affirmation of Agreement; Warranty Re Absence of Defaults. Authority and Consultant each ratify and reaffirm each and every one of the respective rights and obligations arising under the Agreement, as amended. Each party represents and warrants to the other that there have been no written or oral modifications to the Agreement other than by way of Amendment Nos. 1, 2 and 3 as provided herein. Each party represents and warrants to the other that the Agreement, as amended by Amendment Nos. 1, 2, and 3 is currently an effective, valid, and binding obligation.

Consultant represents and warrants to Authority that, as of the date of this Fourth Amendment, Authority is not in default of any material term of the Agreement and that there have been no events that, with the passing of time or the giving of notice, or both, would constitute a material default under the Agreement.

Authority represents and warrants to Consultant that, as of the date of this Fourth Amendment, Consultant is not in default of any material term of the Agreement and that there have been no events that, with the passing of time or the giving of notice, or both, would constitute a material default under the Agreement.

Section 5. Adequate Consideration. The parties hereto irrevocably stipulate and agree that they have each received adequate and independent consideration for the performance of the obligations they have undertaken pursuant to this Fourth Amendment.

Section 6. Authorization. The persons executing this Agreement on behalf of the parties hereto warrant that (i) such party is duly organized and existing, (ii) they are duly authorized to execute and deliver this Agreement on behalf of said party, (iii) by so executing this Agreement, such party is formally bound to the provisions of this Agreement, and (iv) the entering into this Agreement does not violate any provision of any other Agreement to which said party is bound.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the Housing Authority of the County of San Bernardino and Reliant Asset Management Solutions.

**RELIANT ASSET MANAGEMENT
SOLUTIONS**

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

By: _____

By: _____

Name: _____

Name: Maria Razo

Title: _____

Title: Executive Director

Date: _____

Date: _____

Exhibit A-1

Schedule Dates:

Effective Date: December 1, 2022

Completion Date: November 30, 2023

Total Agreement Cost: Not to exceed \$2,026,630.39

Original Agreement Amount Not to Exceed	\$404,000.00
Net Change Orders Previously Approved	\$0.00
Net Change Order Previously Approved – Amendment #1	\$404,000.00
Net Change Order Previously Approved – Amendment #2	\$404,000.00
Net Change Order Previously Approved – Amendment #3	\$404,000.00
Net Change Order – Amendment #4	\$410,630.39
Agreement Value as Amended Not to Exceed	\$2,026,630.39

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

October 11, 2022

FROM

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

SUBJECT

Regular Meeting Minutes for Meeting Held on September 13, 2022

RECOMMENDATION(S)

Approve the meeting minutes for the regular meeting of the Board of Commissioners of the Housing Authority of the County of San Bernardino held on September 13, 2022.
(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 September 13, 2022 and attached are the comprehensive minutes for review and recommended approval by the Board.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by General Legal Counsel, Fred Galante, on October 4, 2022.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF
THE HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO
September 13, 2022**

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) 444-9171, Meeting ID 824 2121 3074, Password 797623) at 3:00 p.m. on September 13, 2022.

Details of the meeting discussion can be obtained through the recording of the Board of Commissioners meeting through a Public Records Request submitted in person or through the HACSB website: <https://hacsb.com/public-records-request/>

1) Call to Order and Roll Call

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

Chair Johnson
Vice-Chair Cooper
Commissioner MacDuff
Commissioner Tarango

Commissioner Miller was recorded as absent.

Also in attendance were Maria Razo, Executive Director; Gus Joslin, Deputy Executive Director; Rishad Mitha, Director of Operations; Jennifer Dawson, Director of Human Resources; Nicole Beydler, Director of Policy and Public Relations; Renee Kangas, Sr. Management Analyst; Angie Lardapide, Procurement and Contracts Supervisor; Ronald Kennedy Jr., Management Analyst; Perlie Liu, Asset Management Analyst; Evan Miles, Project Manager; Rebecca Murillo, Special Programs Manager and Claudia Hurtado, Executive Assistant.

Also present, Fred Galante, Legal Counsel to the Housing Authority.

2) Additions or Deletions to the Agenda

The Chair called for additions or deletions to the September 13, 2022 agenda. There were none.

3) General Public Comment

The Chair provided an opportunity for members of the public to address the Board of Commissioners. There were no public comments.

Commissioner Miller joined the Board of Commissioners meeting at 3:10 p.m.

4) Executive Director's Report

The Executive Director's Report was requested.

Executive Director Razo gave the Executive Director's Report.

Discussion amongst the Board of Commissioners took place regarding the Executive Director's Report.

5) Board Building Presentation

The board building presentation was requested.

The board building presentation included an overview of the Housing Authority of the County of San Bernardino's conflict of interest policy and a preview of the agency's Strategic Plan.

Discussion amongst the Board of Commissioners took place regarding the board building presentations.

6) Resolution No. 161

Discussion calendar item number 6 to adopt Resolution No. 161 to approve and adopt a Conflict of Interest Policy Applicable to the Board of Commissioners and Employees of the Housing Authority of the County of San Bernardino, was requested.

Executive Director explained the item

Discussion amongst the Board of Commissioners took place regarding the resolution number 161.

Commissioner Tarango moved to approve discussion calendar item number 6, as recommended by staff and Vice-Chair Cooper seconded the motion. Upon roll call, the Ayes and Nays were as follows:

Ayes

Chair Johnson
Vice-Chair Cooper
Commissioner MacDuff
Commissioner Miller
Commissioner Tarango

Nays

7) Resolution No. 162

Discussion Calendar item number 7 to adopt Resolution No. 162 to approve an adopt revisions to the Administrative Plan governing the Housing Authority of the County of San Bernardino's rental assistance programs., was requested.

Executive Director Razo explained the item.

Commissioner Tarango moved to approve discussion calendar item number 7, as recommended by staff and Commissioner Miller seconded the motion. Upon roll call, the Ayes and Nays were as follows:

Ayes

Chair Johnson
Vice-Chair Cooper
Commissioner MacDuff

Nays

Commissioner Miller
Commissioner Tarango

8) Correction and ratification of meeting minutes and resolutions for 09/08/2020, 12/08/2020, 02/09/2021 and 03/08/2022

Discussion calendar item number 8 to approve correction and ratification of meeting minutes and resolutions for the Board of Commissioner meetings of 09/08/2020, 12/08/2020, 02/09/2021 and 03/08/2022 related to the approval and discussion of the Housing Authority of the County of San Bernardino's Local Payment Standards, was requested.

Executive Director Razo explained the item.

Commissioner Tarango moved to approve discussion calendar item number 8, as recommended by staff, and Commissioner Miller duly seconded the motion. Upon roll call, the Ayes and Nays were as follows:

Ayes
Chair Johnson
Vice-Chair Cooper
Commissioner MacDuff
Commissioner Miller
Commissioner Tarango

Nays

9) Contract No. PC1297 Legislative Consultant Services

Discussion calendar item number 9 to 1) Award contract No. 1297, effective October 1, 2022, to Potomac Partners DC for Legislative Consultant Services in an amount not to exceed \$468,000, for a three-year base period through September 30, 2025, with options to extend the contract for up to two single-year extensions through September 30, 2027, 2) Authorize and direct the Executive Director to execute and deliver any related documents, and upon consultation with Legal Counsel, to approve any non-substantive revisions necessary to complete the transaction.

Executive Director Razo explained the item.

Commissioner MacDuff moved to approve discussion calendar item number 9, as recommended by staff, and Commissioner Miller duly seconded the motion. Upon roll call, the Ayes and Nays were as follows:

Ayes
Chair Johnson
Vice-Chair Cooper
Commissioner MacDuff
Commissioner Miller
Commissioner Tarango

Nays

10) Contract amendment with Brilliant Corners for Housing Navigation Services.

Discussion calendar item number 10 to 1) Approve Amendment No. 2 to contract No. PC1244, effective October 1, 2022, with Brilliant Corners for Housing Navigation Services, increasing the current contract amount by \$597,045.28 for a total contract amount not to exceed \$4,288,061.69 for the one-year option through September 30, 2023, 2) Authorize and direct the Executive Director to execute and deliver any related documents, and upon consultation with Legal Counsel, to approve any non-substantive revisions necessary to complete the transaction, was requested.

Executive Director Razo explained the item.

Commissioner Tarango moved to approve discussion calendar item number 10, as recommended by staff, and Commissioner Miller duly seconded the motion. Upon roll call, the Ayes and Nays were as follows:

Ayes

Chair Johnson
Vice-Chair Cooper
Commissioner MacDuff
Commissioner Miller
Commissioner Tarango

Nays

11) Contract No. 1286with Inland Solutions for Housing Navigation Services

Discussion calendar item number 11, to 1) Award contract No. PC 1286, effective October 1, 2022, to Inland Housing Solutions for Housing Navigation Services for the agency's Moving to Work Housing Choice Voucher program in an amount not to exceed \$6,535,500, for a one-year base period through September 30, 2023, with options to extend the contract up to four single-year extensions through September 30, 2027, 2) Authorize and direct the Executive Director to execute and deliver any related documents, and upon consultation with Legal Counsel, to approve any non-substantive revisions necessary to complete the transaction, was requested.

Executive Director Razo explained the item.

Commissioner Tarango moved to approve discussion calendar item number 11. The motion was duly seconded by Commissioner Miller, and upon roll call, the Ayes and Nays were as follows:

Ayes

Chair Johnson
Vice-Chair Cooper
Commissioner MacDuff
Commissioner Miller
Commissioner Tarango

Nays

12) Permanent Residual Receipts Loan, Desert Haven Apartments Development

Discussion calendar item number 12, to 1) Authorize the Housing Authority of the County of San Bernardino to enter into a Loan Agreement in an amount not-to-exceed \$2,398,401 in order to convert acquisition and construction financing to permanent financing and to execute related documents with Desert Haven Victorville, L.P., for a development known as the Desert Haven Apartments, said agreements and documents to be executed in substantially the form attached, such approval to be evidenced conclusively by the execution and delivery thereof, 2) Authorize the Executive Director of the Housing Authority of the County of San Bernardino, upon consultation with Legal Counsel, to make modifications to the Loan Agreement and the documents or exhibits attached to the Agreement in order to conform to the transaction and funding for the Desert Haven Apartments permanent supportive housing project and to execute all documents or certificates which are necessary or appropriate to carry out and close the transaction as contemplated in the Agreement, was requested.

Executive Director Razo explained the item.

Commissioner Tarango moved to approve discussion calendar item number 12. The motion was duly seconded by Commissioner Miller, and upon roll call, the Ayes and Nays were as follows:

Ayes

Chair Johnson
Vice-Chair Cooper
Commissioner MacDuff
Commissioner Miller
Commissioner Tarango

Nays

13) Grant of Easement and Right of Way to Southern California Edison

Discussion calendar item number 13, to 1) Approve a grant of easement and right of way to Southern California Edison, to replace, use and maintain a power pole on real property owned by the Housing Authority of the County of San Bernardino, near the North/East corner of Medical Center Drive and Ninth Street in the City of San Bernardino, 2) Authorize and direct the Executive Director, upon consultation with Legal Counsel, to accept and sign ancillary documents or exhibits necessary to finalize and record the grants of easement with the County of San Bernardino Recorder, was requested.

Executive Director Razo explained the item.

Commissioner Tarango moved to approve discussion calendar item number 13. The motion was duly seconded by Vice-Chair Cooper, and upon roll call, the Ayes and Nays were as follows:

Ayes

Chair Johnson

Nays

Vice-Chair Cooper
Commissioner MacDuff
Commissioner Miller
Commissioner Tarango

14) Transfer of ownership for a Multi-Family complex

Discussion calendar item number 14, to 1) Authorize the transfer of ownership for a multi-family complex at 301 W. Mountain View Circle, Redlands CA 92374, originally known as Mountain View Acres (now called The Villages at Redlands/Citrus Place Apartments) which holds an active Affordability Covenant with the Redevelopment Agency for the City of Redlands expiring on July 20, 2024, 2) Approve transfer of ownership of the Villages at Redlands/Citrus Place Apartments with the condition that the multi-family complex remains in compliance with the affordability covenant or provides written confirmation to the Housing Authority of the County of San Bernardino a plan of action to achieve compliance, 3) Direct the Executive Director of the Housing Authority of the County of San Bernardino, in consultation with Legal Counsel, to execute the transfer of ownership and all ancillary documents required to complete an ownership change of the multi-family complex at 301 W. Mountain View Circle, Redlands, CA 92374 and to transmit and record all documents as necessary with the San Bernardino County Recorder within 30 days of execution, was requested.

Executive Director Razo explained the item.

Commissioner Tarango moved to approve discussion calendar item number 14. The motion was duly seconded by Vice-Chair Cooper, and upon roll call, the Ayes and Nays were as follows:

Ayes
Chair Johnson
Vice-Chair Cooper
Commissioner MacDuff
Commissioner Miller
Commissioner Tarango

Nays

15-20) Consent Calendar

Approval of the consent calendar including agenda item numbers 15 - 20 was requested.

Vice-Chair Cooper moved to approve consent calendar agenda item numbers 15 - 20, to:

15) Approve the meeting minutes for the Board of Commissioners of the Housing Authority of the County of San Bernardino Regular Meeting held on August 8, 2022.

16) Approve and file Agency-wide Financial Statements through May 2022.

17) Approve vacated tenant accounts for the Authority Owned Portfolio to be written off as collection losses for the month of June 2022.

18) Adopt Resolution No. 164 authorizing the use of remote teleconference meeting procedures by the Board of Commissioners, as authorized by Government Code Section 54953(e) *et seq.*, for the period of September 15, 2022 through October 15, 2022.

19) Receive update from staff on Emergency Housing Vouchers implementation.

20) Adopt Resolution No. 165 Amending Resolution No. 158 and approving FY 2022-2023 Utility Allowance Schedules for the Housing Choice Voucher and Public Housing programs effective November 1, 2022, or such later time as the Special Purpose Voucher Payment Standards are updated and implemented.

The motion was duly seconded by Commissioner MacDuff and upon roll call, the Ayes and Nays were as follows:

Ayes

Chair Johnson
Vice-Chair Cooper
Commissioner MacDuff
Commissioner Miller
Commissioner Tarango

Nays

Chair Johnson provided an opportunity for individual board member comments. Chair Johnson thanked the Housing Authority team for the continued hard work.

There being no other business, Vice-Chair Cooper moved for the regular meeting of Tuesday, September 13, 2022, to be adjourned, which motion was duly seconded by Commissioner Tarango. There being no objection to the call for adjournment, the meeting was adjourned by unanimous consent at 4:48 p.m.

Tim Johnson, Chair

Beau Cooper, Vice Chair

Cassie MacDuff

Sylvia Miller

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

October 11, 2022

FROM

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

SUBJECT

Agency-wide Financial Statements through June 2022

RECOMMENDATION(S)

Approve and file Agency-wide Financial Statements through June 2022.
(Presenter: Maria Razo, Executive Director, 332-6305)

GOALS & OBJECTIVES

We have a healthy organization marked by financial stability and a culture of respect, empowerment, and passion for the mission.

FINANCIAL IMPACT

The Housing Authority of the County of San Bernardino's (HACSB) year-to-date agency-wide net income through June 2022 for Federal Fiscal Year (FFY) 2021-22 is \$815,121. The net income is currently lower than the budgeted net income of \$7,812,160, with a variance of \$7 million.

The \$7 million variance between the budgeted net income and the actual net income is due to:

- \$8.5 million less funding received for our Housing Choice Voucher program. Our budget reflects funding for a 100% lease rate and when actual expenses are lower than the expected lease rate, HUD provides us with less funding. The difference between the authorized funding amount and actual funding received is deposited into a restricted HUD Held Reserve (HHR) account which can be used for future eligible expenses, with HUD's approval.
- Related to the lower lease rate, there was also a reduction in Housing Assistance Payments in the amount of \$4.2 million due to a lower lease rate than expected. We expect the lease rate to continue to increase over the coming year.
- \$1.7 million in capital fund and other grant expenses that have not yet been incurred.
- Lower than anticipated costs in administrative expenses in the amount of \$1.8 million primarily due to lower than anticipated vacancy turnover expenses in the affordable housing portfolio as well as lower administrative salary expenses due to vacant positions. There are also lower computer software annual costs paid thus far. These expenses will be incurred later in the year.
- Physical needs work that was budgeted, but will be completed later in the year in the amount of \$1.3 million (reflected in the extraordinary maintenance expenses line). Examples of extraordinary maintenance expenses budgeted include asphalt repairs, concrete repairs, roofing work, and exterior painting.
- An increase of \$1.3 million in tenant services expenses. This was due to the new Emergency Housing Vouchers (EHV) and Emergency Solutions Grant (ESG) grants the Authority received which are not reflected in the annual budget.

- Depreciation expenses and other non-operating items are not budgeted and amount to \$4 million through June 2022.

Financial Summary	FY 2022 YTD
Revenues	\$117,249,556
Expenses	\$(112,388,312)
Operating Net Income/(Loss)	\$4,861,244
Operating Transfers/Non-Operating Items	\$(4,046,123)
Net Income/(Loss)	\$815,121

BACKGROUND INFORMATION

HACSB administers multiple housing programs and is the largest provider of affordable housing in the County of San Bernardino. The FFY 2021-22 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 through the challenges presented by the pandemic.

Despite ongoing challenges, we continue to focus on maintaining the agency's fiscal stability, - customer service, innovation, enhancing partnerships that will assist our staff and families, and a continued passion for our agency's mission.

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 General Legal Counsel, Fred Galante, on September 23, 2022.

HACSB Budget Comparison

Period = Oct 2021-Jun 2022

	YTD Actual	YTD Budget	Variance	% Var	Annual
INCOME					
TENANT INCOME					
Total Rental Income	20,473,093	19,570,005	903,088	4.61	26,093,339
Total Other Tenant Income	535,111	450,832	84,279	18.69	600,732
NET TENANT INCOME	21,008,204	20,020,837	987,367	4.93	26,694,072
GRANT INCOME					
TOTAL GRANT INCOME	91,096,010	102,615,509	-11,519,499	-11.23	136,820,678
OTHER INCOME					
TOTAL OTHER INCOME	5,145,342	5,262,608	-117,266	-2.23	6,918,012
TOTAL INCOME	117,249,556	127,898,954	-10,649,398	-8.33	170,432,762
EXPENSES					
GRANT EXPENSES					
TOTAL GRANT EXPENSES	6,070,611	7,785,772	1,715,161	22.03	10,381,030
ADMINISTRATIVE					
Total Administrative Salaries	10,184,739	11,015,093	830,354	7.54	14,891,275
Total Legal Expense	346,586	370,484	23,899	6.45	493,744
Total Other Admin Expenses	4,544,248	4,423,884	-120,364	-2.72	6,012,450
Total Miscellaneous Admin Expenses	1,723,224	2,364,259	641,034	27.11	2,799,577
TOTAL ADMINISTRATIVE EXPENSES	16,798,798	18,173,720	1,374,922	7.57	24,197,045
TENANT SERVICES					
TOTAL TENANT SERVICES EXPENSES	1,472,399	159,649	-1,312,750	-822.27	212,482
UTILITIES					
TOTAL UTILITY EXPENSES	2,701,405	2,874,346	172,941	6.02	3,883,825
MAINTENANCE AND OPERATIONS					
Total General Maint Expense	2,345,757	2,052,807	-292,949	-14.27	2,768,190
Total Materials	662,207	702,754	40,547	5.77	936,669
Total Contract Costs	2,363,808	3,033,536	669,729	22.08	4,048,806
TOTAL MAINTENANCE EXPENSES	5,371,772	5,789,098	417,326	7.21	7,753,664
GENERAL EXPENSES					
TOTAL GENERAL EXPENSES	1,174,692	946,421	-228,270	-24.12	1,218,695
EXTRAORDINARY MAINTENANCE EXPENSES					
TOTAL EXTRAORDINARY MAINTENANCE EXPENSES	1,611,548	2,925,351	1,313,803	44.91	3,710,753
HOUSING ASSISTANCE PAYMENTS					
TOTAL HOUSING ASSISTANCE PAYMENTS	76,111,295	80,340,707	4,229,412	5.26	107,120,942
FINANCING EXPENSE					
TOTAL FINANCING EXPENSES	1,075,793	1,091,732	15,939	1.46	1,455,642
TOTAL OPERATING EXPENSES	112,388,312	120,086,795	7,698,483	6.41	159,934,078
OPERATING NET INCOME	4,861,244	7,812,160	-2,950,915	-37.77	10,498,684
NET OPERATING TRANSFER IN/OUT	0	0	0	N/A	0
NON-OPERATING ITEMS					
TOTAL NON-OPERATING ITEMS	4,046,123	0	-4,046,123	N/A	0
NET INCOME	815,121	7,812,160	-6,997,038	-89.57	10,498,684

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

October 11, 2022

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 of July 2022

RECOMMENDATION(S)

Approve vacated tenant accounts for the Authority Owned Portfolio to be written off as collection losses for the month of July 2022.

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

GOALS & OBJECTIVES

HACSB communication is open, honest, and consistent.

HACSB has secured the resources needed for accomplishing its mission.

FINANCIAL IMPACT

The accounts receivable loss for the month ending July 31, 2022, is \$10,764.51. The Housing Authority of the County of San Bernardino (HACSB) projects and anticipates collection losses in its annual budget.

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. 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 HACSB's efforts to collect the debts listed in the attached reports, it has been determined that such debts are uncollectible. 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. Losses during this time period are primarily for voluntary move-outs. The total write-off for the month of July 2022 is \$10,764.51, as delineated in the following table. Attached is a worksheet that itemizes the individual accounts.

Vacated Tenant Accounts for the Authority Owned Portfolio to be Written Off as Collection Loss
for the Month of July 2022
October 11, 2022

SUMMARY BY PROPERTY MANAGEMENT		
PROPERTY	NO. VACATED	TOTAL
203 - Maplewood	1	824.00
207 - Barstow	2	345.29
409 - Andalusia	1	3,358.00
407 - Sunset Pointe	2	2,808.00
408 - Sunrise Vista	5	5,172.00
416 - Arrowhead	2	1,556.00
426 - Sunnyside	1	-
464 - Golden Apts.	1	464.00
Concessions Write Off		-
TOTAL RENT WRITE OFF	15	14,527.29
Miscellaneous Charges		203.00
Maintenance Charges		4,763.22
Legal Charges		-
Security Deposits Applied		(8,729.00)
NET TOTAL WRITE OFF		10,764.51

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by General Legal Counsel, Fred Galante, on September 23, 2022.

Housing Authority County of San Bernardino

COLLECTION WRITE-OFFS - Authority Owned Portfolio

Month End:

07/31/22

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
203 - Maplewood													
1	S	F		V	544.00	824.00		100.00	125.00		1,049.00	500.00	549.00
TOTALS:						824.00	-	100.00	125.00	-	1,049.00	500.00	549.00
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	NTV	11/01/21	NA	NA	NA	NA		NA	NA		07/13/22		

207 - Barstow													
1	B	C		V	850.00	366.10			1,243.67		1,609.77	1,410.00	199.77
2	B	N		S	354.00	(20.81)			1,698.11		1,677.30	1,529.00	148.30
TOTALS:						345.29	-	-	2,941.78	-	3,287.07	2,939.00	348.07
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	NTV	N/A	N/A	N/A	N/A						07/06/22		
2	NTV	N/A	N/A	N/A	N/A						07/28/22		

409 - Andalusia													
1	O	J	t0149140	V	1,056.00	3,358.00			430.00		3,788.00	960.00	2,828.00
TOTALS:						3,358.00	-	-	430.00	-	3,788.00	960.00	2,828.00
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	NTV	N/A	N/A	N/A	N/A						07/29/22		

407 - Sunset Pointe													
1	M	S		V	775.00	1,530.00		28.00	215.00		1,773.00	375.00	1,398.00
2	B	S		V	825.00	1,278.00	-		735.37		2,013.37	400.00	1,613.37
TOTALS:						2,808.00	-	28.00	950.37	-	3,786.37	775.00	3,011.37
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	30 Day Notice	05/04/22									06/24/22		
2	30 Day Notice	04/02/22									07/01/22		

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

Housing Authority County of San Bernardino

COLLECTION WRITE-OFFS - Authority Owned Portfolio

Month End:

07/31/22

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
408 - Sunrise Vista													
3	S	F							(248.22)		(248.22)		(248.22)
4	R	D							(425.62)		(425.62)		(425.62)
5	H	M		E	985.00	2,468.00			826.79		3,294.79	600.00	2,694.79
6	R	C		V	825.00	272.00			565.64		837.64	400.00	437.64
7	N	S		S	825.00	1,126.00			1,476.56		2,602.56	400.00	2,202.56
8	S	M		V	895.00	895.00		75.00	1,127.92		2,097.92	895.00	1,202.92
9	Y	E		E	825.00	411.00			1,020.00		1,431.00	400.00	1,031.00
TOTALS:						5,172.00	-	75.00	4,343.07	-	9,590.07	2,695.00	6,895.07

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
3	Collection on bad debt									
4	Collection on bad debt									
5	3 Day Pay or Quit	05/30/22	Posted	05/30/22	N/A	N/A		N/A	turned in keys to avoid court	07/08/22
6	30 Day Notice	04/01/22								07/01/22
7	Skip	07/07/22								07/07/22
8	30 Day Notice	05/01/22								05/31/22
9	3 Day Pay or Quit	01/03/22	Hand	01/13/22	02/01/22	Y		05/13/22	07/06/22	07/06/22

416 - Arrowhead													
10	P	R		V	1,000.00	218.00	-		500.00		718.00	230.00	488.00
11	C	G		S	1,000.00	1,338.00	-				1,338.00	230.00	1,108.00
TOTALS:						1,556.00	-	-	500.00	-	2,056.00	460.00	1,596.00

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	07/15/22								07/17/22
11	Skip									07/01/22

426 - Sunnyside													
12	S	J							(4,602.00)		(4,602.00)		(4,602.00)
13	R	A		V					75.00		75.00		75.00
TOTALS:						-	-	-	(4,527.00)	-	(4,527.00)	-	(4,527.00)

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
12	Payment on bad debt									
13	Adjustment to previous month writeoff									

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

Housing Authority County of San Bernardino

COLLECTION WRITE-OFFS - Authority Owned Portfolio

Month End: 07/31/22

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
464 - Golden Apts.													
14	Sala	Raven		V	1,195.00	464.00					464.00	400.00	64.00
TOTALS:						464.00	-	-	-	-	464.00	400.00	64.00
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	
14	7 Day Notice	07/06/22										07/06/22	
ALL PROPERTY TOTALS:						14,527.29	-	203.00	4,763.22	-	19,493.51	8,729.00	10,764.51

Submitted by: _____ Date: _____ Reviewed by: _____ Date: _____

*Reasons: E=Eviction

*Reasons: E=Evictions S=Skip V=Voluntary T=Terminated Tenancy **Unpaid Misc: D=Deceased 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

October 11, 2022

FROM

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

SUBJECT

AB361 Brown Act Remote Meetings During a State of Emergency

RECOMMENDATION(S)

Adopt Resolution No. 166 authorizing the use of remote teleconference meeting procedures by the Board of Commissioners, as authorized by Government Code Section 54953(e) *et seq.*, for the period of October 16, 2022 through November 15, 2022.

(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 is no financial impact associated with this item.

BACKGROUND INFORMATION

On March 4, 2020, amid rising concern surrounding the spread of COVID-19 throughout communities in the state, California Governor Gavin Newsom issued a series of Executive Orders aimed at containing the novel coronavirus including modification of certain requirements created by the Ralph M. Brown Act (Brown Act), the state's local agency public meetings law. The orders waived several requirements, including requirements in the Brown Act requiring the physical presence of members of the legislative body, the clerk or other personnel of the body, or of the public as a condition of participation in or for the purpose of establishing a quorum for a public meeting, of which allowed teleconferencing of the meeting coupled with proper noticing to the public.

On March 10, 2020, the Board of Supervisors of the County of San Bernardino declared the existence of a local emergency in response to the COVID-19 global pandemic of which Government Code section 54953(e) *et seq.* further requires state or local officials have imposed or recommended measures to promote social distancing; or the legislative body of HACSB finds that meeting in person would present imminent risk to the health and safety of attendees. The Board has since approved the use of remote teleconferencing meeting procedures pursuant to Government Code Section 54953(e) monthly.

Most recently, on September 13, 2022, the Board adopted Resolution No. 164 (Item No. 18) authorizing the use of remote teleconference meeting procedures by the Board of Commissioners, as authorized by Government Code Section 54953(e) *et seq.*, for the period of September 15, 2022, through October 15, 2022.

Approval of this item finds that, as a consequence of the State of Emergency, the HACSB Board of Commissioners (Board) meetings shall be conducted by the remote teleconference meeting

requirements as authorized by Government Code section 54953(e) et seq. and will allow for observation and participation by the Board Members and the public via Zoom teleconferencing and phone access through November 15, 2022.

If approved, this authorization will remain valid for an additional 30 days and per Government Code section 54953(e) and will need to be revisited every 30 days thereafter.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by General Legal Counsel, Fred Galante, on September 23, 2022.

HOUSING AUTHORITY RESOLUTION NO. 2022-166

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO ACKNOWLEDGING THE GOVERNOR'S STATE OF EMERGENCY DECLARATION AND AUTHORIZING THE USE OF REMOTE TELECONFERENCE MEETING PROCEDURES BY THE BOARD OF COMMISSIONERS, AS AUTHORIZED BY GOVERNMENT CODE SECTION 54953(E) *ET SEQ.*, FOR THE PERIOD OF OCTOBER 16, 2022, THROUGH NOVEMBER 15, 2022

RECITALS

WHEREAS, the Housing Authority of the County of San Bernardino (Authority) is committed to preserving and nurturing public access, transparency, observation, and participation in meetings of the Board of Commissioners (Board); and

WHEREAS, all meetings of the Board are open and public, as required by the Ralph M. Brown Act, codified in Government Code sections 54950 *et seq.*, so that any member of the public may attend, participate, and observe the Board and conduct its business; and

WHEREAS, the Brown Act, as amended by Assembly Bill 361 (2021), codified in Government Code sections 54953(e) *et seq.*, allows for remote teleconferencing observation and participation in meetings by members of a legislative body and members of the public, without compliance with the requirements of Government Code section 54953(b)(3) regarding teleconferencing, subject to the existence of certain conditions; and

WHEREAS, the initial required condition is that a state of emergency is a declaration of a state of emergency by the Governor pursuant to the California Emergency Services Act at Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state and within the boundaries of the Authority, caused by conditions as described in Government Code section 8558; and

WHEREAS, on March 4, 2020, pursuant to Government Code Section 8625, Governor Newsom declared the existence of a state of emergency for the State of California, in response to the outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19); and

WHEREAS, on March 10, 2020, the Board of Supervisors of the County of San Bernardino declared the existence of a local emergency in response to the COVID-19 global pandemic; and

WHEREAS, Government Code section 54953(e) *et seq.* further requires that state or local officials have imposed or recommended measures to promote social distancing; or, the legislative body of the Authority finds that meeting in person would present imminent risk to the health and safety of attendees; and

WHEREAS, California Department of Public Health (CDPH) and the federal Centers for Disease Control and Prevention (CDC) caution even fully vaccinated individuals can spread the virus to others resulting in rapid increases of COVID-19 cases and hospitalizations; and

WHEREAS, San Bernardino County currently has a Community Transmission metric of “medium”; and

WHEREAS, the Board hereby acknowledges that such emergency conditions continue to exist in the Authority, such that meeting in person for the meetings of the Board would present imminent risk to the health and safety of attendees as a result of the increased risk of the spread of the COVID-19 virus among those in attendance; and

WHEREAS, the Board hereby finds that due to the ongoing State of Emergency and the public health threat posed by COVID-19, the Board seeks to make findings, as required by Assembly Bill 361, that as a result of the COVID-19 State of Emergency, the highly contagious Omicron variant, the anticipated number of attendees, the likely inability to socially distance, and due to the unique characteristics of the size and capacity of its meeting location, meeting in person would present an imminent risk to the health or safety of meeting attendees; and

WHEREAS, the circumstances of the State of Emergency continue to directly impact the ability of the members of the legislative body and members of the public to meet safely in person at the meeting facilities of the Authority; and

WHEREAS, the Board hereby finds that, as a consequence of the State of Emergency, the Board shall conduct its meetings without compliance with Government Code section 54953(b)(3), and shall instead comply with the remote teleconference meeting requirements as authorized by Government Code section 54953(e) *et seq.*; and

WHEREAS, the Board affirms that it will allow for observation and participation by Board Members and the public via Zoom teleconferencing and phone access in an effort to protect the constitutional and statutory rights of all attendees.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO FINDS, RESOLVES, AND ORDERS AS FOLLOWS:

Section 1. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. The Board hereby recognizes and acknowledges the existence and conditions of the State of Emergency as proclaimed by the Governor.

Section 3. Before the State of Emergency, the Authority met at a facility at which approximately 20 people would regularly attend, and periodically filling the meeting room to capacity and thereby limiting the ability of attendees to socially distance.

Section 4. As a result of the March 4, 2020, State of Emergency, and the highly contagious Omicron variant, meeting in person at the meeting facilities of the Authority would present an imminent risk to the health or safety of attendees due to the unique characteristics of the size and capacity of its meeting location, the anticipated number of attendees, and the likely inability to socially distance. As such, the Board hereby authorizes the continued use of the remote teleconferencing procedures for meetings of the Board, as authorized by Government Code section 54953(e) *et seq.*, for the period of October 16, 2022, through November 15, 2022.

Section 5. The Executive Director is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act, for all Board meetings.

Section 6. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) November 15, 2022, or such time the Board adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Board may continue to teleconference without compliance with Government Code section 54953(b)(3), but otherwise as permitted by Government Code section 54953(e) *et seq.*

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)
) 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, Month Date, 2022.

Secretary