

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

TO BE HELD TELEPHONICALLY  
December 13, 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: 829 4076 4387  
Password: 143400

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](mailto: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](mailto: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 December 13, 2022.  
(Page 1)
- 5) Approve Amendment No. 2 to Employment Agreement between the Housing Authority of the County of San Bernardino and Executive Director Maria Razo.  
(Pages 2-5)
- 6) Adopt Resolution No. 170 approving revisions to the Housing Authority of the County of San Bernardino's Personnel Policy Handbook.  
(Page 6-11)
- 7) 1 – Approve Amendment No. 3 to contract No. PC1223, effective February 1, 2023, with Nan McKay and Associates, Inc. for Housing Choice Voucher Case Management Services, increasing the current contract amount by \$175,000 for a total amount not to exceed \$889,000 and exercising the option to extend the term by a single year through January 31, 2024.  
  
2 – Authorize and direct the Executive Director to execute and deliver the contract amendment to Nan McKay and Associates, Inc. and, upon consultation with Legal Counsel, to approve any non-substantive revisions necessary to complete the transaction.  
(Page 12-17)
- 8) 1 – Approve Amendment No. 5 to contract No. PC1203, effective March 1, 2023, with ISMG for Armed Guard Services increasing the current contract by \$115,005 for a total amount not to exceed \$444,256 through February 29, 2024.  
  
2 – Authorize and direct the Executive Director to execute and deliver the contract amendment to ISMG and, upon consultation with Legal Counsel, to approve any non-substantive revisions necessary to complete the transaction.  
(Pages 18-24)

## **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 November 8, 2022.  
(Pages 25-31)
  - 10) Approve and file Agency-wide Financial Statements through August 2022.  
(Pages 32-34)
  - 11) Approve vacated tenant accounts for the Authority Owned Portfolio to be written off as collection losses for the month of September 2022.  
(Pages 35-39)
  - 12) Adopt Resolution No. 169 authorizing the use of remote teleconference meeting procedures by the Board of Commissioners, as authorized by Government Code Section

- 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**

**December 13, 2022**

**FROM**

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

**SUBJECT**

Executive Director's Report for December 13, 2022

**RECOMMENDATION(S)**

Receive the Executive Director's Report for December 13, 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 November 28, 2022.

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

**December 13, 2022**

## **FROM**

**Fred Galante, General Counsel, Housing Authority of the County of San Bernardino**

## **SUBJECT**

Amendment No. 2 to Employment Agreement between the Housing Authority of the County of San Bernardino and Executive Director Maria Razo.

## **RECOMMENDATION(S)**

Approve Amendment No. 2 to Employment Agreement between the Housing Authority of the County of San Bernardino and Executive Director Maria Razo.  
(Presenter: Fred Galante, (949)250-5410)

## **GOALS & OBJECTIVES**

The goals for 2022-2023 are listed below:

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

**HACSB is adequately staffed with well trained and fully developed employees.**

**HACSB communication is open, honest and consistent.**

**HACSB employees have a high level of morale.**

## **FINANCIAL IMPACT**

The proposed Amendment No. 2 to the Executive Director's Employment Agreement increases the compensation payable to the Executive Director by \$6,136 per year of the term.

## **BACKGROUND INFORMATION**

On September 27, 2020, the Housing Authority of the County of San Bernardino ("HACSB") approved an Employment Agreement with Maria Razo to serve as Executive Director to the HACSB. On November 8, 2022, the HACSB Board of Commissioners conducted a performance evaluation of the Executive Director's performance in closed session and found her performance satisfactory in all respects. At the same meeting, the Board considered and approved in open session the goals and objectives to be accomplished by the Executive Director for the upcoming fiscal year.

At the November 8, 2022 Board of Commissioner's closed session meeting, the Board directed that an amendment to the Employment Agreement be presented at the December meeting for the Board's consideration to increase the Executive Director's compensation, retroactive to September 30, 2022, to reflect the same merit increase provided to employees of the HACSB, consistent with Section 5(a) of the Employment Agreement, which grants Executive Director the same benefits as provided to employees of the HACSB. The increase is further in accordance with the HACSB Employee Compensation Philosophy and Administrative Guidelines.

The proposed Amendment No. 2 to the Employment Agreement with the Executive Director is provided with this memo implementing the Board of Commissioner's direction. It would be

Amendment No. 2 to Executive Director Employment Agreement  
December 13, 2022

appropriate for the Board to consider and, if acceptable, approve the proposed Amendment No. 2.

**PROCUREMENT**

Approval of Amendment No. 2 is within the discretion of the Board of Directors.

**REVIEW BY OTHERS**

This item has prepared by General Legal Counsel, Fred Galante, on December 8, 2022.

## **AMENDMENT NO. 2 TO EMPLOYMENT AGREEMENT**

### **BETWEEN**

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

**And**

**MARIA RAZO**

This Amendment No. 2 to Employment Agreement ("Amendment No. 2"), dated December 13, 2022 ("Effective Date"), is entered into by and between the Housing Authority of the County of San Bernardino, a California public body, ("HACSB") and Maria Razo ("Employee").

### **RECITALS**

**WHEREAS**, HACSB and Employee entered into that certain Employment Agreement, dated September 27, 2020 for Employee to serve as Executive Director to the HACSB ("Agreement");

**WHEREAS**, on June 14, 2022, the HACSB and Employee entered into Amendment No. 1 to the Agreement to extend the term by an additional three years and designate goals and objectives to be accomplished by Employee for the upcoming fiscal year;

**WHEREAS**, on November 8, 2022, the Board of Commissioners of HACSB conducted a performance evaluation of Employee and found Employee's performance satisfactory in all respects and approved the goals and objectives to be accomplished by Employee for the upcoming fiscal year; and

**WHEREAS**, HACSB and Employee wish to enter into this Amendment No. 2 to the Agreement to approve the increase in the Compensation payable to Employee, retroactive to September 30, 2022, to reflect the same merit increase provided to employees of the HACSB, consistent with Section 5(a) of the Agreement, which grants Employee the same benefits as provided to employees of the HACSB and in accordance with the HACSB Employee Compensation Philosophy and Administrative Guidelines.

### **OPERATIVE PROVISIONS**

**NOW, THEREFORE**, the foregoing Recitals being true and correct, and in consideration of the mutual covenants and obligations contained in this Amendment No. 2 by the parties and other consideration, the sufficiency of which is hereby expressly acknowledged, the Parties hereto agree as follows:

1. Salary. Section 4 of the Agreement, entitled "Salary", at subsection (a), is hereby amended retroactive to September 30, 2022, to reflect the three percent (3%) merit increase provided to Employee. Except as so amended, the other provisions of Section 4

shall remain unmodified and in full force and effect. The amended language of Subsection 4(a) shall read as follows:

“(a) HACSB agrees to pay Employee in accordance with the salary provided in personnel policies/manual in the amount of \$210,891.20 per annum for her services, payable in installments at the same time as other employees of HACSB are paid and subject to customary withholding. Employee’s salary may be increased in accordance with HACSB personnel/policies manual.”

**2. Goals and Objectives.** In performing her duties per the terms of the Agreement, Employee shall endeavor to achieve the Goals and Accomplishments approved by the Board at its November 8, 2022 meeting, as such Goals and Accomplishments are revised and updated by the Board of Commissioners of HACSB from time-to-time. Said Goals and Accomplishments, as may be updated, shall be used by the Board of Commissioners to evaluate Employee’s in future years of the Term of the Agreement.

**3. Full Force and Effect.** Continuing Effect of Agreement. Except as amended by this Amendment No. 2, all provisions of the Agreement, as amended, shall remain unchanged and in full force and effect. From and after the date of this Amendment No. 2, whenever the term “Agreement” appears in the Agreement, it shall mean the Agreement, as amended by Amendment No. 1 and this Amendment No. 2.

**4. 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 Amendment No. 2.

**IN WITNESS WHEREOF**, HACSB has caused this Amendment No. 2 to be signed and executed in its behalf by the Chairperson of 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

\_\_\_\_\_  
Maria Razo

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Fred Galante, General Counsel

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

**December 13, 2022**

## **FROM**

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

## **SUBJECT**

**Employee Handbook Policy Revisions**

## **RECOMMENDATION(S)**

Adopt Resolution No. 170 approving revisions to the Housing Authority of the County of San Bernardino's Personnel 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 Personnel Policy Handbook (Handbook) may have some financial impact to the Housing Authority of the County of San Bernardino's (HACSB) approved annual budget. The amount of the financial impact may vary based on use of such policy by employees.

## **BACKGROUND INFORMATION**

In February 2022, California Legislature approved Senate Bill 114 (SB114) requiring California employers with more than 25 employees to provide supplemental paid sick leave (SPSL) to employees for specific COVID-19-related reasons. Based on SB114, the Housing Authority brought forth for the Board's approval Supplemental Policy 5006.4, CA Covid Supplemental Paid Sick Leave. This policy, consistent with SB114 was to be in effect from January 1, 2022 through September 30, 2022.

On September 29, 2022, Assembly Bill 152 (AB152) was signed into place, extending the use of SPSL under the same parameters of SB114. No additional hours were given for use, only the extension of time that employees can use those same hours. AB152 extended the use of the California required SPSL through December 31, 2022.

The policy requested for approval makes changes only to the dates of use.

## **PROCUREMENT**

Not applicable.

## **REVIEW BY OTHERS**

This item has been reviewed by General Legal Counsel, Fred Galante, on December 1, 2022.

**HOUSING AUTHORITY RESOLUTION NO. 2022-170**

**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;

**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, rule, procedures and past practices of HACSB, both oral and written; and

**WHEREAS**, HACSB desires to amend its policies and procedures as they relate to Assembly Bill 152 by extending the use of supplemental paid sick leave to employees for specific COVID-19 related reasons through December 31, 2022.

**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, as shown on Exhibit "A" attached hereto.

Section 3. This resolution shall take effect immediately, with the changes retroactive to October 1, 2022, consistent with AB152 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\_\_.

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Secretary

## **A Supplemental Policy**

### **5006.4 – CA COVID Supplemental Paid Sick Leave**

Consistent with Senate Bill 114 (SB114) and AB 152, the Agency will provide eligible employees with COVID-19 Supplemental Paid Sick Leave (SPSL) if the employee is unable to work or telework due to one of the following reasons:

1. The covered employee is subject to a quarantine or isolation period related to COVID-19 as defined by an order or guidelines of the California Department of Public Health, the federal Centers for Disease Control and Prevention, or a local health officer with jurisdiction over the workplace.
2. The covered employee has been advised by a healthcare provider to quarantine, or is experiencing COVID-19 symptoms and seeking a medical diagnosis.
3. Attending an appointment for themselves or a family member to receive a vaccine or booster;
4. The covered employee is experiencing symptoms or caring for a family member experiencing symptoms related to a COVID-19 vaccine or booster preventing the employee from being able to work or telework (subject to limitations) Family member is defined as minor or adult child, parent, spouse, domestic partner, grandparent, grandchild or sibling.
5. The covered employee is caring for a family member who is subject to a quarantine or isolation period due to COVID-19.
6. The covered employee is caring for a child whose school or place of care is closed on the premises for reasons related to COVID-19.

SPSL will be paid at the employee's regular rate of pay. The maximum amount paid to an employee cannot exceed \$511 per day or a total of \$5,110 in the aggregate. An employee may choose to supplement their SPSL pay utilizing the employee's own accrued leave to fully compensate the leave taken. In no event shall the employee's pay during their leave of absence exceed 100% of their full compensation.

#### **Amount of Leave**

##### **Full-time**

Full-time employees working 40 hours per week may take up to 40 hours of SPSL. Employees using SPSL for reasons related to attending an appointment for, or symptoms or side effects from, a vaccination or booster will be allowed to use up to three working days (27 hours) from the 40 hours provided. Any additional time may be granted, up to 40 hours, with verification from a health care provider of the continued symptoms or side effects due to the vaccine or booster shot.

An additional 40 hours of SPSL may be used if the full-time employee, or a family member for whom the employee is caring for, tests positive for COVID-19. Employees will be required to provide proof of a COVID-19 positive test through a verified lab. At home tests will not be accepted as proof for use of the additional 40 hours.

The total amount of SPSL the full-time employee is entitled to shall not exceed 80 hours during the timeframe of January 1, 2022 – ~~September 30~~December 31, 2022.

#### Part-time

Part-time employees with regular weekly schedules may take up to the number of hours that they are normally scheduled to work within a one-week period. Part-time employees with irregular weekly schedules may take up to 7 times the average number of hours worked per day in the six-month period prior to the usage of leave. If the employee has not worked for the Agency for six months, the Agency will calculate the leave entitlement based on the period during which the employee has been employed.

Part-time employees will be provided additional hours, up to one week or as described above, if the employee, or a family member for whom the employee is caring for, tests positive for COVID-19. Employees will be required to provide proof of a COVID-19 positive test through a verified lab. At home tests will not be accepted as proof for use of the additional hours.

#### **Intermittent Leave**

The Agency agrees to allow intermittent SPSL for employees who have requested leave to care for their child or if the school or place of care of the child has been closed due to COVID-19 precautions. Intermittent SPSL may also be provided to employees who may be able to work some hours from home as part of an approved telecommuting schedule but need some time to take care of a family member as stated above.

#### **Protected Sick Leave**

Any leave approved as SPSL is considered protected leave and the Agency may not discharge, discipline, discriminate, or take any other adverse action against employees who take such leave. An employee who uses SPSL 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.

#### **Administration of Leave**

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

It is understandable that an employee may not know the need for SPSL 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 SPSL 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.

Covered employees are eligible to use SPSL during the dates of January 1, 2022 – ~~September 30~~December 31, 2022. A covered employee who took leave for one of the COVID-19 related reasons stated above between January 1, 2022 and February 19, 2022, the effective date of SB114, may make an oral or written request to Human Resources for payment using SPSL or adjustment of hours to personal sick time or vacation used. Such payment or adjustment of hours will be made by the following pay period.

#### **Sick Leave upon Separation of Employment**

Unused SPSL cannot be cashed out upon termination, resignation, retirement or other separation from employment. Unused SPSL is not eligible for retirement service credit.

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

**December 13, 2022**

## **FROM**

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

## **SUBJECT**

**Contract Amendment with Nan McKay and Associates, Inc. for HCV Case Management Services**

## **RECOMMENDATION(S)**

1. Approve Amendment No. 3 to contract No. PC1223, effective February 1, 2023, with Nan McKay and Associates, Inc. for Housing Choice Voucher Case Management Services, increasing the current contract amount by \$175,000 for a total amount not to exceed \$889,000 and exercising the option to extend the term by a single year through January 31, 2024.
2. Authorize and direct the Executive Director to execute and deliver the contract amendment to Nan McKay and Associates, Inc. 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**

This item is not expected to exceed \$889,000 through January 31, 2024, which will be included in the Housing Authority of the County of San Bernardino's (HACSB) 2022-2023 budget and will be funded by HACSB's Housing Choice Voucher program operating budget.

## **BACKGROUND INFORMATION**

On August 1, 2021, HACSB entered into a six-month contract with Nan McKay and Associates, Inc. to provide Housing Choice Voucher (HCV) case management services. The Board of Commissioners subsequently extended the contract for one-year through January 31, 2023. The goal of the contract is to have temporary case management services available to address ongoing staff leave of absences and vacancies in the Housing Services Department temporarily aiding with staff workloads. Nan McKay and Associates, Inc. has assisted with the completion of eligibility file review and case management support for special programs. Nan McKay and Associates, Inc. also provided call center support for the 2022 tenant-based voucher program waiting list open enrollment. Staff is recommending an increase in the contract amount to assist with staff workload and prepare for potential future additional capacity issues or new voucher awards as the need arises. Therefore, staff is recommending a one-year extension and increase in the contract amount of \$175,000 for a total contract amount not to exceed \$889,000.

## **PROCUREMENT**

HACSB previously issued a Request for Proposal (RFP) PC1223 on May 4, 2021, which resulted in the receipt of three proposals. Proposals were evaluated per the requirements of the RFP in

Contract Amendment with Nan McKay and Associates, Inc for  
HCV Case Management Services  
December 13, 2022

which Nan McKay and Associates, Inc. was the most qualified and most responsive vendor selected to provide these services to the HACSB.

On July 13, 2021, the Board approved (Item No. 10) awarding a contract to Nan McKay and Associates, Inc. for case management services in an amount not to exceed \$175,000 for a six-month term through January 31, 2022 with the option to extend up to four single-year options through January 31, 2026.

**REVIEW BY OTHERS**

This item has been reviewed by General Legal Counsel, Fred Galante, on December 6, 2022.



**AMENDMENT #3 TO CONTRACT FOR HCV CASE MANAGEMENT SERVICES  
(PC1223)**

**BETWEEN**

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

**And**

**NAN MCKAY AND ASSOCIATES, INC.**

This Amendment No. 3, dated February 1, 2023 ("Third Amendment"), to Contract for HCV Case Management Services (PC1223), is entered into by and between the Housing Authority of the County of San Bernardino, a California public body, ("Authority") and Nan McKay and Associates, Inc. ("Contractor").

**RECITALS**

**WHEREAS**, the Authority and Contractor entered into a Consulting, Services, and Non-Routine Maintenance Related Services Agreement (Non-Construction), dated August 1, 2021 relating to HCV Case Management Services ("Agreement") with a total price of \$175,000;

**WHEREAS**, the Authority and Contractor entered into Amendment No. 1 to the Agreement to exercise the option year one through January 31, 2023 with an increase of \$539,000 for a total contract amount of \$714,000.

**WHEREAS**, the Authority and Contractor entered into this Amendment No. 2 to the Agreement to update the scope of work originally included details for remote call center services.

**WHEREAS**, the Authority and Contractor now wish to enter into this Amendment No. 3 to the Agreement to exercise the second option year through January 31, 2024 with an increase of \$175,000.00 for a total contract amount of \$889,000.

**OPERATIVE PROVISIONS**

**NOW, THEREFORE**, the foregoing Recitals being true and correct, and in consideration of the mutual covenants and obligations contained in this third 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 exercise the second option year and thereby extend the term for an additional one (1) additional year, expiring on January 31, 2024, unless further extended pursuant to the terms of Article 3. 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. 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 third Agreement, all provisions of the Agreement, as amended, shall remain unchanged and in full force and effect. From and after the date of this third Amendment, whenever the term "Agreement" appears in the Agreement, it shall mean the Agreement, as amended by this third 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 this amendment as provided herein. Each party represents and warrants to the other that the Agreement, as amended by this Amendment number two, is currently an effective, valid, and binding obligation.

Consultant represents and warrants to Authority that, as of the date of this third 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 third 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 Third Amendment.

**Section 6.** Authorization. The persons executing this Third Amendment 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 Third Amendment on behalf of said party, (iii) by so executing this Third Amendment, such party is formally bound to the provisions of this Third Amendment, and (iv) the entering into this Third Amendment does not violate any provision of any other agreement to which said party is bound.

EXCEPT AS AMENDED HEREBY ALL OTHER TERMS AND CONDITIONS OF THE AGREEMENT REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF, the Housing Authority of the County of San Bernardino and Nan McKay & Associates, Inc.

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**NAN MCKAY & ASSOCIATES, INC.**

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

By:\_\_\_\_\_

By:\_\_\_\_\_

Name:\_\_\_\_\_

Name: Maria Razo

Title:\_\_\_\_\_

Title: Executive Director

Date:\_\_\_\_\_

Date:\_\_\_\_\_

## Exhibit A

**Schedule Dates:**

Effective Date: February 1, 2023

Completion Date: January 31, 2024

**Total Contract Cost: Not to exceed \$889,000.00**

<b>Original Contract Amount Not to Exceed</b>	<b>\$175,000.00</b>
<b>Net Change Order Previously Approved – Amendment #1</b>	<b>\$539,000.00</b>
<b>Net Change Order Previously Approved – Amendment #2</b>	<b>\$0.00</b>
<b>Net Change Order – Amendment - #3</b>	<b>\$175,000.00</b>
<b>Contract Value as Amended Not to Exceed</b>	<b>\$889,000.00</b>

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

**December 13, 2022**

## **FROM**

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

## **SUBJECT**

Contract amendment with Intergraded Security Management Group (ISMG) for Armed Guard Services

## **RECOMMENDATION(S)**

1. Approve Amendment No. 5 to contract No. PC1203, effective March 1, 2023, with ISMG for Armed Guard Services increasing the current contract by \$115,005 for a total amount not to exceed \$444,256 through February 29, 2024.
2. Authorize and direct the Executive Director to execute and deliver the contract amendment to ISMG 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 communication is open, honest and consistent.**

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

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

## **FINANCIAL IMPACT**

Approval of this amendment will increase the current contract amount by \$115,005 for a total contract amount not to exceed \$444,256, which is funded by the Housing Authority of the County of San Bernardino's (HACSB) property operations budget.

## **BACKGROUND INFORMATION**

On February 9, 2021, the Board of Commissioners of the Housing Authority of the County of San Bernardino awarded an initial contract for \$327,551 with a two-year base period through February 28, 2023 with three single-year options to extend through February 28, 2026.

HACSB currently contracts with third-party contractors for armed security guard services at some of its properties. The guard services are generally used at low-density high acreage and scattered site properties. The services are primarily for overnight and weekend hours. The properties receiving the services are in the city of San Bernardino. The security services primarily include routine patrols with a marked patrol vehicle and armed guards who patrol by foot at random and rotating times of the day and night. The services provided are crime prevention and reporting, lease enforcement, vacant unit checks, and general site monitoring services. These services have been in place for several years and the approval of this item will continue the existing scope of services. Intergraded Security Management Group is the incumbent contractor providing security services.

### **PROCUREMENT**

The Procurement and Contracts Department previously advertised a “Request for Proposal” (RFP) for Armed Guard Services (RFP PC1203) on November 17, 2020 which resulted in the receipt of ten proposals. Outreach efforts included email invitations via Planet Bids, our eBidding website to eleven vendors as well as posting on the agency’s external website. The proposals were evaluated per the requirements of the RFP. ISMG was deemed the most responsive, reasonably priced, and determined qualified to provide this service to HACSB.

Based on the responses for these services, which were solicited to an adequate number of sources and in accordance with Title 2 Code of Federal Regulations Part 200, staff recommended awarding a contract for Armed Guard Services to ISMG and authorize and direct the Executive Director to execute and deliver the contract and, upon consultation with Legal Counsel to approve any non-substantive revisions to complete the transaction.

### **REVIEW BY OTHERS**

This item has been reviewed by our General Legal Counsel, Fred Galante, on November 28, 2022.



**AMENDMENT #5 TO CONTRACT FOR ARMED GUARD SERVICES  
(PC1203)**

**BETWEEN**

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

**And**

**INTERGRADED SECURITY MANAGEMENT GROUP (ISMG)**

This Amendment No. 5 ("Fifth Amendment"), dated March 1, 2023 ("Effective Date"), to Agreement for Armed Guard Services (PC1203), 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 March 1, 2021 relating to Armed Guard Services ("Agreement") with a total price of \$327,551.00;

**WHEREAS**, the Authority and Contractor entered into Amendment No. 1 to the Agreement, dated April 23, 2021, to delete the property of: 1470 E. Lynwood San Bernardino, CA 92404 from the scope of work.

**WHEREAS**, the Authority and Contractor entered into Amendment No. 2 to the Agreement, dated May 21, 2021, to temporarily change service locations due to safety issue of onsite manager increasing the contract by \$1,700.00 through September 20, 2021.

**WHEREAS**, the Authority and Contractor entered into Amendment No. 3 to the Agreement to delete the property of Waterman Gardens (Arrowhead Grove site): 425 Crestview San Bernardino, CA 92410 – vacant lots, maintenance yard in the North East corner of the Arrowhead Grove site, the two legacy HACSB buildings located at Crestview, and the Head Start buildings only. Other areas per the executed contract remain on the scope of work.

**WHEREAS**, the Authority and Contractor entered into Amendment No. 4 to the Agreement to delete the property of Andalusia Apartments: 13520 Third Ave. Victorville, CA 92395. Other areas per the executed contract remain on the scope of work.

**WHEREAS**, the Authority and Contractor now wish to enter into this Amendment No. 5 to the Agreement exercise the first option year through February 29, 2024 increasing the contract by \$115,005.00 for a total amount not to exceed \$444,256.00.

## **OPERATIVE PROVISIONS**

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

**Section 1.** Extension of Term. Pursuant to the authorization provided in Article 3 of the Agreement, Authority and Consultant hereby agree to exercise the first option to extend the term of the Agreement for one (1) year, beginning March 1, 2023 through and expiring February 28, 2024, unless subsequently extended by the parties pursuant to the terms of Article 3. Except as so modified, the terms of Article 3 shall remain unmodified and in full force and effect.

**Section 2.** Continuing Effect of Agreement. Except as amended by this Fifth Agreement, all provisions of the Agreement, as amended, shall remain unchanged and in full force and effect. From and after the date of this Fifth Amendment, whenever the term "Agreement" appears in the Agreement, it shall mean the Agreement, as amended by the Amendment Nos. 1, 2, 3, 4 and this fifth Amendment to the Agreement.

**Section 3.** 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, 3, 4 and as provided herein. Each party represents and warrants to the other that the Agreement, as amended by Amendment Nos. 1, 2, 3, 4 and this fifth amendment is currently an effective, valid, and binding obligation.

Consultant represents and warrants to Authority that, as of the date of this Fifth 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 Fifth 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 4.** 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 Fifth Amendment.

**Section 5.** 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.

IN WITNESS WHEREOF, the Housing Authority of the County of San Bernardino and Intergraded Security Management Group (ISMG)

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**INTERGRADED SECURITY MANAGEMENT  
GROUP (ISMG)**

**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: March 1, 2023

Completion Date: February 29, 2024

**Total Agreement Cost: Not to exceed \$444,256.00**

<b>Original Agreement Amount Not to Exceed</b>	<b>\$327,551.00</b>
<b>Net Change Orders Previously Approved</b>	<b>\$0.00</b>
<b>Net Change Order Previously Approved – Amendment #1</b>	<b>\$0.00</b>
<b>Net Change Order Previously Approved – Amendment #2</b>	<b>\$1,700.00</b>
<b>Net Change Order Previously Approved – Amendment #3</b>	<b>\$0.00</b>
<b>Net Change Order Previously Approved – Amendment #4</b>	<b>\$0.00</b>
<b>Net Change Order – Amendment #5</b>	<b>\$115,005.00</b>
<b>Agreement Value as Amended Not to Exceed</b>	<b>\$444,256.00</b>

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

**December 13, 2022**

**FROM**

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

**SUBJECT**

Regular Meeting Minutes for Meeting Held on November 8, 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 November 8, 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 November 8, 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, November 28, 2022.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF  
THE HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO  
November 8, 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) 900-6833, Meeting ID 832 5824 7502, Password 163940) at 3:02 p.m. on November 8, 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 Miller  
Commissioner Tarango

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; Kristin Maithonis, Assistant Director of Housing Services; Renee Kangas, Sr. Management Analyst; Ronald Kennedy Jr, Management Analyst; Perlle Liu, Asset Management Analyst; Eduardo Martinez, Property Compliance Coordinator; Claudia Nuñez, Procurement Officer; Yissell Torres, Accounting Specialist; and Claudia Hurtado, Executive Assistant.

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

**2) Additions or Deletions to the Agenda**

Chair Johnson called for additions or deletions to the November 8, 2022 agenda. There were none.

**3) General Public Comment**

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

**4) Closed Session**

With respect to every item of business to be discussed in closed session pursuant to Section 54957

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: Executive Director

Following closed session item number 4, General Counsel Fred Galante reported that the Board of Commissioners held a closed session to discuss the item listed on the agenda, the Board members discussed the matter, provided a positive evaluation of the Executive Director and

directed that a contract amendment for the Executive Director's employment agreement be presented at the December 13, 2022, Board of Commissioners meeting..

Commissioner MacDuff moved to approve discussion calendar item number 4, as recommended by staff and Commissioner Tarango seconded the motion. Upon roll call, the Ayes and Nays were as follows:

Ayes

Chair Johnson  
Commissioner Cooper  
Commissioner MacDuff  
Commissioner Miller  
Commissioner Tarango

Nays

**5) 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.

**6) 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 FY 2022 goals and accomplishments.

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

**7) Updates to Local Payment Standards for the Moving to Work Housing Choice Voucher Program, Payment Standards for the Traditional Regulatory Assistance for Special Purpose Programs, and Payment Standards for the Emergency Housing Voucher Program**

Discussion calendar item number 7 to adopt Resolution No. 168 approving updates to Local Payment Standards for the Moving to Work Housing Choice Voucher Program, Payment Standards for the Traditional Regulatory Assistance for Special Purpose Programs, and Payment Standards for the Emergency Housing Voucher Program Effective December 1, 2022, was requested.

Due to a conflict of interest, Chair Johnson requested to abstain from this item and leave the meeting, Chair Johnson was placed in the Zoom meeting waiting room for the discussion of this item. Vice-Chair Cooper presided over the meeting for this matter.

Executive Director Razo explained the item.

Discussion amongst the Board of Commissioners took place regarding board agenda item number 7.

Commissioner MacDuff 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:

<u>Ayes</u>	<u>Nays</u>	<u>Abstains</u>
Commissioner Cooper		Chair Johnson
Commissioner MacDuff		
Commissioner Miller		
Commissioner Tarango		

#### **8) Contract Amendment with Aleshire & Wynder LLP for General Legal Counsel Services**

Discussion calendar item number 8 to 1) approve Amendment No. 2 to contract No. PC1180, effective December 9, 2022, with Aleshire & Wynder LLP for General Legal Counsel Services increasing the current contract by \$160,000 for a total amount not to exceed \$561,000 through December 8, 2023, with the option to extend up to two single-year options through December 8, 2025, 2) Authorize and direct the Executive Director to execute and deliver the contract amendment to Aleshire & Wynder LLP 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 Cooper moved to approve discussion calendar item number 8, as recommended by staff and Commissioner Tarango seconded the motion. Upon roll call, the Ayes and Nays were as follows:

<u>Ayes</u>	<u>Nays</u>
Chair Johnson	
Commissioner Cooper	
Commissioner MacDuff	
Commissioner Miller	
Commissioner Tarango	

#### **9) Software License and Service Agreement with Yardi Systems, Inc.**

Discussion calendar item number 9 to 1) Award a five-year software license and service agreement with Yardi Systems, Inc. for ongoing usage, maintenance, support and associated implementation services of Yardi Enterprise Management Software system, in an amount not to exceed \$1,687,735 for a five-year term commencing on November 15, 2022 through November

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

Ayes

Chair Johnson  
Commissioner Cooper  
Commissioner MacDuff  
Commissioner Miller  
Commissioner Tarango

Nays

**10) Grant of Easement and Right of Way to Southwest Gas Corporation**

Discussion calendar item number 10 to 1) Approve a grant of easement and right of way to Southwest Gas Corporation, to use and maintain underground natural gas supply system on real property owned by the Housing Authority of the County of San Bernardino, at 15188 and 15312 Sequoia Street in the City of Hesperia, 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 10, as recommended by staff, and Commissioner Miller duly seconded the motion.

Discussion amongst the Board of Commissioners took place regarding board agenda item number 10.

Upon roll call, the Ayes and Nays were as follows:

Ayes

Chair Johnson  
Commissioner Cooper  
Commissioner MacDuff  
Commissioner Miller  
Commissioner Tarango

Nays

**11) Construction Contract with Corner Keystone Construction Corporation for rehabilitation of two residential units damaged in a fire**

Discussion calendar item number 11 to 1) Award contract No. PC1233, effective November 9, 2022, to Corner Keystone Construction to repair and rehabilitation of two residential units damaged in a fire in an amount not to exceed \$273,778.59, 2) Authorize and direct the Executive Director to execute and deliver the contract to Corner Keystone Construction Corporation, 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 MacDuff moved to approve discussion calendar item number 11, as recommended by staff, and Commissioner Tarango duly seconded the motion.

Discussion amongst the Board of Commissioners took place regarding board agenda item number 11.

Upon roll call, the Ayes and Nays were as follows:

Ayes

Chair Johnson  
Commissioner Cooper  
Commissioner MacDuff  
Commissioner Miller  
Commissioner Tarango

Nays

**12-15) Consent Calendar**

Approval of the consent calendar including agenda item numbers 12 - 15 was requested.

Commissioner MacDuff moved to approve consent calendar agenda item numbers 12 - 15, to:

12) Approve the meeting minutes for the Board of Commissioners of the Housing Authority of the County of San Bernardino Regular Meeting held on October 11, 2022.

13) Approve and file Agency-wide Financial Statements through July 2022.

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

15) Adopt Resolution No. 167 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 November 16, 2022 through December 15, 2022.

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

Ayes

Chair Johnson  
Commissioner Cooper  
Commissioner MacDuff

Nays

Commissioner Miller  
Commissioner Tarango

Chair Johnson provided an opportunity for individual board member comments. Chair Johnson congratulated and thanked the Housing Authority Staff for their hard work.

There being no other business, Commissioner MacDuff moved for the regular meeting of Tuesday, November 8, 2022, to be adjourned, which motion was duly seconded by Commissioner Miller. There being no objection to the call for adjournment, the meeting was adjourned by unanimous consent at 4:43 p.m.

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Tim Johnson, Chair

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Beau Cooper, Vice Chair

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Cassie MacDuff

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Sylvia Miller

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Bobby Tarango

Attest:

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Secretary

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

**December 13, 2022**

## **FROM**

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

## **SUBJECT**

Agency-wide Financial Statements through August 2022

## **RECOMMENDATION(S)**

Approve and file Agency-wide Financial Statements through August 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 loss through August 2022 for Federal Fiscal Year (FFY) 2021-22 is (\$891,315). The net loss is currently lower than the budgeted net income of \$9,943,142, with a variance of \$10.4 million.

The \$10.4 million variance between the budgeted net income and the actual net income is due to:

- \$9.3 million less in 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 \$3.3 million due to a lower lease rate than expected. We expect the lease rate to continue to increase over the coming year.
- \$2.2 million in capital fund and other grant expenses that have not yet been incurred.
- Lower than anticipated costs in administrative and maintenance expenses in the amount of \$1.7 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 and/or will be incurred in the following fiscal year.
- Physical needs work that was budgeted but will be completed later in the year in the amount of \$880 thousand (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 \$2 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 that received expenditure authorization from the board via separate board actions.
- Depreciation expenses and other non-operating items are not budgeted and amount to \$5 million through August 2022.

<b>Financial Summary</b>	<b>FY 2022 YTD</b>
Revenues	\$144,466,040
Expenses	\$(140,396,518)
Operating Net Income/(Loss)	\$4,069,522
Operating Transfers/Non-Operating Items	\$(4,960,837)
<b>Net Income/(Loss)</b>	<b>\$(891,315)</b>

### **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 November 28, 2022.

## HACSB Budget Comparison

Period = Oct 2021-Aug 2022

	YTD Actual	YTD Budget	Variance	% Var	Annual
INCOME					
TENANT INCOME					
Total Rental Income	25,218,037	23,918,895	1,299,142	5.43	26,093,339
Total Other Tenant Income	654,162	550,869	103,294	18.75	600,732
NET TENANT INCOME	25,872,199	24,469,763	1,402,436	5.73	26,694,072
GRANT INCOME					
TOTAL GRANT INCOME	112,503,606	125,418,955	-12,915,349	-10.30	136,820,678
OTHER INCOME					
TOTAL OTHER INCOME	6,090,235	6,487,211	-396,976	-6.12	6,918,012
TOTAL INCOME	144,466,040	156,375,929	-11,909,889	-7.62	170,432,762
EXPENSES					
GRANT EXPENSES					
TOTAL GRANT EXPENSES	7,252,536	9,515,944	2,263,408	23.79	10,381,030
ADMINISTRATIVE					
Total Administrative Salaries	12,406,577	13,367,448	960,871	7.19	14,891,275
Total Legal Expense	398,231	452,681	54,450	12.03	493,744
Total Other Admin Expenses	5,841,934	5,503,581	-338,353	-6.15	6,012,450
Total Miscellaneous Admin Expenses	2,024,543	2,667,904	643,361	24.11	2,799,577
TOTAL ADMINISTRATIVE EXPENSES	20,671,285	21,991,614	1,320,329	6.00	24,197,045
TENANT SERVICES					
TOTAL TENANT SERVICES EXPENSES	2,228,007	195,621	-2,032,386	-1,038.94	212,482
UTILITIES					
TOTAL UTILITY EXPENSES	3,420,523	3,524,207	103,684	2.94	3,883,825
MAINTENANCE AND OPERATIONS					
Total General Maint Expense	2,879,160	2,495,563	-383,598	-15.37	2,768,190
Total Materials	837,085	858,698	21,613	2.52	936,669
Total Contract Costs	2,953,338	3,711,570	758,231	20.43	4,048,806
TOTAL MAINTENANCE EXPENSES	6,669,583	7,065,831	396,247	5.61	7,753,664
GENERAL EXPENSES					
TOTAL GENERAL EXPENSES	1,353,761	1,121,923	-231,838	-20.66	1,218,695
EXTRAORDINARY MAINTENANCE EXPENSES					
TOTAL EXTRAORDINARY MAINTENANCE EXPENSES	2,608,215	3,489,111	880,897	25.25	3,710,753
HOUSING ASSISTANCE PAYMENTS					
TOTAL HOUSING ASSISTANCE PAYMENTS	94,879,145	98,194,197	3,315,052	3.38	107,120,942
FINANCING EXPENSE					
TOTAL FINANCING EXPENSES	1,313,463	1,334,339	20,875	1.56	1,455,642
TOTAL OPERATING EXPENSES	140,396,518	146,432,787	6,036,269	4.12	159,934,078
<b>OPERATING NET INCOME</b>	<b>4,069,522</b>	<b>9,943,142</b>	<b>-5,873,620</b>	<b>-59.07</b>	<b>10,498,684</b>
NET OPERATING TRANSFER IN/OUT	0	0	0	N/A	0
NON-OPERATING ITEMS					
TOTAL NON-OPERATING ITEMS	4,960,837	0	-4,960,837	N/A	0
NET INCOME	-891,315	9,943,142	-10,834,457	-108.96	10,498,684

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

**December 13, 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 September 2022

## **RECOMMENDATION(S)**

Approve vacated tenant accounts for the Authority Owned Portfolio to be written off as collection losses for the month of September 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 September 30, 2022, is \$62,194.06. 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 and evictions. The total write-off for the month of September 2022 is \$62,194.06, 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 September 2022  
December 13, 2022

SUMMARY BY PROPERTY MANAGEMENT		
PROPERTY	NO. VACATED	TOTAL
203 - Maplewood	1	19,339.00
205 - Redlands	1	5,881.00
419000- Kingsley Patio	1	884.34
207 - Barstow	3	1,427.70
407 - Sunset Pointe	3	10,867.00
408 - Sunrise Vista	1	8,387.00
414 - Redwood	1	633.00
426 - Sunnyside	2	(54.75)
437 - Sunset Gardens	1	(77.00)
Concessions Write Off	0	-
<b>TOTAL RENT WRITE OFF</b>	14	47,287.29
Miscellaneous Charges		425.00
Maintenance Charges		22,661.77
Legal Charges		995.00
Security Deposits Applied		(9,175.00)
<b>NET TOTAL WRITE OFF</b>		62,194.06

**PROCUREMENT**

Not applicable.

**REVIEW BY OTHERS**

This item has been reviewed by General Legal Counsel, Fred Galante, on November 28, 2022.

# Housing Authority County of San Bernardino

COLLECTION WRITE-OFFS - Authority Owned Portfolio

Month End:

09/30/22

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
<b>203 - Maplewood</b>													
1	C	V		E	743.00	19,339.00	-	-	1,306.00	995.00	21,640.00	669.00	20,971.00
<b>TOTALS:</b>						<b>19,339.00</b>	<b>-</b>	<b>-</b>	<b>1,306.00</b>	<b>995.00</b>	<b>21,640.00</b>	<b>669.00</b>	<b>20,971.00</b>
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	60 Day Notice	11/09/21	posted and mailed	04/19/22	06/15/22	NA		NA	09/21/22		09/21/22		

<b>205 - Redlands</b>													
1	A	R		Skip	\$907	5,881.00		350.00	570.17		6,801.17	1,001.00	5,800.17
<b>TOTALS:</b>						<b>5,881.00</b>	<b>-</b>	<b>350.00</b>	<b>570.17</b>	<b>-</b>	<b>6,801.17</b>	<b>1,001.00</b>	<b>5,800.17</b>
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												

<b>419000- Kingsley Patio</b>													
1	W	C		60 Day to Quit	\$442	884.34		75.00	8,584.46		9,543.80	1,780.00	7,763.80
<b>TOTALS:</b>						<b>884.34</b>	<b>-</b>	<b>75.00</b>	<b>8,584.46</b>	<b>-</b>	<b>9,543.80</b>	<b>1,780.00</b>	<b>7,763.80</b>
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	60 Day Notice to Quit	07/20/22	Posted	N/A							09/20/22		

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

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
<b>207 - Barstow</b>													
1	D	F		D	281.00	278.86					278.86	50.00	228.86
2	T	U		V	144.00	725.81			9.00		734.81	250.00	484.81
3	M	J		V	635.00	423.03			2,330.00		2,753.03	800.00	1,953.03
<b>TOTALS:</b>						<b>1,427.70</b>	<b>-</b>	<b>-</b>	<b>2,339.00</b>	<b>-</b>	<b>3,766.70</b>	<b>1,100.00</b>	<b>2,666.70</b>

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	No Notice									09/30/22
2	60 Day NTV									09/22/22
3	60 Day NTV									09/20/22

<b>407 - Sunset Pointe</b>													
1	Y	S		V	825.00	83.00			795.00		878.00	400.00	478.00
2	W	C		V	875.00	8,614.00			1,575.00		10,189.00	800.00	9,389.00
3	A	M		S	945.00	2,170.00			1,350.00		3,520.00	600.00	2,920.00
<b>TOTALS:</b>						<b>10,867.00</b>	<b>-</b>	<b>-</b>	<b>3,720.00</b>	<b>-</b>	<b>14,587.00</b>	<b>1,800.00</b>	<b>12,787.00</b>

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	08/01/22								09/01/22
2	30 Day Notice	08/01/22								09/01/22
3	Skip									09/07/22

<b>408 - Sunrise Vista</b>													
1	C	D		V	895.00	8,387.00			477.14		8,864.14	400.00	8,464.14
<b>TOTALS:</b>						<b>8,387.00</b>	<b>-</b>	<b>-</b>	<b>477.14</b>	<b>-</b>	<b>8,864.14</b>	<b>400.00</b>	<b>8,464.14</b>

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	07/15/22								09/16/22

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

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
414 - Redwood													
1	P	C		D	1,250.00	633.00	-		920.00		1,553.00	325.00	1,228.00
							-				-		-
TOTALS:						633.00	-	-	920.00	-	1,553.00	325.00	1,228.00
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	Death										09/08/22		

426 - Sunnyside													
1	H	J		V	1,591.00	(106.75)			805.00		698.25	400.00	298.25
2	Q	D		T	1,550.00	52.00			2,105.00		2,157.00	800.00	1,357.00
											-		-
TOTALS:						(54.75)	-	-	2,910.00	-	2,855.25	1,200.00	1,655.25
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		
1	30 Day Notice	08/13/22									09/13/22		
2	Skip										09/01/22		

437 - Sunset Gardens													
1	D	V		V	1,000.00	(77.00)	-		1,835.00		1,758.00	900.00	858.00
							-				-		-
TOTALS:						(77.00)	-	-	1,835.00	-	1,758.00	900.00	858.00
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	30 Day Notice	06/24/22									08/25/22		
ALL PROPERTY TOTALS:						47,287.29	-	425.00	22,661.77	995.00	71,369.06	9,175.00	62,194.06

Submitted by: \_\_\_\_\_ Date: \_\_\_\_\_ Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

\*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**

**December 13, 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. 169 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 December 16, 2022 through January 15, 2023.

(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 November 8, 2022, the Board adopted Resolution No. 167 (Item No. 15) 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 November 16, 2022, through December 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 January 15, 2023.

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 November 28, 2022.

## HOUSING AUTHORITY RESOLUTION NO. 2022-169

**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 DECEMBER 16, 2022, THROUGH JANUARY 15, 2023**

### 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 “low”; 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 December 16, 2022, through January 15, 2023.

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) January 15, 2023, 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