

AGENDA

BOARD OF COMMISSIONERS HOUSING AUTHORITY OF THE COUNTY OF MERCED

Special Meeting
Wednesday, September 13, 2023
9:00 a.m.

Closed session immediately following

Housing Authority of the County of Merced
Administrative Building
405 "U" Street
Training Room – Building B (First Floor)
Merced, CA 95341
(209) 386-4139

Rick Osorio, Chairperson
Hub Walsh, Vice-Chair
Evelyn Dorsey
Robert Dylina
Diana Odom Gunn
Marilyn Scorby

All persons requesting disability related modifications or accommodations may contact the Housing Authority of the County of Merced at (209) 386-4139, 72 hours prior to the public meeting.

All supporting documentation is available for public review in the office of the Clerk of the Board located in the Housing Authority Administration Building, Second Floor, 405 "U" Street, Merced, CA 95341 during regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday.

The Agenda is available online at www.merced-pha.com

Use of cell phones, pagers, and other communication devices is prohibited while the Board Meeting is in session. Please turn all devices off or place on silent alert and leave the room to use.

I. CALL TO ORDER AND ROLL

II. UNSCHEDULED ORAL COMMUNICATION

NOTICE TO THE PUBLIC –

This portion of the meeting is set aside for members of the public to comment on any item within the subject-matter jurisdiction of the Commission, but not appearing on the agenda. Items presented under public comment may not be discussed or acted upon by the Commission at this time.

For items appearing on the agenda, the public is invited to comment at the time the item is called for consideration by the Commission. Any person addressing the Commission under Public Comment will be limited to a 3-minute presentation.

All persons addressing the Commission are requested to state their name and address for the record. Public comments must not interfere with orderly discussion or otherwise disrupt the meeting (CA Gov. Code 54957.9, SB 1100 (2022)). Slanderous, profane, threatening remarks or disorderly conduct that disrupts the meeting are prohibited (CA Gov. Code 36813, White v. City of Norwalk, 900 F.2d 1421 (1990)). Disruptive conduct may be grounds for removal from the meeting.

III. COMMISSIONER and/or AGENCY ADDITIONS/DELETIONS TO THE AGENDA

(M/S/C): ____/____/____

IV. APPROVAL OF THE FOLLOWING MEETING MINUTES

1. July 25, 2023 Special Meeting

(M/S/C): ____/____/____



V. CONSENT CALENDAR:

None

VI. INFORMATION/DISCUSSION ITEM(S)

- 1. Department Introductions
- 2. Ethics Training (2 Hours, Compliant with AB 1234)
- 3. Board / Staff Strategic Planning Session

VII. EXECUTIVE DIRECTOR REPORT

None

VIII. WRITTEN CORRESPONDENCE

None

IX. RESOLUTION ITEM(S)

None

X. ACTION ITEM(S)

None

XI. COMMISSIONER’S COMMENTS

XII. CLOSED SESSION ITEM(S)

1. Conference with Legal Counsel – Anticipated Litigation: Significant Exposure to Litigation

Liability Claims (CA Gov. Code § 54956.9 (e)(3)) – (2 cases) (1) Administrative Claim of Jamie L. Enrico; (2) Administrative Claim of Cari McCormick on behalf of a putative class of California public employees
A copy of the claims is available for public inspection upon request, pursuant to Government Code §54957.5

2. Anticipated Litigation: Initiation of Litigation

CA Gov. Code 54956.9 (c) (1 Case)

3. Public Employee Discipline/Dismissal/Release

CA Gov. Code § 54957

4. Conference with Legal Counsel – Existing Litigation (§ 54956.9)

Name of Case: (6 Cases)
Merced County Sup. Ct. Case No. 22CV-03826
Merced County Sup. Ct. Case No. 23CV-01977
Merced County Sup. Ct. Case No. 23CV-01507
Merced County Sup. Ct. Case No. 23CV-01818
Merced County Sup. Ct. Case No. 23CV-01965
Merced County Sup. Ct. Case No. 23CV-01757

XIII. ADJOURNMENT

(M/S/C): ___ / ___ / ___



MINUTES
BOARD OF COMMISSIONERS
HOUSING AUTHORITY OF THE COUNTY OF MERCED

Special Meeting
Tuesday, July 25, 2023

- I. The meeting was called to order by Chairperson Osorio at 12:02 a.m. and the Secretary was instructed to call the roll.

Commissioners Present:

Rick Osorio, Chairperson
Hub Walsh, Vice-Chair
Evelyne Dorsey
Diana Odom Gunn

Commissioners Absent:

Robert Dylina
Marilyn Scorby

Chairperson Osorio declared there was a quorum present.

Staff Present:

Rosa Vazquez, Executive Director/Board Secretary
David Ritchie, Legal Counsel
Tracy Jackson, Director of Housing Programs
Melina Basso, Director of Procurement & Asset Management
Bruce Milgrom, Finance Officer
Maria Manzo, Clerk of the Board
Maria Alvarado, Director of Housing & Community Development

Others Present:

Iris Gunther-Battles, Behavioral Health & Recovery Services
Mary McWatter, AFSCME

II. **COMMISSIONER and/or AGENCY ADDITIONS/DELETIONS TO THE AGENDA**

The board approved moving the Executive Director Report to Item No. III.

(M/S/C): Commissioner Walsh/Commissioner Odom Gunn/Motion Passed

III. **UNSCHEDULED ORAL COMMUNICATION**

Iris Gunther-Battles, program coordinator for Behavioral Health & Recovery Services, had a couple of complaints from tenants. Walk-ins are not allowed when renters have critical problems to discuss, such as 3-day notices. Other tenants have had complaints about not receiving notifications of changes in their rent amounts until it is too late. Due to resource constraints, most tenants employ poor government tools. The inability to access emails, portals, or the Housing office just by walking in negatively impacts them. Concerns exist about



households not knowing their monthly rent rise. When you get general advice, any change to your rent is a disadvantage. She also requested the project base RFP alternatives from last month's minutes, which she couldn't find on the website. Executive Director Vazquez will provide an answer to some of these inquiries during her update.

Mary McWatters, Business Agent for AFSCME was present to further discuss the previously presented complaint. Mrs. McWatters has previously requested that Legal Counsel Ritchie not conduct the investigation to the presented complaint. She further reports that her colleague received communications from Mr. Ritchie notifying them that staff could require representation as their testimony could result in disciplinary action and would advise the staff member if there is a shift in focus. Mrs. McWatters alleges that Mr. Ritchie already has a bias against them. Mr. Ritchie presented her with a letter accusing her of utilizing tactics and parading in front of the Board because he was angry at her for presenting the complaint. Due to Mr. Ritchie being the Board and Executive Director's legal counsel he should recuse himself from the investigation. A preliminary investigation is not needed as interviewing all of the staff is considered an investigation. The Authority has contracted with other legal counsel, specifically, Liebert Cassidy Whitmore (LCW) and they should be conducting the investigation. Legal Counsel Ritchie responded by stating that the complaint received contained second hand information therefore AFCSME was asked to provide additional information to determine if this required a third party investigation. Mrs. McWatters did not cooperate and stated she was not an Authority employee and should not be interviewed. She provided a list of employees and those employees requested representation which is why her colleague was contacted. Staff must be notified that if any information they provide could result in disciplinary action they have the right to representation although the Authority is not required to. Legal Counsel Ritchie informed the Board of case law that prohibits representation by a person who is also a part of the investigation in any capacity but can request another representative. Due to LCW now being an internal vendor they can no longer be considered an independent investigation. The investigation is still moving forward. Mrs. McWatters responded to this by stating that she is not the complainant she brought it on behalf of the her members so she is able to represent them. Mrs. McWatters pointed out that the complaint identified who could provide further information, however, she still provided a list of staff. LCW has previously conducted an investigation and it was done professionally. The Board is taking the information under advice.

IV. EXECUTIVE DIRECTOR REPORT

1. Executive Director Vazquez reported that early in the day a report of a fire was received at 1666 Dora in the City of Dos Palos. Four (4) units have been affected and the preliminary investigation reports a fatality. This incident is still under investigation, however, the Authority is currently



focused on housing the displaced residents and connecting them with community resources.

2. The Strategic Planning Meeting is tentatively scheduled for the week of September 11th. A more concrete date should be determined later on in the day. An email will be sent out to the Board to check for scheduling conflicts and this meeting will be a full day meeting.
3. Executive Director Vazquez updated the Board on their request to explore investment options. The Authority's Bond Counsel was contacted and in this discussion fees were identified, therefore, the Authority reached out to F&M Bank. Being that F&M Bank is the Authority's current banking institution they provided a 1.7% return on excess balance and this also allows for the reduction in fees associated with withdrawal of funds and limits the movement of money between institutions. A review of accounts is being conducted and a projection of \$250,000.00 profit per year is anticipated. A follow-up meeting with F&M Bank will be held and finalized amounts will be provided to the Board.

V. PUBLIC HEARING

1. Public Housing Agency Annual Plan – 12:21 p.m. – 12:22 p.m.

(M/S/C): Commissioner Walsh/Commissioner Odom Gunn/Motion Passed

VI. APPROVAL OF THE FOLLOWING MEETING MINUTES

1. June 27, 2023, Regular Meeting

(M/S/C): Commissioner Walsh/Commissioner Odom Gunn/Motion Passed

VII. CONSENT CALENDAR

1. Rent Delinquency Report for June 2023
2. Track Summary Report for June 2023
3. Public Housing Vacancy/Occupancy Report
4. HCV Program Counts

(M/S/C): Commissioner Walsh/Commissioner Odom Gunn/Motion Passed

VIII. INFORMATION AND DISCUSSION ITEM(S)

1. Executive Director Vazquez introduced Maria Manzo, the new Human Resources Manager & Clerk of the Board.

IX. WRITTEN CORRESPONDENCE

None



X. RESOLUTIONS ITEM(S)

1. **Resolution Item No. 2023-17:** Approving the PHA Annual Plan Fiscal Year 2023 for submission to the Department of Housing & Urban Development.

(M/S/C): Commissioner Walsh/Commissioner Odom Gunn/Motion Passed

2. **Resolution Item No. 2023-18:** Approving the revisions to the Public Housing Admissions and Occupancy Policy (ACOP).

(M/S/C): Commissioner Walsh/Commissioner Dorsey/Motion Passed

3. **Resolution Item No. 2023-19:** Approving the revisions to the Housing Choice Voucher Program Administrative Plan.

(M/S/C): Commissioner Odom Gunn/Commissioner Dorsey/Motion Passed

4. **Resolution Item No. 2023-20:** Approbing the Operational Budget for Fiscal Year 2023-2024.

(M/S/C): Commissioner Odom Gunn/Commissioner Dorsey/Motion Passed

XI. ACTION ITEM(S)

None

XII. COMMISSIONER'S COMMENTS

Commissioner Odom Gunn provided an update on the relief funds Merced County received for the City of Planada. How the funds will be distributed and what the qualification criteria is still unknow. A copy of the report will be distributed to the Board via email.

Commissioner Walsh requested an update on the vacant Commissioner position. The Authority continued the search and has identified a candidate for the position. The applicantions have been submitted and are awaiting Board of Supervisor's approval.

Chairperson Osorio asked if the Authority has undergone an audit. Finance Officer Milgrom and Executive Director Vazquez responded that we have and there are no findings. The audit has been submitted to HUD for review and approval. He also requests that a monthly report be presented by the department directors and this can be done orally. Chairperson Osorio issued a reminder that action cannot be taken on Unscheduled Oral Communication, however, it will be addressed. Lastly, it is requested that the Board refrain from making any comments regarding the fire incident.

The Board welcomed HR Manager & Clerk of the Board Maria Manzo to the Authority.



XIII. CLOSED SESSION ITEM(S)

1. Conference with Legal Counsel – Existing Litigation (§54956.9)

Case Name Unspecified: (1 Case) Disclosure of case details would jeopardize service of process.

Item was tabled for a future meeting.

XIV. ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 12:48 p.m.

Chairperson Signature

Date: September 13, 2023

Secretary Signature

Date: September 13, 2023



**Housing Authority of the
County of Merced
Board of Commissioners
Meeting Agenda
September 13, 2023**

1. Review the meeting agenda and outline desired outcomes.
2. Identify and outline benefits from Good Government. Group discussion about the benefits of Good Government and the impacts which result from the services and operations offered by the Housing Authority.
3. Governing Body/Team Effectiveness – Review and outline the keys to the group's effectiveness.
4. Refresher on the structure of the agency: Outline the various roles for Commissioners, Executive Director, agency staff and community members.

Break

5. Brief review – Review Mission to determine what, if any, changes are necessary.
6. Complete STEEP (Social, Technology, Economic, Environment and Political) Analysis - Explore trends and their potential impact to the community and organization.
7. Strategic Plan Update – Executive Director will present major initiatives planned for the near-term – 2023 and 2024 and into the short-term.

Lunch

8. Outline potential strategic objectives – Based on the discussions held so far in this process and referencing the Strategic Plan update under item #7, the Board will begin to identify possible strategic objectives to include the revised Strategic Plan.
11. Outline next steps – The Executive Director, partnering with her staff, will review the list created of strategic objectives created by the Board, and factoring in the existing priorities and strategic plan, will incorporate them into internal workplan/budget discussions and determine a path forward. This will be brought back to the Board for their consideration and adoption.