

**BOARD OF COMMISSIONERS MEETING  
HOUSING AUTHORITY OF TRAVIS COUNTY, TEXAS  
502 East Highland Mall Blvd.  
Suite 106-B  
Austin, Texas 78752  
May 30, 2009  
9:00 a.m.**

**MINUTES**

The Housing Authority of Travis County, Texas held a Board of Commissioners Meeting at 502 East Highland Mall Blvd. on the above date. A quorum was established, and Chairman Tommy A. Nobles called the meeting to order at 12:16 p.m.

**ROLL CALL**

Roll Call of Commissioners: Chairman Tommy A. Nobles, Vice Chair Ofelia Elizondo, Commissioner Tracy Burkhalter, Commissioner Melvin Wrenn. Absent: Commissioner Richard Moya. Staff in Attendance: Executive Director Wiley Hopkins, Assistant Executive Director/CFO Bill Friday, Director of Development & Planning Keith Hoffpauir, Administrative Assistant Debbie Honeycutt. Guests: Harvey Davis, Travis County Housing Finance Corporation. Executive Director Wiley Hopkins certified the quorum.

**NEW BUSINESS**

Item 1:     Citizen Communications

There were no citizen communications.

Item 2:     Approval of Minutes from the April 18, 2009 Board Meeting

Vice Chair Ofelia Elizondo made a motion to approve the minutes as presented. Commissioner Tracy Burkhalter seconded the motion, which passed unanimously.

Item 3:     Approval of Minutes from the May 13, 2009 Special Board Meeting

Commissioner Melvin Wrenn said these minutes are not complete there are some questions on the minutes as for as they do not have any attachments in terms of the attachments that were handed out by Mr. Carter. Mr. Wrenn said there were some letters that were discussed. Mr. Wrenn said he would like to defer that and let it come back next in other words he would make a motion for the minutes to be to make sure they are complete with some of our comments on them, but also go ahead and add in the items that were presented at the meeting. Mr. Wrenn said Mr. Carter presented items as well as any other letters from the OIG. Chairman Tommy A. Nobles asked Mr. Wrenn if he was referring to the attachments of items that were discussed at the meeting.

Mr. Wrenn said he would like to make a **motion** to defer the approval of the minutes until the next meeting. Commissioner Burkhalter seconded the motion, which **passed** unanimously.

Chairman Nobles asked Mr. Wrenn to get with Debbie or Wiley and make sure all items you are referring to. Mr. Wrenn said he would submit those comments and all those items to Mr. Hopkins. Chairman Nobles said so you will sit back and be looking for them and make sure they are all handled.

Item 4: Presentation, deliberation and possible action to authorize the Executive Director to negotiate a proposed lease of space located at 502 Highland Mall to Texas TERA a non-profit agency

Director of Development & Planning Keith Hoffpauir presented the report. Staff handed out a floor plan of the building at 502 Highland Mall Blvd. with the space that Texas TERA would intend to occupy. Mr. Hoffpauir said the purpose of today is to make the Board award of the letter of intent with Texas TERA and to seek approval from the Board to allow staff to move forward with the additional negotiation of items that need to be settled before a lease can be executed.

Executive Director Wiley Hopkins said some concerns are: leasing a small space; potentially it would have on the building itself for further tenants. Mr. Hopkins said staff was suggesting a 5 year lease and Texas TERA currently has \$19,000 in the bank and they would have an estimated \$8,000 liability to the Housing Authority and additional expenses such as insurance. Mr. Hopkins said there are no problems with the statement on how they contribute to the community and who they serve.

Vice Chair Elizondo said she had some of the same concerns she said if Texas TERA is not paying salaries and has no income other than donations. Mr. Hoffpauir said they do not have any other source of income other than donations.

Vice Chair Elizondo asked if they had another business running concurrent with Texas TERA or do they make commissions from sales of equipment. Discussion followed. Vice Chair Elizondo said if the discussion is made to lease the space to Texas TERA and after 12 months and they decide they cannot afford to pay the lease then what would the consequences be other than there would be a judgment filed against them for the remainder of the lease plus legal expenses. Mr. Hoffpauir said that is something that we need to be aware of if the focus is on non-profits occupying lease space. Discussion followed.

Mr. Hoffpauir said first priority needed to be insuring that whoever leases the space had revenue strong enough to support the level of rent that the Housing Authority will be charging. Discussion followed.

Mr. Wrenn said some of that could be covered in a down payment. Mr. Wrenn said sometimes you could also have it where they would be required to be locked into the agreement to have a certain amount of money on hand as it related to the transaction. Mr. Wrenn said there would have to be some type of exit arrangement, because recognizing that Texas TERA is new it might be the fact that the Housing Authority could hold the security deposit or there could be a certain amount of money held in an escrow account. Discussion followed.

Tape distorted (2.48.28 through 2.51.30).

Commissioner Tracy Burkhalter asked if there were any other non-profit originations that have expressed an interest in leasing space at 502 Highland Mall. Mr. Hoffpauir said there has not been an interest expressed by any other organizations.

Mr. Hopkins said the City of Austin Energy had looked at the space twice, but had not come forward. Vice Chair Elizondo asked if they had toured the Housing Authority's side. Mr. Hopkins said no they had not toured the Housing Authority's side and that is something that needed to be discussed. Discussion followed.

Chairman Nobles asked about Texas TERA audited financials. Mr. Hoffpauir said he would not expect Texas TERA to have them until the first of 2010. Discussion followed.

Tape distorted (2.55.52 through 2.58.45)

Chairman Nobles said there is a resolution authorizing the Executive Director to negotiate a lease with Texas TERA. He asked the Board how to proceed; as for as the writing of the contract. Mr. Wrenn said if we approve in other words if we make a motion we would have to consider all of the discussion covering all of the points. Mr. Wrenn said bring any other issues back to the Board.

Mr. Wrenn made a **motion** to authorize the Executive Director to negotiate a proposed lease of space located at 502 Highland Mall Blvd. by Texas TERA.

Vice Chair Elizondo said moving forward with negotiations of a contract would that mean there is a consideration of actually leasing the space.

Ms. Burkhalter seconded the motion.

Vice Chair Elizondo said she would hate for staff to go through all this knowing that Texas Tera could not pay for the lease for 5 years. Vice Chair Elizondo said currently Texas Tera is not paying mortgage or salaries, they are not making any commissions from the sale of equipment and they would have to pay another lesser for access to the facilities. Chairman Nobles asked staff to get a copy of previous year financials from Texas Tera. Mr. Hoffpauir said there previous year financials had been requested and what has been presented to the Board is all that was received.

A vote was taken, which **passed** with the following vote:

Chairman Nobles	yea
Vice Chair Elizondo	opposed
Commissioner Tracy Burkhalter	yea
Commissioner Melvin Wrenn	yea

Chairman Nobles called the Boards attention to item 6.

Item 6: Presentation, deliberation and possible action to approve a revised Procurement Policy that includes the Americans Recovery and Reinvestment Act of 2009 requirements

Tape distorted (3.05.03 through 3.06.16)

Assistant Executive Director/CFO Bill Friday said the Housing Authority does not have to change the Procurement Policy to follow the guidelines of the Americans Recovery and Reinvestment Act of 2009.

Mr. Friday said the funds are for capital funds and would have to be utilized for improvements to the Housing Authority's public housing sites. Discussion followed.

Tape distorted (3.06.45 through 3.12.40)

Mr. Friday said the Board is not making a resolution or a motion on the current policy to change it or revise it. Mr. Friday said the OIG has been designated throughout the United States to follow the funding and the usage of the funding.

Mr. Wrenn asked what the status was as it related to the finance committee and what would be their roll. Chairman Nobles said those funds are already spoken for. Discussion followed. Mr. Wrenn asked how does this relate to oversight as the finance committee. Mr. Friday said it would be another process that would be added to the responsibilities of the finance committee. Discussion followed. Chairman Nobles said staff would have to create a special line item to account for the funds. Mr. Friday said that is correct. Chairman Nobles said when staff gets the special line item then they needed to give that report to the finance committee. Mr. Friday said it would operate like the capital fund currently does.

Mr. Wrenn said we can **move** based upon discussion based upon all the things that are listed on the resolution with that understanding that has been established in any discussion. Vice Chair Elizondo seconded the motion, which **passed** unanimously.

Chairman Nobles called the Board's attention to item 5.

Item 5: Deliberation and possible action regarding the Authority Travel Policy as it relates to the Commissioners travel

Staff handed out a copy of the HATC Minutes dated September 5, 2008 to the Board Members. Mr. Hopkins asked the Board to refer to page 4 the discussion about the travel policy. Mr. Hopkins said the purpose of the item being on the agenda is the interpretation of complying with the travel policy. Mr. Hopkins said the issue today is to obtain clarification and intent of applying consequences for documents not being turned in timely from a previous travel and what the impact of those consequences would be. Mr. Hopkins said another portion of this was to have the Board discuss representation for further events due to the budgetary restraints.

Chairman Nobles said there is a policy committee that is to enforce what had been put on the table. Chairman Nobles said he thought it was a very good point that Mr. Hopkins brought up is that all need to be cognizant of the financial situation. Chairman Nobles said the recommendation would be for policy committee to meet and if revisions were made then they would bring the revisions back to the Board. Chairman Nobles said Mr. Moya is the Chair of the policy committee. Mr. Hopkins said staff had received request for travel for June and July and the Housing Authority is in the eleventh month of the current budget so there are impacts of travel request based on the travel policy minutes from the last annual meeting.

Mr. Wrenn said we have to present a budget moving forward were in discussion with the finance committee.

Mr. Wrenn said if you are looking at the old budget you could say if the new budget was to be taken into consideration changes and adjustments to be made in moving forward. Mr. Wrenn said we know we have certain financial issues, but we do not know what they are and the finance committee does not even know what they are at this time. Mr. Wrenn said if you make a request going on what is in the budget we should be sufficiently covered based upon the travel people have made for this fiscal year. Mr. Wrenn said we may have to restrict some travel as we move forward, but we do not have those figures to know what that is going to have to be. Mr. Wrenn said you have things that are related to as always we try to get the Chairman involved and look at travel based upon what you have that is current what you are looking at. Mr. Wrenn said when he looked at trips out there he said he knew there are some issues out there in finance, therefore instead of going on the Portland trip; I said I would not go to the Portland trip, because he said the next important trip is the national trip, which is in Washington D.C. and therefore whatever money would be spent going to Portland. Mr. Wrenn said from his personal point of view I'm not going to think in terms of the agency from that because there are some questions related to finances out there, but did not know what they are even though he is on the finance committee. Mr. Wrenn said unless we are going to have a situation again you refer with the Chairperson that would jeopardize the agency. Mr. Wrenn said that would need to be something we would need to talk to the Chair because if we are in that situation we need to take care of a lot of other things. Chairman Nobles said regarding budget items there is a certain amount that had been set aside for the current budget in terms of travel.

Mr. Hopkins said through March the Housing Authority was not over budget.

Chairman Nobles asked if there was a discussion on how many particular trips the Commissioners could attend. Chairman Nobles asked what the budget was based on. Mr. Friday said it was based on what was spent the previous year. Chairman Nobles said there was not a particular amount of trips. Mr. Friday said there was an estimate on the number of Commissioners that would attend the Legislative conferences and so much money per each Commissioner then that number was rounded off and rounded up. Mr. Wrenn said our acceptance of it was based upon the fact that we had come under because the Commissioners did not overspend the money. Mr. Wrenn said some Commissioners elected not to go, some Commissioners elected to go.

Chairman Nobles said what is in the minutes from the September 5, 2008 is the 30 days. Chairman Nobles said the main thing that we are looking at here is exceeding the 30 days to reconcile records that are due the Housing Authority. Vice Chair Elizondo asked what was trying to be accomplished. Chairman Nobles said there are standards that we did as Commissioners that were put in place when we could go on trips, when we are eligible to go on trips and what needed to be done as far as being in good standing with the Housing Authority. Chairman Nobles said on page 6 the paragraph states "Chairman Moya said he would call for a motion stating that if someone fail to comply with the 30 day reporting deadline, that person would be ineligible to travel until the previous statement was submitted, so if not paid that person would miss the next trip."

Chairman Nobles asked when would be the next trip the next requested or eligible. Commissioner Tracy Burkhalter said the next requested trip. Mr. Wrenn said the next eligible.

Vice Chair Elizondo said whether you are eligible to go would depend on if you have submitted your report within the 30 days that is required and if you have not you are not eligible to travel.

Chairman Nobles said and if you do not submit your report within those 30 days then the next trip would be the one that you want to attend or the one that you request.

Vice Chair Elizondo said the next one that is requested and the eligibility would be for future requests. Ms. Burkhalter said for example: the Washington conference was in March and if a Commissioner had attended that conference and not handed in the receipts in within the 30 days and the conference that is coming up in July then would not be allowed to go if they wanted. Chairman Nobles said what is here would be the next requested trip. Chairman Nobles said what we are reading here is the next trip. Chairman Nobles said the possibility should be the next requested trip not the next available trip.

Mr. Wrenn said the available trip or the next trip because a person could sit down and say a certain event that he would put in a request for something and he knew he is not eligible and could be eligible but he could be eligible for a trip that he would not take. Mr. Wrenn said he thought this would need to be referred back to the policy committee. Discussion followed.

Chairman Nobles said the policy committee would need to review and bring something back to the Board. Chairman Nobles said but at this time what kind of action is recommended. Mr. Wrenn said leave it up the Executive Director. Chairman Nobles said that was what he was thinking. Mr. Wrenn said the statement is to leave it up to the Chairman of the Board. Chairman Nobles said the Chairman of the Board is also subject to that policy. Mr. Hopkins said the policy reads: regarding travel matters for the Commissioners it is deferred to the Chairman of the Board. Mr. Hopkins said matters regarding staff travel and inter operation of the policy defers to the Executive Director.

Vice Chair Elizondo said in that case she would caution the Chair to follow the intent of the policy and to deny travel unless receipts and money have been paid back. Chairman Nobles said that is the spirit of the policy, but he thought the interpretation of next travel. Vice Chair Elizondo said she would caution the Chairman to disallow travel until receipts and money due the agency and until the Board works on the policy. Discussion followed.

Chairman Nobles said if there is a request for a trip the person must be paid up at the time the request is made and not turn in receipts from the last trip when return from the next trip. Chairman Nobles said if a person took beyond the 30 days and they wanted to go on a trip and they called to schedule a trip and receipts are turned in from the previous trip, but went beyond the 30 days, it took 2 months to turn in receipts to the Housing Authority, but still paid up would that person still be eligible. Vice Chair Elizondo said she would say yes, but would not say yes to anybody that has not turned in receipts nor has any money due the Housing Authority.

Ms. Burkhalter asked if the Chairman or the Executive Director would notify that person to let them know they are not eligible to travel because receipts have not been turned in.

Vice Chair Elizondo would ask if the Executive Director or the Chairman would make that call.

Chairman Nobles said the policy committee needed to meet because there is a little room for interpretations. Vice Chair Elizondo said not on the requirement for receipts. Discussion followed.

Chairman Nobles said the Board would follow the current protocol for travel for the Commissioners in which the Executive Director is notified. Chairman Nobles said he would discuss the issue with the Executive Director, come to a conclusion, and he would not have a problem in calling any of the Commissioners. Discussion followed. Chairman Nobles said all receipts need to be turned in within the 30 days.

Chairman Nobles said the policy was 10 days now it is 30 days to turn in receipts. Mr. Wrenn said the question pending is not the question of the 30 days the question pending is the question of what is considered to be the next trip which is going to go to the policy committee to get established. Chairman Nobles said the 30 days is the trigger that sets that off. Discussion followed

Vice Chair Elizondo asked if this is tabled and whoever is having an issue with the policy would they be allowed to travel. Ms. Burkhalter asked if there were any Commissioners that were trying to travel in the next couple of weeks. Mr. Wrenn said he was trying to travel to St. Louis. Ms. Burkhalter asked if the Chairman of the travel policy, which is Mr. Moya could call a committee meeting to discuss the issues.

Ms. Burkhalter made a **motion** for the Executive Director to contact Mr. Moya Chairman of the policy committee and attempt to establish a meeting within the next week. Vice Chair Elizondo seconded the motion, which **passed** unanimously.

Vice Chair Elizondo said she would like to put travel caps for Commissioners on the agenda for the annual meeting. Vice Chair Elizondo said after the annual meeting then change the policy if necessary.

Item 7: Presentation, discussion and possible action regarding current operations and projected revenues from development initiatives properties

Mr. Hoffpauir said these are the development initiatives that were covered in the SHFC meeting. Mr. Wrenn said we would like to have the records reflect that we are referring back SHFC Board meeting and including that discussion as part of this item.

Item 8: Presentation, discussion and possible action regarding the report from the PR/Marketing Manager

Mr. Hopkins said item 8 was covered in the SHFC meeting with the Directors as a complete report of activities of last month.

Item 9: Presentation, discussion and possible action regarding reports of vacancies and operations of Housing Authority Programs

Mr. Hopkins presented the Housing Report for April 2009. Mr. Friday presented the Section 8 Report for April 2009. Chairman Nobles asked if the acronyms at the bottom of the page on the Inspection Statics report could be spelled out. Mr. Friday said yes.

Item 10: Presentation, discussion and possible action regarding financial statements and current status of the Housing and Urban Development Office of the Inspector General and related audits

Mr. Hopkins said from the SHFC meeting there was a handout that Mr. Friday covered that was from Mr. Carter. Mr. Wrenn asked about a letter that was supposed to go to HUD in response to the audit. Mr. Friday said that letter has been mailed. Mr. Wrenn asked if the Board would receive a copy of that letter. Mr. Hopkins said it was copied to the Chairman and Judge Biscoe. Chairman Nobles asked if the Board would like a copy of the letter.

Staff handed out a copy of the letter. Mr. Friday asked if the Board would like copies of the attachments. Chairman Nobles said they do not want copies of the attachments.

Item 11: Presentation, deliberation and possible action regarding the employee Simplified Employee Pension (SEP) IRA Plan

Chairman Nobles said that Commissioner Moya had placed item 11 on the agenda and with him not being here he said he would like to table item 11 until the next scheduled Board meeting.

Vice Chair Elizondo asked if there would be any information forwarded to the Board for the next Board meeting for example: what the plan was, what the current situation is and what the possibilities are for the future. Chairman Nobles said Mr. Moya wanted item 11 on the agenda so would that be something that would need to be discussed with Mr. Moya. Chairman Nobles asked Mr. Hopkins if he needed to check with Mr. Moya to see exactly what direction he would like to proceed. Vice Chair Elizondo said that is what she is requesting. Discussion followed.

Item 12: Presentation, discussion and possible action regarding recommendations for actions from Board Committee Members

Chairman Nobles said there have been several discussions regarding policy committee. Chairman Nobles said there is 1 action item where the Executive Director is going to contact Mr. Moya Chairman of the Personnel and Policy Committee regarding the current travel policy for Commissioners.

Mr. Wrenn said we have to have a discussion to bring it all together related to the finances and financial integrity of the Housing Authority. Mr. Wrenn said he had some discussions with Mr. Friday and for it to be pulled all together with the finance committee and the Executive Director they need to meet and look at it from A to Z in how much money is available, how much money is projected, look at the cash flow and look at the impact of the balance sheets based upon anything that would happen from the OIG. Mr. Wrenn suggested the finance committee meet on the issues as soon as possible. Mr. Hopkins asked if it should be an agenda item for the finance committee. Chairman Nobles asked should it be the committee or the Board. Mr. Wrenn said the Board. Vice Chair Elizondo asked Mr. Wrenn what he wanted to find out how the agency stands and the fiscal standing of the agency. Mr. Wrenn said that was correct. Chairman Nobles said the finance committee should meet, develop an agenda, develop a priority list then it could be brought to the Board. Chairman Nobles said those should be listed on the agenda as: discussion, deliberation and possible action. Discussion followed.

Item 13: Appointments to Committees

There were none at the time.

Item 14: Executive Session – Pursuant to the Texas Government Code Annotated, the Commissioners may discuss the following agenda items. In addition the Commissioners may also discuss and consider any other item posted on this agenda if there are issues that require consideration in Executive Session and the

Commissioners announce that the item will be considered during the Executive Session  
According to the Texas Government Code Annotated 551.071, Consulting with Attorney



There was not one at the time.

Item 15: Reconvene from Executive Session and take any action deemed necessary as the result of Executive Session discussions

## REPORTS

- Executive Director's Report

Mr. Hopkins said the Housing Authority received a letter from the U.S. Department of Housing and Urban Development dated April 20, 2009 that states the Authority was awarded Homeless Assistance Grants.

Mr. Hopkins said an open house for 502 Highland Mall Blvd. needed to be planned.

- Issues and concerns of the Board

Vice Chair Elizondo said travel has been discussed, but she did want the Board to understand that there is a difference between a budgeted amount and liquid expendable funds. Vice Chair Elizondo said with all of the issues that the Authority is going through we definitely need to be fiscally responsible and look at travel. Vice Chair Elizondo asked if it was feasibly responsible to travel at this time. Vice Chair asked the Board to consider that and take a look at the liquidity of the agency before they decide they want to travel to 3 National NAHRO conferences.

Mr. Wrenn said that is the purpose of having a finance committee meeting. Vice Chair Elizondo said she did not need to have a finance committee meeting to know to pay attention to the finances.

## ADJOURN

There being no further business, Mr. Wrenn made a **motion** to adjourn. Vice Chair Elizondo seconded the motion, which **passed** unanimously. The Board adjourned at 2:06 p.m.

Respectfully submitted,

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Wiley J. Hopkins, Executive Director/Secretary