

HAWAII PUBLIC HOUSING AUTHORITY
MINUTES OF THE REGULAR MEETING
HELD AT 1002 NORTH SCHOOL STREET, BUILDING E,
HONOLULU, HAWAII 96817
ON THURSDAY, JANUARY 19, 2012
IN THE COUNTY OF HONOLULU, STATE OF HAWAII

The Board of Directors of the Hawaii Public Housing Authority met for their Regular Board Meeting at 1002 North School Street, on Thursday, January 19, 2012 at 9:29 a.m.

The meeting was called to order by Chairperson David Gierlach and on roll call, those present were as follows:

PRESENT: Director David Gierlach, Chairperson
Director Matilda Yoshioka, Vice-Chair
Director Jason Espero, Secretary
Director Roger K. Godfrey
Director Desiree Kihano
Director Patricia McManaman
Director Debbie Shimizu
Director Travis O. Thompson
Director Trevor Tokishi
Director George Yokoyama

Executive Director, Hakim Ouansafi
Deputy Attorney General, Jennifer Sugita
Deputy Attorney General, Nalani Wilson-Ku
Deputy Attorney General, John Wong

STAFF PRESENT: Clarence Allen, Acting CFMA
Nicholas Birck, Chief Planner
Rick Sogawa, Contracts and Procurement Officer
Stephanie Fo, Property Management & Maintenance Services
Branch Chief, Acting Section 8 Chief
Becky Choi, State Housing Development Administrator
Shirley Befitel, Personnel Supervisor
Joanna Renken, Acting Public Housing Supervisor
Earl Nakaya, Program Specialist
Diane Johns, Program Specialist
Maria Oh, Program Specialist
Kiriko Oishi, Compliance Specialist
Rosalinda Churma, Construction Management Branch
Mitchell Kawamura, Project Engineer
Deidra Ahakuelo-Kepa, Recording Secretary

OTHERS: Nancy Schroedn, HPHA Public Housing Resident
Bob Loren, HPHA Public Housing Resident
Ene Augafa, Mayor Wright Homes Tenant
Ans Jacopec, Mayor Wright Homes Tenant
David Moakley, Ameresco
Wilcox Choy, KMH LLC
Robert Stubbs, Neighborhood Board 14
Representative Rida Cabanilla, House of Representative
Ira Calkins, Inner-Governmental Research
Ryan Okahara, U.S. Department of Housing & Urban Development
Stephanie Stone, U.S. Department of Housing & Urban Development
Michael Flores, U.S. Department of Housing & Urban Development
Lora Han, U.S. Department of Housing & Urban Development
Kimberly Nash, U.S. Department of Housing & Urban Development
Susan Lee Hurd, U.S. Department of Housing & Urban Development
Mike Voss, U.S. Department of Housing & Urban Development

Proceedings:

Chairperson Gierlach declared a quorum present.

Mr. Clarence Allen, Acting CFMA requested to move to Agenda Item IV(A) since the KMH auditor, Mr. Wils Choy needed to leave shortly due to a prior commitment.

Chairperson Gierlach requested the Board defer the approval of the Minutes, address Agenda Item IV(A) out of order, and asked for the indulgence of the audience members who intended to give testimony.

For Action:

Director Yoshioka moved,

To Accept the Hawaii Public Housing Authority's Audited Financial Statements for the Period July 1, 2010 to June 30, 2011 and to Authorize the Executive Director to Submit the Audit to the U.S. Department of Housing and Urban Development

Mr. Wils Choy, partner of KMH, explained that KMH was contracted to perform an audit of HPHA's financial statements and a single audit of federal funds. As required by the Department of Accounting and General Services (DAGS), KMH issued a draft financial statement in December 2011. The single audit is still ongoing, and the deadline is March 2012, but it should be completed by February 2012.

Director Thompson stated that the Finance Task Force met with Mr. Choy via teleconference, reviewed the audit in detail, and is satisfied with the results of the audit. Director Thompson extended his appreciation to Mr. Choy and his auditors for their efforts.

Director Yoshioka asked how HPHA was progressing when compared to past audits.

Mr. Choy responded that on a preliminary basis, the agency continues to have challenges and there has not been much improvement in the accounting core function of the agency. For the past year, KHM has been correcting journal entries, finding inaccurate internal financial statements and certain unrecorded transactions, such as the sale of Banyan. Mr. Choy expects that this audit will show the same results as last year, and that HPHA has not improved.

Director Tokishi asked how many man hours were expended to perform a single audit. Mr. Choy responded approximately 800 to 1,000 hours, and that more hours are spent as KMH cannot rely on HPHA's internal controls. Mr. Choy explained that HPHA has two types of funds - governmental funds and proprietary funds. The proprietary fund has more requirements and is more demanding than governmental funds. HPHA has 17 funds, nine of which are proprietary and that's where the agency has more challenges.

Director Godfrey asked if the HPHA has adequate staff to address the problems.

Mr. Choy responded that they are not hired to evaluate staffing, however in the last five or six years, there has not been significant improvement in the accounting and reporting areas. He mentioned that the Accountants and Account Clerks have different responsibilities, and HPHA is lacking higher level accountants.

Director Godfrey requested that the Executive Director provide more support for Acting CFMA Clarence Allen's department.

Mr. Hakim Ouansafi, Executive Director explained that HPHA is already in the process of identifying the deficiencies and weaknesses and filling the appropriate positions.

Director Yokoyama asked what happened to HPHA's accounting in the past five years.

Director Yoshioka responded that HPHA suffered staff turnovers and hiring freezes.

Mr. Ira Calkins requested to address the Board of Directors. Director Gierlach responded that he would have that opportunity during the public testimony.

The motion was unanimously carried.

Director Gierlach stated that he had a request from a Board member to add Representative Rida Cabanilla to the Agenda since she was in the audience, and to also to take her out of the order with the Board's approval.

Director Thompson moved:

To add Representative Rida Cabanilla to the Agenda,

The motion was unanimously carried.

Representative Cabanilla stated that she came today to meet the Board of Directors, and that this is her fourth year as Chair of the Housing Committee.

Director Yoshioka stated that she saw a bill requiring drug testing for public housing applicants.

Representative Cabanilla responded that the bill should be passed. As HPHA and legislators are accountable to the taxpayers, and it costs a lot of money to repair the units, she believes that only the best qualified people should live in public housing.

Director McManaman mentioned that the bill may have constitutional problems. On behalf of DHS, she is not in support of the bill as there are substantial 4th amendment issues, and the Department of the Attorney General should be consulted.

Representative Cabanilla mentioned that there would be a public hearing for comment and that this proposal has been adopted by other States. She further explained that legislators bring bills for discussion at the request of the public.

Director Thompson proposed a brief recess so that the Board could meet with Representative Cabanilla.

Chairperson Gierlach called for a recess at 9:50 a.m. and reconvened at 9:56 a.m.

Chairperson Gierlach stated that he was advised by the Deputy Attorney General to have the Board re-vote on Action Item IV A, after receiving Public Testimony on this item.

The business of the Board proceeded with the approval of the Regular Board Meeting Minutes of December 15, 2011. Director Thompson moved to approve the "corrected copy" of the minutes that were handed out at the meeting today to replace the minutes in the Board packet:

The minutes were unanimously approved.

The approval of the Executive Session Minutes of December 15, 2011 was deferred until later in the meeting.

Public Testimony

Mr. Ene Augafa, Mayor Wright Homes tenant testified that he would like the Acting Manager to continue as the Manager because she is doing a good job. He stated that she works with tenants and she knows what she's doing. He also testified that there is a concern about the security guards, as they seem to not know what's going on every time there is an incident and police are called. He stated that monies being used for the security could be better spent on other services.

Mr. Jacopec, Mayor Wright Homes tenant testified that he has been trying to get new playground equipment at Mayor Wright Homes. He worked with the Tenant Association, and submitted

photos and letters however it seems as though nothing is being done. He stated that someone mentioned at one of the Tenant Association meetings that Dog the Bounty Hunter pledged \$10,000 for a playground.

Mr. Jacopec also testified about the property damage at Mayor Wright Homes. He stated that one household has three families living in the unit on a rotation basis. He also mentioned that one of the neighbors stole his child's bike, and when confronted, refused to return it. This same male also kicked Mr. Jacopec's \$800 moped, causing damages and \$1,500 in repairs. He reported it to Management but this person still lives on the property. He was told by Management that he needed to provide proof and/or a witness.

Mr. Ira Calkins, resident at Punchbowl Homes testified that he has witnessed security guards sleeping and has photos to prove it. When he reported this to the Management, the Manager posted a sign stating that the security is present to protect the building, and not the public, and if there is a problem, to call the police. He also stated that the Manager put a sign up that there is no on-site management, which he believes is an invitation for people to do illegal activities. He suggested installing a security system such as cameras with a sensor card to open the doors to all of the units. Mr. Calkins will send the Executive Director the photos of the guard sleeping.

Mr. Calkins mentioned that it would cost him a lot of money to make a public information request for 17 funds. He stated that the auditor's report regarding funds disappearing and not being recorded shows that the system is broken and even though there is a change in Administration, someone should be held accountable.

Director McManaman requested that security concerns raised at this meeting should be on next month's agenda.

Chairperson Gierlach requested to refer back to Agenda Item IV A.

Director Espero moved,

Request a motion to reconsider the vote accepting HPHA's audited Financial Statements period July 1, 2010 to June 30, 2011 and to Authorize the Executive Director to Submit the Audit to the U.S. Department of Housing and Urban Development.

Chairperson Gierlach stated that the Motion is being reconsidered because procedurally, the public had the right to speak to the issue before the Board voted.

The motion was unanimously carried.

For Action:

Director Thompson moved,

To Accept the Hawaii Public Housing Authority's Audited Financial Statements for the Period July 1, 2010 to June 30, 2011 and to Authorize the Executive Director to Submit the Audit to the U.S. Department of Housing and Urban Development

The motion was unanimously carried.

For Action:

Director Thompson moved,

To Accept the Hawaii Public Housing Authority's Audited Financial Statements for the Period July 1, 2010 to June 30, 2011 for the Banyan Street Manor Property

The motion was unanimously carried.

For Action:

Director Espero moved,

To Approve the Granting of a Non-Exclusive Electrical Easement at Puuwai Momi to the Hawaiian Electric Company for Maintenance of the Electrical Distribution System

Ms. Becky Choi, State Housing Development Administrator explained that HECO is willing to install an entirely new system and maintain it, but Board approval is needed to grant HECO the easement. HPHA has already received approval from the local HUD office and the Attorney General's office.

The motion was unanimously carried.

For Action:

Director Espero moved,

To Authorize the Executive Director to Execute a Long Term Lease with the County of Hawaii for the Use of a HUD Approved Disposition Parcel of Land at Lanakila Homes for the New County Fire Department, and to Undertake All Actions Necessary to Obtain Approval of Said Lease

Mr. Ouansafi stated that the parcel is approximately 1.9 acres, and that the tenants have been appraised and are in agreement with the project.

Director Thompson asked about the value of the property. He is concerned because this appears to be a blatant circumvention of state law governing the process and procedure to dispose of a public property, which includes public hearings, appraisals, etc. Director Thompson supports the result, however ethically he opposes the procedure currently being proposed.

Mr. Nicholas Birck, Chief Planner explained that HPHA had previously negotiated a sale agreement, but then Act 176 passed before the transaction was finalized. At the time, it was determined that the lease of the land would not violate Act 176 provision. HPHA could maintain ownership of parcel, lease it to the County for their purposes, and continue with progress that has been made because HUD already approved it. Mr. Birck noted that there has been a change in the fire administration in Hawaii County and they requested that the Board approve the lease. The property has not been appraised yet, but it will be done.

Director Thompson commented that the Board has a fiscal and ethical responsibility to make sure that HPHA receives a return for its property, and the Board should not give property away.

Mr. Ouansafi mentioned that he is still working on the lease, that an appraisal still needs to be done, that the lessee must agree to indemnify HPHA, and that he would not sign the currently proposed lease. He also explained that after further review, there are some monies still owed to the HPHA. He emphasized that state land or anything that belongs to the public would not be approved or have his signature unless it absolutely makes sense. Staff is currently compiling the information to allow Mr. Ouansafi to determine whether to proceed with the lease. He also stated that the project is good for the community, and will further protect the neighborhood. But, he will ensure that HPHA secures a lease that is in the best interest of the State.

Chairperson Gierlach proposed to amend the motion to give the Executive Director the authority to negotiate a long term lease and then return to the Board for approval to execute.

Director Thompson asked if it would include an appraisal of the property. Mr. Ouansafi responded affirmatively and mentioned that he would not sign a document unless there is due diligence, and that he will not continue negotiations until the debt to HPHA is paid in full.

Director Thompson asked if there will be a legislative briefing to inform the people involved that a lease is being done rather than following Act 176. Mr. Ouansafi responded that he would consult with the attorneys.

The motion was unanimously carried, as amended.

For Action:

Director Espero moved,

To Amend the Admissions and Continued Occupancy Policy Regarding Preferences and Splitting of the Wait List and Authorize the Executive Director to Undertake All Steps Necessary to Effect Such Changes

Mr. Ouansafi requested that the motion be withdrawn as the matter is a procedural, and requested that the Board go into executive session to consult with the deputy attorney general.

Director Thompson commented that the Board members do not have any documents in their packets except that a note that the information was forthcoming.

Chairperson Gierlach responded that it may involve attorney client matter.

Director McManaman moved to go into Executive Session at 10:27 a.m. The Board reconvened from Executive Session at 10:41 a.m.

Director Espero moved to withdraw the motion,

There being no objections, the motion was withdrawn.

For Action:

Director Espero moved,

To Authorize the Executive Director to Pursue Conveyance of Remnant Parcels of Land Adjacent to Puahala Homes, From Department of Land and Natural Resources, as Part of the Kuakini Extension Project, and Undertake All Actions Necessary to Accept Said Remnant Parcel of Land

Mr. Ouansafi mentioned that he met with the officials from the City and County of Honolulu, Transportation Services Department on January 18, 2012. The officials assured HPHA that if HPHA accepts the remnant parcels, the City will maintain it, assume liability, and allow the tenant associations to turn the parcel into a garden. The City also submitted a letter of support. Mr. Ouansafi explained that HPHA is willing to take ownership of the parcel, and anticipates executing a Memorandum of Understanding (MOU) with the City. He also mentioned that the Department of Land and Natural Resources has agreed to deed the remnant parcels to HPHA.

Director Thompson mentioned that the information in the Board packet is different from what is being presented. Mr. Ouansafi responded that the meeting just took place yesterday, and that when he told the City officials that the terms of the MOU must reflect that the City is responsible for the maintenance and liabilities, the City officials agreed. Mr. Ouansafi is updating the Board now as to what transpired at the meeting yesterday.

Chairperson Gierlach clarified that part of the motion is to authorize the Executive Director to pursue this conveyance, and remains subject to modifications and negotiations.

The motion was unanimously carried.

Reports:

Board Task Force Reports: none

Executive Director's Report:

Ms. Stephanie Fo, Property Management and Maintenance Branch Chief explained that they are working on reducing the rent delinquencies. They have created a team to do mass re-certifications, and conduct rent meetings with the five AMPs that have the most delinquencies. Director Thompson commended staff for including the highlights of each AMP.

Mr. Ouansafi mentioned that the goal is to have the Board hear from all of the Branch Chiefs and not just the Executive Director; he believes that it should be an "open book" and he encourages the Branch Chiefs to do the same for their departments.

Director Thompson asked about the REAC scores challenged by HPHA. Ms. Fo responded that HPHA received additional points for Kamehameha Homes and Kauai. Mr. Ouansafi mentioned that the Agency currently has a passing score of 62; however HPHA is working towards a much higher score. HUD issued the last score 15 months later, and it's uncertain when this year's score will be out.

Mr. Ouansafi asked for the Board's support of the "I Have a Dream Campaign" that was launched on January 16, 2012. He reported receiving a tremendous response from the community, volunteers, companies, and church and faith groups. A Facebook page will also be on site soon. Chairperson Gierlach requested that HPHA consult with the Attorney General's office regarding accepting donations or products, as there may be procurement code issues. Mr. Ouansafi reported that Staff is currently coordinating and organizing the schedule, units, etc. The goal is to renovate and have families move into 147 units within the next 60 days. He explained that the second part of the campaign would be beautification.

Director Yoshioka asked if HPHA had consulted the unions about using volunteers. Mr. Ouansafi responded that the United Public Workers union canceled the scheduled meeting, but he would like the union to be a co-sponsor of the campaign because it will also house homeless people, and allow HPHA to hire more people and create jobs.

Director Thompson mentioned in reference to the accounts receivables in the audit report, he encouraged staff to process the write offs and clean the books. Mr. Ouansafi concurred and stated that in the event HPHA cannot collect, HPHA will start the process to write off the accounts and remove it from the books.

Director Debbie Shimizu asked about the status of the Department of Labor nonperformance item on the CMS. Ms. Choi responded that it involves an allegation that the contractor is not paying its workers Bacon Davis wages.

Chairperson Gierlach asked about the life expectancy of the hot water temporary repairs at Mayor Wright Homes. Ms. Rose Churma of Construction Management Branch responded 10 to 12 years.

Director Yoshioka requested a status/update of the legislative bills relating to housing in future Board packets.

Director Yoshioka asked about Personnel's report on staff vacancies, and in particular, Kauai. Ms. Shirley Befitel, Personnel Supervisor responded that HPHA is currently recruiting for the essential positions. Ms. Befitel stated that HPHA is looking for an 89 day hire for the Kauai manager and deputy positions.

Director Trevor Tokishi referenced page 167, Insurance, and asked what caused the 48% decrease in accrual. Mr. Allen responded that it was supposed to break accruals monthly.

Motion: To go into Executive Session at 11:16 a.m. pursuant to Hawaii Revised Statutes sections 92-4 and 92-5(a)(4) to consult with the Board's attorneys on questions and issues pertaining to its powers, duties, privileges, immunities, and liabilities as related to:

1. Approval of Executive Session Minutes of December 15, 2011
2. For Discussion: Review and Execution of an Energy Services Agreement
3. For Information: *Kolio, et al. v. State of Hawaii; Hawaii Public Housing Authority; Denise Wise in her Official Capacity As Executive Director (Civil Case No. CV 11-00266 and Civil No. 11-1-0795)*

Director Kihano moved.

The motion was unanimously carried.

The Board called a recess at 12:50 p.m.

The Board reconvened at 1:40 p.m.

For Information: U.S. Department of Housing and Urban Development Ethics Training

Kimberly Nash, Regional Counsel for the U.S. Department of Housing and Urban Development (HUD), introduced herself, her staff, and the local HUD officials and legal counsel. HUD handouts and HUD vacancy report were distributed to the Board.

Ms. Nash provided the Board with an overview of the federal ethics requirements versus state ethics, and advised the Board to always follow the more stringent standard imposed by law. Ms. Nash explained HUD's Litigation Handbook requirements, the Board's duty to report certain litigation to HUD, and the Board's need to obtain approval from HUD when hiring outside counsel costing more than \$100,000, and settling certain cases. Ms. Nash advised the Board about the federal HATCH Act, its prohibitions, and need for the Board members to avoid lending political support or influence in their official capacity.

Mr. Mike Voss, legal counsel in the HUD Regional office, explained federal procurement regulations and prohibitions regarding conflicts of interest in procurement.

Ms. Stephanie Stone of the HUD Regional office provided an overview of the HUD Public Housing Assessment System (PHAS), and HUD's scoring of HPHA properties. Ms. Stone noted that HPHA was designated a troubled agency in 2010 based its PHAS scores, but the 2011 scores will most likely reflect an improvement. Ms. Stone noted that the PHAS scoring system has changed for 2011. Ms. Stone recommended that the Board review the State Auditor's report issued in June 2011, and focus on those issues and HUD requirements.

Mr. Mike Flores of the HUD Local office reported that HPHA vacancies have increased since HUD's last report. He also reported that an employee at a certain AMP informed him that a ground floor unit was left vacant because of the pending lawsuit regarding accessibility.

Mr. Ryan Okahara of the HUD Local office recommended that the Board ask the correct questions because now the Board knows the method and procedure used by HUD to score HPHA.

Director Yokoyama asked if residents can stay in public housing indefinitely. Mr. Okahara responded affirmatively.

Director Yokoyama commented that HPHA should use a grant writer to obtain self-sufficiency services for residents.

With no further business for the Board to conduct,

Director Yokoyama moved to adjourn,

The motion was unanimously carried.

The meeting adjourned at 3:06 p.m.

MINUTES CERTIFICATION

Minutes Prepared by:


Deidra L. Ahakuelo-Kepa
Recording Secretary

FEB 16 2012

Date

Approved by the Hawaii Public Housing Authority Board of Directors at their Regular Meeting on **FEB 16 2012**


Jason Espero
Director/Board Secretary

FEB 16 2012

Date