

ACTION
MINUTES OF THE SPECIAL BOARD MEETING
OF THE
HOUSING AUTHORITY OF THE COUNTY OF MONTEREY
HELD SEPTEMBER 9, 2004

Commissioners met at the Central Office. The meeting was called to order by Chair Michael Nichols at 6:02 p.m. Present: Chair Michael Nichols, Vice Chair Alan Styles, and Commissioners: York Gin, Josh Stewart, Timothy Escamilla, Carol Schneider and John Dalessio. Also Present: Jim Nakashima, Executive Director; Barry Phillips, Chief Administrative Officer; Starla Warren, Director of Housing Development; and Cheryl Ontiveros, Attorney. Recorder: Sandy Tebbs

COMMENTS FROM THE PUBLIC: None

COMMISSIONER COMMENTS

Commissioner Escamilla commented that today he spoke with Eileen Rogers, HUD Director. Mr. Nakashima had mentioned that Ms. Rogers thought that Merri Bilek should be attending the AD Hoc meetings. Commissioner Escamilla stated that he shared with Ms. Rogers that more than anything else HACM is trying to get the County up-to-speed with information on the process of how HACM came to a decision. Once the Ad Hoc Committees go public then Ms. Bilek will be apprised. Commissioner Escamilla explained to Ms. Rogers that he sees Ms. Bilek as part of the panel that does the dialogue but obviously she can't vote. He stated Ms. Rogers seemed comfortable with that. The talk is the Ad Hoc Committees will be going public next week or the following week.

Commissioner Escamilla continued that Ms. Rogers asked questions that he thought he should share with the Board along with his responses. Ms. Rogers asked why the decision was made to get off the property at Rippling River? Commissioner Escamilla stated his decision to get off the property (Rippling River) was based on the legal process. Mutually exclusive of Rippling River, the Board hired an Architect of Record and based on his analysis of the condition of rehabilitating Rippling River, and during a lengthy discussion by the Board at a public meeting, the architect responded to his question on structural failure that it was not IF but WHEN. Commissioner Escamilla stated that was the moment that he decided. Ms. Rogers stated that she had been telling the residents that the decision to move out of the facility was based on finances. Commissioner Escamilla stated he told her that was not his position and he didn't think it was the Board's position. He stated that Ms. Rogers commented maybe as you look at it from a business aspect, maybe you're saying it's a bad financial decision, but Commissioner Escamilla stated he told her that was not his position. His position was very clear when Mr. Ruhnke told him it was a matter of WHEN, not IF, structural failure was going to occur. In Commissioner Escamilla's mind, he stated, we had to get off that property. At the very next meeting at Rippling River, he stated that he was the one that made the motion to relocate. Commissioner Escamilla told Ms. Rogers that in his opinion, our biggest mistake as a Board was to put the residents' current need to stay together before the current residents' need for safety. And if she had criticism of the Board he would take that very clearly.

Commissioner Escamilla reported during other discussions that Ms. Rogers stated that she had heard rumors of the value of the property and had asked did he think that there was anybody looking to profit from the sale of that property. Commissioner Escamilla stated he responded that he didn't think anybody nor any commissioner were looking to profit. He told her that it was discussed, at Board level, about giving the property to the County or a non-profit for a buck. He stated that he told Ms. Rogers that by having those discussions as a matter of public record, that would take out any profiteering. Commissioner Escamilla stated that Ms. Rogers replied that she didn't know that. Ms. Rogers indicated that the residents talked about a 501©3, but she told them that has failed miserably in public housing and she thought it would fail here.

Commissioner Escamilla stated that all the Ad Hoc Committees were doing was formalizing an agenda for when they would go public and Ms. Rogers felt very clear with that. He stated he talked with Ms. Rogers about his concern with the Brown Act and the

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potential of serial meetings and he wanted to be very careful about not making her a mechanism for that. Ms. Rogers stated nobody is having a dialogue with her; she did indicate that Commissioner Dalessio had sent her some emails but HUD has not had any dialogue. Commissioner Escamilla stated he reiterated to Ms. Rogers that he didn't want to have any serial violations. He told Ms. Rogers that the Board has not made any decisions about the property and the Board doesn't know if all the water would still be there if they decided to vacate. He stated his position would probably be to build more public housing there but he didn't know what the Board's position would be.

Commissioner Dalessio commented the communication he had with Ms. Rogers was relative to the Corps of Engineers and that he had asked that a section of that report tell us exactly what was needed to make the property habitable and safe and the cost of that as opposed to the big job.

Commissioner Stewart commented that he would like the Board to agendize the policy regarding stipends for four meetings. Mr. Nakashima commented that was in the Health and Safety Code and that information would be provided.

The Board convened to Closed Session at 6:14 p.m.

CLOSED SESSION

The Board of Commissioners met in Closed Session for the following purpose and reason:

- A. With respect to every item to be discussed in Closed Session pursuant to Government Code Section 54956.9: POTENTIAL LITIGATION (1)
ACTION: The Executive Director upon direction of the Board, and against Counsel's advice, shall wait for the Corps report. If not received and evaluated by September 17th, the notice to vacate tenants at Rippling River will be sent out.

The Board reconvened to regular session at 7:02 p.m.

During a short discussion, Attorney Ontiveros noted there were some issues that the Board needs to agendize before the Annual Board meeting. The Board set September 16, 2004 at 6 p.m. as the date for a Special Board meeting. Commissioner Escamilla commented that if the motion made tonight needs to be rescinded, Rippling River would be on the agenda at the special meeting..

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 7:12 p.m.