

Minutes of the Board of Commissioners of the  
Emery County Housing Authority Regular Meeting held at  
the Emery County Courthouse - Room 221  
75 East Main Street, Castle Dale, Utah

March 19, 2014

Those present at the meeting were Chairman Jeff Horrocks, Commissioners, Liz Nielson, Dale Roper, and Bart Cox. Christine Jensen asked to be excused from meeting. Leslie Bolinder was present to take minutes. The board just completed a conference call with members of the HUD PHARS Team.

JOHN SEHESTEDT, DISCUSSION OF OPTIONS REGARDING SUPPOSED ACCRUAL OF SICK LEAVE AND SUBSEQUENT PAYMENT

John Sehestedt was not in attendance. He sent a letter to the ECHA BOC on March 18, 2014 stating his position regarding new negotiations on issues associated with his recent termination. Prior negotiations were contingent upon Emery County donating funding to ECHA. The request for donation came before the Emery County Board of Commissioners on March 11, 2014 in their regularly scheduled commission meeting and was denied. This action negated all previous negotiations.

1. In JHS's letter, he demanded payment of 2013 IRA Contributions for Debbie Thornton and himself at least half payments in two successive months beginning April 1, 2014.
2. In JHS's letter, he suggested that Emery County loan ECHA the money to pay for his supposed sick leave accrual. He would accept monthly installments in the amount of \$2,500 until paid in full.

Emery County cannot loan money - they are not a bank. ECHA does not have the revenue to pay out the unfunded, supposed sick leave benefit. There are unanswered questions whether a salaried employee even qualifies for the sick leave benefit and the sick leave records have been questioned for several months.

Bart Cox felt that ECHA needs to pay for the 2013 IRA Contributions for JHS and Debbie Thornton. This should have been paid when JHS was still employed. He chose, for some reason, not to pay this. It would not even be an issue at this time if it would have been paid when it should have been paid. All ECHA revenue, at this time, is being used to bring the public housing units into compliance for the upcoming REAC inspection.

Liz Nielson made a motion to table the discussion of the supposed accrual/payment of unfunded

sick leave benefit for JHS and the 2013 IRA Contributions for JHS and Debbie Thornton. This motion was seconded by Dale Roper and approved by all members present.

CLOSED/EXECUTIVE SESSION FOR DISCUSSION OF THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL AND DISCUSSION OF PENDING OR REASONABLY IMMINENT LITIGATION.

This item was tabled on a motion by Bart Cox and a second by Dale Roper and approved by all members present.

APPROVAL OF ACTION FROM DISCUSSION IN CLOSED/EXECUTIVE SESSION.

No action.

DISCUSSION OF BUDGET AND APPROVAL OF RESOLUTION ADOPTING BUDGET FOR FY 4/1/14-3/31/15

A preliminary budget showed that money was budgeted for a management contract. Approval was given from HUD to use sole-source procurement to enter into a contract with Carbon County Housing Authority for management of ECHA. Carbon County Housing Authority's Board has since decided not to allow them to enter into a management contract with ECHA. A discussion ensued on what options are available for management of ECHA and how much funding should be allocated for administrative salaries/maintenance contract/labor. Bart Cox made a motion to budget at least \$50,000.00 for management and maintenance. The motion was seconded by Dale Roper. It was noted that the budget could be amended month by month depending on actual revenue. The board will monitor monthly expenses closely for the next few months.

Resolution #124 approving the operating budget for ECHA FY 4/1/14-3/31/15 was approved on a motion by Bart Cox. The motion was seconded by Liz Neilson and approved by all members present.

#### DISCUSSION OF PHYSICAL AND FINANCIAL MANAGEMENT OF THE ECHA

The board would like to explore hiring a part-time employee, with no benefits, to run the day-to-day operations of the ECHA. A motion was made by Dale Roper to authorize the Chairman to advertise to hire a part-time person, 25 hours or less, at a reasonable wage. This item will be brought back to the next board meeting for approval.

The Chairman reported that he has found a handyman that is willing to enter into a contract with ECHA to help turn-around the public housing apartments at \$10.00 per hour, with no benefits. A motion was made by Dale Roper to authorize the Chairman to enter into a contract, to be brought back next meeting for approval, for turnaround of Castle Dale #10. A motion was seconded by Bart Cox and approved by all members present.

#### REPORT AND DISCUSSION REGARDING REIMBURSEMENT OF PUBLIC HOUSING RENT OVERCHARGE

Before Debbie Thornton left employment of the ECHA, she sent letters to all previous tenants who were owed money due to miscalculation of utility allowances. She gave credit on the current rent register to all tenants who are currently living in public housing. A discussion ensued on where the money will come from to pay for this miscalculation of utility allowances. This item will be updated each month until all reimbursement are made.

#### DISCUSSION OF ECHA CIVIL RIGHTS CERTIFICATION, FORM HUD-5077-CR AND PROCEDURE TO SATISFY FY2014 ANNUAL PHA PLAN REQUIREMENT, SETTING OF PUBLIC HEARING.

Submission of Emery County's Civil Rights Certification, form HUD-50077-CR was due January 16, 2014 to satisfy the FY2014 Annual PHA Plan requirement. Anita Short brought this to the attention of the Chairman when she met with the board on 2/26/14. The following requirements need to be met:

1. Annual public hearing.
2. Resident Participation.
3. Public Availability.

A motion was made by Bart Cox to set a public hearing for May 21, 2014 at 1:00 p.m. The motion was seconded by Liz Nielson. Leslie was asked to get notice of the public hearing in the local newspaper.

REPORT AND DISCUSSION ON TENANT ACCOUNTS RECEIVABLE BALANCES,  
CONSIDERATION AND APPROVAL OF ANY REPAYMENT CONTRACTS AND EVICTIONS.

The tenants in Castle Dale #8 and Ferron #5 are behind in their rent. The tenant in Ferron #5 has not paid the electric bill and a shut-off notice has been sent to the HA, since the bill is still in the name of the HA. The former ED has allowed tenants who cannot get the utilities put into their names, to leave the utilities in the name of the Housing Authority. This is the second shut-off notice that has been sent in the name of the Housing Authority. A motion was made by Bart Cox and seconded by Liz Nielson to begin the eviction process to tenants living in Castle Dale #8 and Ferron #5. The motion was approved by all members present.

The board stressed that the policies need to be followed. All tenants need to be made aware that the policies will be enforced.

DISCUSSION OF RESUMING ROUTINE HOUSEKEEPING/CLEANLINESS INSPECTION  
REPORT AND ASSIGNMENT OF BOARD MEMBERS

The Chairman said the inspections will have to be resumed in order to prepare for the upcoming REAC inspection.

The following assignments were made:

April 7th at 1:00 p.m. - Castle Dale - Jeff Horrocks/Bart Cox

April 14th at 1:00 p.m. - Ferron - Dale Roper/Bart Cox

May 5th at 1:00 p.m. - Castle Dale - Liz Nielson/Chris Jensen

May 12th at 1:00 p.m. - Ferron - Dale Roper/Liz Nielson

Leslie will make sure the tenants have notice of the inspections. She will also type up an inspection list so the board members know what to look for and be able to report what maintenance needs to be done.

A box of switch covers, light bulbs, screwdrivers, work orders, etc. will be sent with the board members when they do the inspections - so on the spot items can be completed and noted.

The above action was approved on a motion by Liz Nielson and a second by Bart Cox. The motion was approved by all members present.

#### DISCUSSION OF VERIFICATION OF UTILITY TRANSFER FOR TENANTS IN PUBLIC HOUSING AND PLANS TO BRING ALL TENANTS INTO COMPLIANCE

As discussed earlier in the meeting, the former ED has allowed public housing tenants, who cannot get the utilities put into their names, to leave the utilities in the name of the Housing Authority. This has come to light the past month. The tenant in Castle Dale #11, has had the gas shut off. The gas was in the Housing Authority's name. The tenant has paid the bill in full and has signed an agreement that he will keep the bill current and if not, eviction process will begin. As discussed earlier in the meeting, there was another instance in Ferron. Policy states that the utilities need to be in the tenant's name upon moving in. This and other policies need to be reviewed/updated in the future board meetings.

The board was concerned how the former ED collected the money from the tenants to pay the utilities and how it was documented.

A motion was made by Liz Nielson to make every current tenant who lives in public housing, and has the utilities in the name of the Housing Authority, to sign an agreement that the utilities will be kept current (not more than one month behind) and they will be given the bill each month to make payment or the eviction process will begin. All future tenants will be required to get the utilities put into their names before moving in. The motion was seconded by Bart Cox and approved by all members present.

#### DISCUSSION OF FINANCIAL INFORMATION

##### A. DISCUSSION OF ACTION TAKEN TO ADDRESS CURRENT ASSETS, CURRENT LIABILITIES, AND UNFUNDED LIABILITIES

ECHA has a current liability of PILOT (Payment in Lieu of Taxes) owed to Emery County for years 2011, 2013, and 10 months for 2014. A motion was made by Liz Nielson to authorize the

Chairman to get on the Emery County Board of Commissioner's next agenda to request a waiver of all PILOT owed to Emery County for years 2011, 2013, and 2014. The motion was seconded by Dale Roper and approved by all members present.

B. EXPLANATION OF PERCENTAGE OF OVERAGE OF ANY LINE ITEM YEAR TO DATE

There was no report to present to the board this meeting.

C. RATIFICATION OF RENT SUBSIDY/PAYROLL AND RETIREMENT CHECKS and

The Emery County IT Department helped to get out the March HAP checks and final payroll checks for JHS and Debbie Thornton. There was also a separate check cut for their vacation time that was not used. JHS had 24 hours and DT had 16 hours, paid at the hourly rate before sequestration to avoid contest, not necessarily agreeing to the wage he claims he was earning at the time of termination.

A motion was made by Bart Cox to ratify the March rent subsidy checks and final payroll checks. The motion was seconded by Liz Nielsen and approved by all members present.

D. APPROVAL OF MONTHLY BILLS

A motion to pay the monthly bills, making only the monthly payment on the insurances and full payment on the audit invoice with a letter asking them to waive the current finance charge was made by Bart Cox. The motion was seconded by Liz Nielson and approved by all members present.

DISCUSSION OF PLANS TO GET READY FOR REAC INSPECTION AND APPROVAL OF HIRING PERSONNEL TO ACCOMPLISH PLANS.

The Chairman reported that the REAC inspection has been scheduled for July 1, 2014. A handyman to help turnaround apartments and make needed maintenance was discussed earlier in the meeting.

DISCUSSION OF ENFORCEMENT OF COMPLIANCE WITH PET POLICY AND DATES TO COMPLY BEFORE PROCEEDING WITH EVICTION

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There is still a problem with tenants in public housing complying with the current pet policy. Leslie was asked to get a copy of the current pet policy to each board member. The tenants need to be informed of the policy and given a time period to come into compliance.

A motion was made by Bart Cox to get a copy of the current pet policy to all public housing tenants (and take a current inventory of what pets they have during monthly inspection) and then letters of violation can be sent and the tenants be given 90 days to come into compliance. The motion was seconded by Liz Nielson and approved by all members present.

#### APPROVAL OF FEBRUARY 5, 19, AND 26, 2014 MINUTES

The minutes of the February 5, 19, and 26, 2014 meetings were approved, with corrections, on a motion by Bart Cox. The motion was seconded by Dale Roper and approved by all members present.

Signed Original (on file)

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Jeff Horrocks, Chairman  
Approved: 4/16/2014