

January 11, 2013

The Special Board Meeting of the Philadelphia Housing Authority Board of Commissioner for December was held on Friday, January 11, 2013, 2:00 pm, at the Raymond Rosen Community Center, 2301 Edgely Street, Philadelphia, Pennsylvania.

Present: Estelle Richman, Board of Commissioner
Kelvin Jeremiah, Interim Executive Director/Interim Administrative Receiver
Barbara Adams, General Counsel

The Board of Commissioner, Ms. Estelle Richman, called the meeting to order and asked the Interim Executive Director/Interim Administrative Receiver, Mr. Kelvin Jeremiah, for remarks. Mr. Jeremiah made several announcements: he introduced a new member of the executive team, Erik Solivan, PHA's Director of the Office of Policy, Research & Enterprise Planning Department. Mr. Solivan will be responsible for providing leadership in the strategic planning function of the agency and spearhead the development of the Authority's business plans and various research programs that will support evidence-based policy making.

PHA had a very busy holiday season; the agency distributed over two hundred dollars in gift cards to families identified as being in extreme need and partnered with Operation Warm to provide over 500 children with coats and toys.

The agency's MBE/WBE program has exceeded HUD's regulations for the period October 1, 2011 through September 30, 2012. HUD regulations for MBE participation is 20%, PHA is at 27%; for WBEs, it is 10% and PHA is at 16%. Mr. Jeremiah thanked the contract team for their great efforts.

PHA is closed on Monday, January 21 in observation of Martin Luther King Jr. Day. The agency encouraged staff and residents to volunteer on this national day of service. PHA will be participating in an event at Girard College, where residents will receive computer training and netbook computers. There will also be cleaning and greening events at West Park and Spring Garden Apartments.

PHA was awarded the Pioneer in Housing Award in recognition of its ongoing commitment to tackling environmental and energy issues with an entrepreneurial approach to financing development. This Nan McKay Housing Award honors agencies that build bridges to the future and create real change in their communities and the affordable housing industry. PHA was particularly recognized for its sustainability, especially at the Mantua development.

PHA held a job fair in December with 150 applicants applying for the 50 available police officer positions. PHA has interviewed over 50 applicants and identified approximately 44 new police officers to start within the next few weeks.

Finally, there will be another Board meeting this month on Friday, January 25, 2013 at 12 S. 23rd Street.

Mr. Jeremiah advised the Commissioner that PHA was presenting six (6) resolutions to be considered.

The next order of business was the approval of the minutes. Commissioner Estelle Richman moved for the adoption of the minutes for the November 30, 2012 Board Meeting.

Commissioner Estelle Richman moved for the adoption of the following minutes.

RESOLUTION NO. 11576

**RESOLUTION APPROVING MINUTES OF THE BOARD OF COMMISSIONER MEETING HELD ON
NOVEMBER 30, 2012**

BE IT RESOLVED, that the minutes of the Board Meeting of the Philadelphia Housing Authority held on November 30, 2012, copies of which have already been provided, be the same and are hereby ratified, confirmed and approved.

Commissioner Estelle Richman thereupon declared the Minutes unanimously adopted.

I hereby certify that this was
APPROVED BY THE BOARD ON 1/11/13
Barbara Adams, General Counsel
ATTORNEY FOR PHA

Commissioner Estelle Richman moved for the adoption of the following resolution.

RESOLUTION NO. 11577

RESOLUTION AUTHORIZING THE INTERIM EXECUTIVE DIRECTOR/INTERIM ADMINISTRATIVE RECEIVER OF THE PHILADELPHIA HOUSING AUTHORITY (“PHA”) TO SUBMIT A MOVING TO WORK (“MTW”) ANNUAL PLAN (“PLAN”) FOR MTW YEAR THIRTEEN, PHA FISCAL YEAR 2014 BEGINNING ON APRIL 1, 2013 TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (“HUD”) AND TO UNDERTAKE ALL ACTIONS NECESSARY TO OBTAIN HUD APPROVAL AND IMPLEMENT THE PLAN

WHEREAS, the United States Department of Housing and Urban Development (“HUD”) administers a Moving to Work (“MTW”) Demonstration Program that is designed to provide the opportunity for selected Housing Authorities to explore and demonstrate more efficient ways to provide and administer low-income housing;

WHEREAS, pursuant to Philadelphia Housing Authority (“PHA”) Board of Commissioner (“Board”) Resolution No. 10618, dated December 21, 2000, PHA submitted to HUD an MTW Application Plan and Agreement, which details strategies to improve the facilities, operations, management and opportunities for Public Housing and Housing Choice Voucher (formerly Section 8) residents;

WHEREAS, pursuant to PHA Board Resolution No. 10764, dated February 28, 2002, the Executive Director of PHA (the “Executive Director”) executed a MTW Demonstration Agreement (“MTW Agreement”) on behalf of PHA which expired on March 31, 2008;

WHEREAS, pursuant to PHA Board Resolution No. 11241, dated August 21, 2008, the Executive Director entered into a ten-year Amended and Restated Moving to Work Agreement with HUD effective October 16, 2008 which was subsequently amended, effective as of March, 2010;

WHEREAS, as a participant in the MTW Demonstration Program, PHA is required to develop MTW Annual Plans for each fiscal year during the term of the MTW Agreement, which outline the PHA budget and MTW activities in the format required under the MTW Agreement;

WHEREAS, PHA is required to submit each Annual Plan for approval by its Board at least seventy-five (75) days prior to the beginning of each fiscal year;

WHEREAS, PHA has developed the MTW Annual Plan for MTW Year Thirteen, PHA Fiscal Year (“FY”) 2014 beginning on April 1, 2013;

WHEREAS, PHA is required to provide opportunities for resident and public participation and comments on the Annual Plan including scheduling at least one (1) public hearing and to take into consideration any comments received as part of the final Annual Plan;

WHEREAS, PHA conducted two public hearings on December 7 and 13, 2012; conducted additional Meetings with residents to review the draft Annual Plan; made available the draft Annual Plan for public comment for a greater than thirty-day period; and, considered public comments and made revisions to the final Annual Plan; and

WHEREAS, PHA is a block grant agency and the MTW Annual Plan includes a consolidated budget in accordance with the MTW Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioner of the Philadelphia Housing Authority does hereby:

Approve the Annual Plan including the rent policies described therein, and authorize the Interim Executive Director/Interim Administrative Receiver to: 1) Submit to HUD the PHA MTW Annual Plan for MTW Year Thirteen (PHA Fiscal Year 2014); and 2) Take all steps necessary to secure HUD approval and implement initiatives as described in, the Plan, subject to receipt of adequate funding from HUD; and, 3) Certify that the Public Hearing requirement has been met; and, 4) Authorize the Board to execute the attached HUD Certification of Compliance with MTW Plan Requirements and Related Regulations.

Commissioner Estelle Richman thereupon declared the Resolution unanimously adopted.

Commissioner Estelle Richman moved for the adoption of the following resolution.

RESOLUTION NO. 11578

RESOLUTION AMENDING PHA BOARD RESOLUTION NO. 11533 (DATED JUNE 15, 2012) PURPORTEDLY RATIFYING A 2008 DISCRETIONARY CONTRIBUTION TO PHA'S DEFINED BENEFIT PLAN, CONFIRMING THE AUTHORIZATION OF SUCH CONTRIBUTION TO PHA'S DEFINED BENEFIT PLAN, REVOKING CERTAIN CONTRIBUTIONS TO PHA'S DEFINED CONTRIBUTION PLAN AND AUTHORIZING PHA'S INTERIM EXECUTIVE DIRECTOR/INTERIM ADMINISTRATIVE RECEIVER OR HIS DESIGNEE(S) TO TAKE ALL NECESSARY ACTION TO VOID AND REVERSE SUCH DEFINED CONTRIBUTION PLAN CONTRIBUTIONS AND THE EARNINGS THEREON, EXCEPT AS PARTIALLY RATIFIED HEREIN

WHEREAS, on October 31, 2008, PHA made a \$6.6 million discretionary contribution to its Retirement Income Plan (the "DB Plan") to address PHA's funding obligations to the DB Plan and to address the impact of the then current financial crisis;

WHEREAS, although indirect PHA Board authority for such a contribution to the DB Plan may exist (via budget approvals and pension plan approvals), no express PHA Board authorization of such contribution is able to be located;

WHEREAS, on June 15, 2012, the PHA Board adopted a resolution purportedly ratifying a December 23, 2008 Resolution of the PHA Administrative Board, based upon the erroneous understanding that the December 23, 2008 Administrative Board Resolution authorized the \$6.6 million discretionary contribution to the DB Plan;

WHEREAS, due to ambiguities in the December 23, 2008 Administrative Board Resolution, by ratifying the December 23, 2008 Administrative Board Resolution on June 15, 2012, the PHA Board was unable to clearly authorize the October 31, 2008 contribution to the DB Plan and may have authorized discretionary contributions to the DC Plan, which the PHA Board did not intend to authorize by the June 15, 2012 resolution;

WHEREAS, the Board desires to make clear the authorization of PHA management to have made the discretionary contribution to the DB Plan on or about October 31, 2008; and,

WHEREAS, the PHA Board desires to amend the June 15, 2012 Resolution and desires to void the December 23, 2008 Administrative Board Resolution as of December 23, 2008 as being an unauthorized action and to authorize the PHA Interim Executive Director/Interim Administrative Receiver or his designee(s) to take all steps necessary to reallocate and partially void and reverse the discretionary contributions to the DC Plan addressed by such December 23, 2008 Administrative Board Resolution, and all earnings thereon, except as specifically and partially ratified by the PHA Board herein, subject to the understanding that there may be limited success on recovering such DC Plan contributions from employees separated from PHA who have withdrawn the entirety of their DC Plan accounts.

NOW, THEREFORE, BE IT RESOLVED, that the PHA Board of Commissioners hereby (1) confirms the authority of the PHA to have made a \$6.6 million discretionary contribution to the DB Plan on or about October 31, 2008; (2) amends Resolution No. 11533 adopted on June 15, 2012 to remove from the list of Administrative Board actions ratified by the PHA board the following:

- December 23, 2008 – approval of a resolution authorizing PHA to make discretionary contributions to the DB and DC Plans,

and to void and reverse the foregoing Administrative Board action effective December 23, 2008, (3) partially ratifies the December 28, 2008 contribution to the DC Plan insofar as it allocates \$5000 to each Participant who received an allocation, and (4) authorizes and directs the PHA Interim Executive Director/Interim Administrative Receiver or his designee(s) to take all actions necessary to reallocate and partially void and reverse the discretionary contributions made to the DC Plan pursuant to the December 23, 2008 Administrative Board Resolution, except as expressly ratified herein. The contributions and earnings in the DC Plan that are voided and in excess of the amounts ratified herein shall remain in the Plan and applied to PHA's 5.5% of compensation contributions not yet paid with respect to 2012 or 2013 or both.

Commissioner Estelle Richman thereupon declared the Resolution unanimously adopted.

Commissioner Estelle Richman tabled the following resolution until there was an agreement on Section 3.

RESOLUTION TABLED

RESOLUTION AUTHORIZING THE INTERIM EXECUTIVE DIRECTOR/INTERIM ADMINISTRATIVE RECEIVER OR HIS AUTHORIZED DESIGNEE TO CONCLUDE AND TO EXECUTE A CONTRACT WITH PTR BALER & COMPACTOR CO. FOR WASTE COMPACTOR REPAIR AND MAINTENANCE SERVICES (SOLICITATION NO. P-004187)

WHEREAS, The Philadelphia Housing Authority (PHA) has identified a need for waste compactor repair and maintenance services;

WHEREAS, Solicitation No. P-004187 was developed according to established procedures and all applicable laws regarding public contracts and was advertised in the Philadelphia Inquirer and several community newspapers;

WHEREAS, the Request for Proposal was mailed to the appropriate companies on PHA Bidders' List, and distributed to those who responded to the invitation through the publications;

WHEREAS, two (2) offerors responded to the solicitation by submitting a proposal as follows:

PTR Baler & Compactor Co.
GMH Associates of America, Inc.

WHEREAS, the proposals were reviewed and evaluated by the evaluation committee appointed for such purpose (the "Evaluation Committee") and the supporting documents were reviewed by the Contracting Officer;

WHEREAS, based upon the evaluation, it was recommended that a contract be awarded to PTR Baler & Compactor Co.; and

WHEREAS, it is further recommended that the contract, if awarded, shall be for a two (2) year base period with three (3) additional one-year option periods in an amount not to exceed **TWO HUNDRED THREE THOUSAND FIVE HUNDRED DOLLARS (\$203,500.00)** for base year one (1); **ONE HUNDRED NINETY-NINE THOUSAND FOUR HUNDRED DOLLARS (\$199,400.00)** for base year two (2); **TWO HUNDRED THOUSAND EIGHT HUNDRED SEVENTY-TWO DOLLARS (\$200,872.00)** if PHA exercises option year one (1); **TWO HUNDRED TWO THOUSAND SEVEN HUNDRED NINETY DOLLARS (\$202,790.00)** if PHA exercises option year two (2); and **TWO HUNDRED TWO THOUSAND SEVEN HUNDRED NINETY DOLLARS (\$202,790.00)** if PHA exercises option year three (3) for a total contract amount not to exceed **ONE MILLION NINE THOUSAND THREE HUNDRED FIFTY-TWO DOLLARS (\$1,009,352.00)** to PTR Baler & Compactor Co.

NOW, THEREFORE, BE IT RESOLVED, by and for the Philadelphia Housing Authority, that, based on the recommendation of the Evaluation Committee, the Interim Executive Director/Interim Administrative Receiver is hereby authorized to conclude and to execute a contract with PTR Baler & Compactor Co.

BE IT FURTHER RESOLVED, that (1) the Interim Executive Director/Interim Administrative Receiver and all other appropriate personnel of PHA are authorized to take all actions necessary to implement this resolution in accordance with its terms and the "Whereas" clauses above; (2) the contract is subject to

the availability of funds therefor; (3) no contract shall exist until signed by the Interim Executive Director/Interim Administrative Receiver or his designee; and (4) if PHA and the offeror have not mutually agreed on the terms of a contract within ninety days (90) following the next regularly scheduled Board Meeting, then this resolution shall be void and the authority of the Interim Executive Director/Interim Administrative Receiver shall cease.

Commissioner Estelle Richman thereupon declared the Resolution tabled.

Commissioner Estelle Richman moved for the adoption of the following resolution.

RESOLUTION NO. 11579

RESOLUTION AUTHORIZING THE PHA INTERIM EXECUTIVE DIRECTOR/INTERIM ADMINISTRATIVE RECEIVER OR HIS DESIGNEE TO CONCLUDE AND TO EXECUTE A CONTRACT FOR BUILDING ENVELOPE REPAIRS AT SUFFOLK MANOR (SOLICITATION NO. P-004190)

WHEREAS, the Philadelphia Housing Authority (PHA) has identified a need for building envelope repairs at Suffolk Manor;

WHEREAS, Solicitation No. P-004190 was developed according to established procedures and all applicable laws regarding public contracts and was advertised in the Philadelphia Inquirer and several community newspapers;

WHEREAS, the Request for Proposal was mailed to the appropriate companies on PHA Bidders' List, and distributed to those who responded to the invitation through the publications;

WHEREAS, two (2) offerors responded to the solicitation by submitting a proposal as follows:

Masonry Preservation Group, Inc.

Dale Corporation;

WHEREAS, the proposals were reviewed and evaluated by the evaluation committee appointed for such purpose (the "Evaluation Committee") and the supporting documents were reviewed by the Contracting Officer;

WHEREAS, based upon the evaluation, it was recommended that a contract be awarded to Masonry Preservation Group, Inc.; and

WHEREAS, it is further recommended that the contract, if awarded shall be for a one (1) year period in an amount not to exceed **FOUR HUNDRED EIGHTY-NINE THOUSAND DOLLARS (\$489,000.00)**.

NOW, THEREFORE, BE IT RESOLVED, by and for the Philadelphia Housing Authority, that, based on the recommendation of the Evaluation Committee, the Interim Executive Director/Interim Executive Director is hereby authorized to conclude and to execute contract with Masonry Preservation Group, Inc. in accordance with the "Whereas" clauses above.

BE IT FURTHER RESOLVED, that (1) the Interim Executive Director/Interim Administrative Receiver and all other appropriate personnel of PHA are authorized to take all actions necessary to implement this resolution in accordance with its terms and the "Whereas" clauses above; (2) the contract is subject to the availability of funds therefor; (3) no contract shall exist until signed by the Interim Executive Director/Interim Administrative Receiver, or his designee and; (4) if PHA and the offeror have not mutually agreed on the terms of a contract within ninety days (90) following the next regularly scheduled Board meeting, then this resolution shall be void and the authority of the Interim Executive Director/Interim Administrative Receiver shall cease.

Commissioner Estelle Richman thereupon declared the Resolution unanimously adopted.

Commissioner Estelle Richman moved for the adoption of the following resolution.

RESOLUTION NO. 11580

RESOLUTION APPROVING THE DEVELOPMENT PROGRAM RELOCATION SPECIAL HOUSING INITIATIVE AMENDMENTS TO THE PHILADELPHIA HOUSING AUTHORITY'S PUBLIC HOUSING ADMISSIONS AND CONTINUED OCCUPANCY POLICIES ("ACOP") AND THE HOUSING CHOICE VOUCHER PROGRAM ADMINISTRATIVE PLAN; AND FURTHER AUTHORIZING THE INTERIM EXECUTIVE DIRECTOR/INTERIM ADMINISTRATIVE RECEIVER OR HIS DESIGNEE TO IMPLEMENT THE POLICIES DESCRIBED IN THE AMENDED AND REVISED ACOP AND THE AMENDED AND REVISED ADMINISTRATIVE PLAN DOCUMENTS

WHEREAS, the Philadelphia Housing Authority ("PHA") is required to establish and implement Admissions and Continued Occupancy Policies ("ACOP") applicable to the Public Housing program;

WHEREAS, PHA is required to establish and implement an Administrative Plan applicable to the Housing Choice Voucher Program;

WHEREAS, PHA has obtained Board approval for the ACOP and Administrative Plan. The ACOP and Administrative Plan authorize PHA, subject to further Board approval, to establish Special Housing Initiatives or Special Programs and Allocations for priority admission of eligible households to the public housing and Housing Choice Voucher programs, respectively;

WHEREAS, PHA, subject to Board approval, periodically engages in development activities in which PHA, its subsidiaries and/or development partners develop, rehabilitate or acquire additional units of public housing or other affordable housing; and

WHEREAS, PHA intends to offer a priority admission to the public housing program or the Housing Choice Voucher program at PHA's discretion to eligible households who occupy a housing unit or building that will be vacated and/or demolished as part of a PHA development program.

NOW, THEREFORE, BE IT RESOLVED, that the PHA Board of Commissioner hereby approves the amended and revised Public Housing Admissions and Continued Occupancy Policies and the amended and revised Housing Choice Voucher Program Administrative Plan which incorporate the Development Program Relocation Special Housing Initiative.

BE IT FURTHER RESOLVED, that the PHA Board of Commissioner hereby authorizes the Interim Executive Director/Interim Administrative Receiver or his designee to take all actions necessary to implement the amended and revised Public Housing Admissions and Continued Occupancy Policies and the amended and revised Housing Choice Voucher Program Administrative Plan.

Commissioner Estelle Richman thereupon declared the Resolution unanimously adopted.

Commissioner Estelle Richman moved for the adoption of the following resolution.

RESOLUTION NO. 11581

RESOLUTION AUTHORIZING THE INTERIM EXECUTIVE DIRECTOR/INTERIM ADMINISTRATIVE RECEIVER TO AMEND TASK ORDER NO. 10 ISSUED UNDER CONTRACT NO. P-003821-D WITH SHOEMAKER/SYNTERRA, A JOINT VENTURE, TO INCREASE TASK ORDER 10 BY \$62,120 FOR A TOTAL AMOUNT NOT TO EXCEED \$97,870.00

WHEREAS, as part of PHA's proposed redevelopment of Queen Lane, PHA issued Task Order 10 in the amount of \$36,750.00, to Shoemaker/Synterra, A Joint Venture, under contract No. P-003821-D to have archeological studies conducted at the site;

WHEREAS, during the course of the required Section 106 review discussions among PHA, the United States Department of Housing and Urban Development (HUD), the Pennsylvania State Historic Preservation Office (SPHO) and other consulting parties, it was determined that the scope of work under Task Order 10 should be amended to require that excavations at the site for borings, test pits and anomalies be hand-dug and not machine excavated and that an additional report be prepared;

WHEREAS, pursuant to Section VII (C)(1) of the Procurement and Contract Administration Policy (CPP#10), all construction management task orders must be authorized by resolution of the PHA Board if the amount of the change order, together with the aggregate of all previously executed change orders, exceeds more than fifteen (15) percent of the original construction management task order; and

WHEREAS, the cost of Change Order 1 to Task Order 10 issued under Contract No. P-003821-D exceeds fifteen (15) percent of the original construction management task order amount;

NOW, THEREFORE, BE IT RESOLVED, by and for the Philadelphia Housing Authority, that the Interim Executive Director/Interim Administrative Receiver, or his duly authorized designee, is hereby authorized to conclude and to execute an amendment to Task Order 10 issued under Contract No. P-003821-D with Shoemaker/Synterra, A Joint Venture, to increase Task Order 10 by \$62,120 (**SIXTY TWO THOUSAND ONE HUNDRED TWENTY DOLLARS**) for the performance of the services described herein, for a total not-to-exceed amount of \$97,870.00 (**NINETY SEVEN THOUSAND EIGHT HUNDRED SEVENTY DOLLARS**). **RESOLUTION AUTHORIZING THE INTERIM EXECUTIVE DIRECTOR/INTERIM ADMINISTRATIVE RECEIVER TO AMEND TASK ORDER NO. 10 ISSUED UNDER CONTRACT NO. P-003821-D WITH SHOEMAKER/SYNTERRA, A JOINT VENTURE, TO INCREASE TASK ORDER 10 BY \$62,120 FOR A TOTAL AMOUNT NOT TO EXCEED \$97,870.00**

Commissioner Estelle Richman thereupon declared the Resolution unanimously adopted.

The resolutions were adopted. With that, Commissioner Estelle Richman opened the meeting for public comments. Comments were given by Prince Mohammad, Judith Robinson, Ms. Hayward, Ms. Stewart, Ms. Hannible, Mr. Wright, Ms. Wallace and several other unidentified audience members. With no other public comments being heard, Commissioner Richman adjourned the meeting. (Copies of the actual transcript will be provided upon written request).