



PHA BOARD of COMMISSIONERS MEETING MINUTES

Thursday, July 18, 2013, 3 p.m., at 12 S. 23rd St., Philadelphia, PA 19103

The regular meeting of the Board of Commissioners was brought to order at approximately 3:10 p.m. by the Chair Lynette M. Brown-Sow, with Vice Chair Diaz and Commissioners Murphy, Jackson, Callahan, Camarda, Markman, Tate and Wetzel in attendance, as well as President & CEO Kelvin A. Jeremiah ("CEO Jeremiah") and Board Secretary and General Counsel, Barbara Adams. The Chair noted that the Board had just concluded a meeting in executive session to discuss litigation matters with PHA counsel.

The Chair then requested a moment of silence for Samara Selena Banks, a PHA HCV participant who, along with three of her young children, was killed on July 17, 2013, as the result of a tragic traffic accident.

CEO Jeremiah reported the results from the Scattered Sites Auction. This sale of approximately 200 vacant properties raised roughly \$2.1 million for PHA, with a highest winning bid of \$170,000; a lowest winning bid of \$1,000; and an average sale price of approximately \$11,000.

CEO Jeremiah announced that from July 16th through July 19th, 70 volunteers from PHA's new community service partner, World Changers, are doing landscaping work, painting and other general maintenance at the PHA sites of Raymond Rosen, Bartram, Spring Garden, and Johnson Homes. This partnership was spearheaded by PHA Commissioner Camarda and the value of the donated labor is estimated to be over \$100,000. Mr. Jeremiah thanked both Commissioner Camarda and PHA's unions for supporting this initiative.

Further, CEO Jeremiah reported that: 1) on July 11, 2013 he joined Mayor Nutter and other city officials in unveiling the City's comprehensive anti-poverty plan, called "Shared Prosperity Philadelphia," which will coordinate and expand existing efforts of various agencies to reduce poverty; 2) on July 2, 2013 PHA celebrated the swearing in of nearly 50 new police officers and the achievements of the SAFE Program, under which PHA, its residents and partners have increased safety and security for residents; and 3) Arnold Walker, the Resident Leader at Emlen Arms, was congratulated for recently completing a course in business skills that was taught by PHA partner Entrepreneur Works.

A presentation was made on PhillySeeds, Inc., a non-profit subsidiary of PHA that is awarding \$160,000 in scholarships to 36 high-achieving residents who have demonstrated hard work and a commitment to furthering their education. Following the presentation by Erik Soliván, Executive Vice-President - Community Operations & Resident Development, three levels of scholarships were personally awarded to the resident recipients: scholarships in the amount of \$1,000, each, for achieving a minimum 2.5 GPA; scholarships in the amount of \$3,000, each, for a minimum 3.0 GPA; and scholarships in the amount of \$5,000, each, for a minimum 3.3 GPA. All recipients were applauded and congratulated for their efforts.

The Board of Commissioners then approved the minutes from the Board meeting of June 20, 2013.

Five resolutions were presented, all of which passed.

Resolution 11626, attached in Appendix 1, was presented by Joffie Pittman, Deputy General Counsel, to authorize PHA to settle litigation, pursuant to a briefing of the Board in Executive Session on May 16, 2013, in the amount of \$150,000. Following a motion to approve by Commissioner Wetzel, a second and discussion, the resolution was unanimously approved.

Resolution 11627, attached in Appendix 1, was presented by Heather McCreary, Executive Vice President - Administration, to authorize PHA to conclude and execute a contract with McGladrey, LLP for auditing services, in an amount not to exceed \$1,502,914.00. Following a motion to approve by Commissioner Murphy, a second and discussion, the resolution was approved 8-1, by roll call vote, with Vice Chair Diaz voting against the resolution.

Resolution 11628, attached in Appendix 1, was presented by Heather McCreary, Executive Vice President – Administration, to authorize PHA to conclude and execute a contract with Total Access & Mobility, Inc. in an amount not to exceed \$3,811,768.00, for wide stair glides, wheelchair lifts, and residential elevators. Following a motion to approve by Commissioner Tate, a second and discussion, the resolution was unanimously approved.

Resolution 11629, attached in Appendix 1, was presented by Celeste Fields, Acting Executive Vice President - Finance/Leased Housing, to authorize PHA to award 21 project-based vouchers to the Norris Square Civic Association Development of Los Balcones. Following a motion to approve by Commissioner Carmada, a second and discussion, the resolution was approved by roll call vote, with Vice Chair Diaz abstaining.

Resolution 11630, attached in Appendix 1, was presented by Barbara Adams, General Counsel, to authorize PHA to commence litigation against the Philadelphia Gas Works and related entities. Following a motion to approve by Commissioner Jackson, a second and discussion, the resolution was approved by roll call vote, with Vice Chair Diaz and Commissioners Markman and Wetzel abstaining.

The public comment period was then held.

The meeting was adjourned by Chair Brown-Sow at approximately 5:10 p.m. (Copies of the transcript of the meeting are available upon written request).

Respectfully submitted,



Barbara Adams
Secretary
Philadelphia Housing Authority

APPENDIX 1

Resolutions 11626 – 11630, from the Board of
Commissioners Meeting of July 18, 2013

RESOLUTION NO. 11626

RESOLUTION AUTHORIZING SETTLEMENT OF LITIGATION, AS RECOMMENDED BY THE BOARD IN EXECUTIVE SESSION, HELD IN ACCORDANCE WITH THE PENNSYLVANIA SUNSHINE ACT, 65 PA C.S.A. §§ 701 ET SEQ.

WHEREAS, a former employee of PHA ("Plaintiff") has brought an action against the Philadelphia Housing Authority ("PHA") and various individually named PHA employees, alleging discrimination and violation of Plaintiff's rights; and

WHEREAS, based on an evaluation of the case made by the Office of General Counsel ("OGC"), as discussed with the Board of Commissioners in executive session, in accordance with the Sunshine Act, 65 Pa. C.S.A. §§ 701 *et seq.*, PHA has reached a comprehensive settlement agreement with the Plaintiff, pursuant to which PHA will pay Plaintiff and Plaintiff's attorney \$150,000.00 (one hundred and fifty-thousand dollars), in exchange for Plaintiff's release of all claims against PHA, including any claims for attorneys' fees and the parties further agreed as to confidentiality; and

WHEREAS, the settlement was determined by OGC and represented to the Board in executive session to be in the best interests of PHA; and

WHEREAS, this resolution authorizes execution of the comprehensive settlement described above;

NOW, THEREFORE, BE IT RESOLVED, that authority is granted to the President & CEO or his authorized designee to settle the claims as referenced above and in the amount of \$150,000 (one hundred and fifty-thousand dollars) following receipt of the approval of such settlement from the U.S. Department of Housing and Urban Development.

I hereby certify that this was
APPROVED BY THE BOARD ON 7/18/13
Barbara Adams, General Counsel
ATTORNEY FOR PHA

RESOLUTION NO. 11627

RESOLUTION AUTHORIZING THE PHILADELPHIA HOUSING AUTHORITY PRESIDENT & CEO OR AUTHORIZED DESIGNEE TO CONCLUDE AND TO EXECUTE A CONTRACT WITH MCGLADREY LLP FOR AUDITING SERVICES

WHEREAS, the Philadelphia Housing Authority ("PHA") is federally required, under the Single Audit Act Amendments of 1996 (P.L. 104-156), the provisions of the Office of Management and Budget Circular A-133 and the Code of Federal Regulations, sections 24 CFR § 5 (H) and § 902, to use an independent Certified Public Accountant to conduct an annual, organization-wide audit of both financial and compliance components of the agency; and

WHEREAS, Solicitation No. P-004217 was developed for the selection of a certified public accountant service to address fulfilling this federal requirement, according to established procedures and all applicable laws regarding public contracts;

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; and

WHEREAS, the proposals were reviewed and evaluated by the evaluation committee and the supporting documents were reviewed by the Contracting Officer; and

WHEREAS, based upon the consensus evaluation of the Department of Administration, it is recommended that a contract be awarded to McGladrey LLP for a one year base period in an amount not to exceed \$282,063.00 (two hundred eighty-two thousand and sixty-three dollars) for that one-year period; with four one-year option periods thereafter, not to exceed the following amounts per option year: for option year one, \$291,100.00 (two hundred ninety-one thousand and one hundred dollars); for option year two, \$300,471.00 (three hundred thousand, four hundred seventy-one dollars); for option year three, \$309,842.00 (three hundred nine thousand, eight hundred forty-two dollars); and for option year four, \$319,438.00 (three hundred nineteen thousand, four hundred thirty-eight dollars). The total contract value, if all options periods are exercised, is not to exceed \$1,502,914.00 (one million five hundred and two thousand, nine hundred and fourteen dollars);

NOW THEREFORE BE IT RESOLVED, that the President & CEO or authorized designee is hereby authorized to conclude and execute a contract with McGladrey LLP, subject to the availability of funds therefore, as set forth above, and to take all necessary actions relating to such contract, including determining whether the options available under the contract shall be exercised.

I hereby certify that this was
APPROVED BY THE BOARD ON 2/18/13
Barbara Adams, General Counsel
ATTORNEY FOR PHA

RESOLUTION NO. 11628

RESOLUTION AUTHORIZING THE PHILADELPHIA HOUSING AUTHORITY PRESIDENT & CEO OR AUTHORIZED DESIGNEE TO CONCLUDE AND TO EXECUTE A CONTRACT FOR WIDE STAIR GLIDES, WHEELCHAIR LIFTS AND RESIDENTIAL ELEVATORS

WHEREAS, The Philadelphia Housing Authority ("PHA") has identified a need for stair glides, wheelchair lifts and residential elevators services throughout PHA, which is consistent with PHA's compliance with requirements of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990; and

WHEREAS, Solicitation No. P-004207 was developed according to established procedures and all applicable laws regarding public contracts; 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; and

WHEREAS, the proposals were reviewed and evaluated by the evaluation committee and the supporting documents were reviewed by the Contracting Officer; and

WHEREAS, based upon the evaluation, the Department of Administration recommends that a contract be awarded to Total Access & Mobility, Inc. for a two (2) year base period with three (3) additional one-year option periods in an amount not to exceed the following: for each year of the two-year base period, \$707,162.50 (seven hundred seven thousand, one hundred sixty-two dollars and fifty cents); for the first year of the three option periods, \$776,766.00 (seven hundred seventy six thousand seven hundred sixty-six dollars); for the second year of the three option periods, \$788,926 (seven hundred eighty-eight thousand nine hundred twenty-six dollars); and for the third year of the three option periods, \$831,751.00 (eight hundred thirty-one thousand seven hundred fifty-one dollars). The total amount, if all options are exercised is not to exceed \$3,811,768.00 (three million eight hundred eleven thousand seven hundred sixty-eight dollars);

NOW THEREFORE BE IT RESOLVED, that the President & CEO or authorized designee is hereby authorized to conclude and execute a contract with Total Access & Mobility, Inc., subject to the availability of funds therefore, as set forth above, and to take all necessary actions relating to such contract, including determining whether the options available under the contract shall be exercised.

I hereby certify that this was
APPROVED BY THE BOARD ON 7/18/13
Barbara Colon, General Counsel
ATTORNEY FOR PHA

RESOLUTION NO. 11629

RESOLUTION AUTHORIZING THE AWARD OF TWENTY-ONE (21) PROJECT-BASED VOUCHERS TO THE NORRIS SQUARE CIVIC ASSOCIATION DEVELOPMENT OF LOS BALCONES

WHEREAS, the Philadelphia Housing Authority ("PHA") operates a unit-based program for project-based vouchers ("Vouchers"), pursuant to which PHA's voucher assistance is attached to specific housing units or developments; and

WHEREAS, Norris Square Civic Association, ("NSCA") is a not-for-profit organization and is seeking to ensure housing affordability to the low-income families residing in Los Balcones (the "Development"), as well as to invest in long-term capital repairs to the property; and

WHEREAS, NSCA has requested twenty-one (21) Vouchers for the Development, to be used at units for families that are income-eligible for the unit-based program; and

WHEREAS, pursuant to 24 C.F.R. § 983.51(b), PHA must select Voucher proposals in accordance with its Administrative Plan and, pursuant to 24 C.F.R. § 983.51 (b)(2), may select a proposal for Voucher assistance if that proposal was selected during a competitive process conducted within the prior three years for another federal, state, or local government housing assistance program; and

WHEREAS, the above-described provisions of 24 C.F.R. § 983.51 (b) and (b)(2) are included in PHA's Administrative Plan; and

WHEREAS, pursuant to a competitive process, in October 1, 2010, November 1, 2010, and November 1, 2011, NSCA was awarded Community Development Block Grant ("CDBG") funding and on July 21, 2012, NSCA was awarded Head Start funding; and

WHEREAS, PHA has determined that the award of the CDBG and Head Start funding fulfills the requirements of 24 C.F.R. § 983.51 (b)(2); and

WHEREAS, PHA deems it desirable and in the best interest of PHA and its participants to award up to twenty-one (21) Vouchers to the Development, in order to ensure housing affordability to the low-income families residing in the Development, as well as to invest in long-term capital repairs to the property;

NOW THEREFORE BE IT RESOLVED, that the President & CEO or authorized designee (hereinafter, the "CEO") is hereby authorized to award up to twenty-one (21) Vouchers to the Development, which, subject to annual appropriations, may be for an initial term of up to fifteen (15) years and renewed for subsequent terms of up to fifteen (15) years, or such periods as permitted by applicable law, provided that any term renewals will only be granted if the CEO determines that such renewals are in the best interest of PHA and/or low-income families in Philadelphia; and

BE IT FURTHER RESOLVED, that the CEO is authorized to negotiate and enter into agreements, contracts, and ancillary documents, including a Memorandum of Understanding, Agreement to Enter into a HAP Contract, and/or HAP Contract, and to take any and all other necessary or desirable actions, as are required to effectuate the resolutions set forth herein; and

BE IT FURTHER RESOLVED, that any and all actions previously taken by any authorized officer of PHA in connection with the resolutions set forth herein, are hereby ratified.

I hereby certify that this was
APPROVED BY THE BOARD ON 7/18/13
Barbara Williams, General Counsel
ATTORNEY FOR PHA

RESOLUTION NO. 11630

**RESOLUTION AUTHORIZING THE FILING OF LITIGATION AGAINST
THE PHILADELPHIA GAS WORKS AND OTHER RELATED PARTIES**

WHEREAS, the Philadelphia Gas Works, managed and operated by Philadelphia Facilities Management Corporation, which is controlled and regulated by the Philadelphia Gas Commission and the City of Philadelphia (collectively, "PGW") has imposed liens upon hundreds of properties owned or formerly owned by the Philadelphia Housing Authority ("PHA"); and

WHEREAS, such liens are not permitted by law, nor by the Annual Contributions Contract pursuant to which PHA receives funding from the U.S. Department of Housing and Urban Development ("HUD"); and

WHEREAS, negotiations between PHA and PGW to resolve the issue regarding the imposition of such liens have failed and are at an impasse; and

WHEREAS, HUD has approved the filing by PHA of an action declaring that such liens are contrary to law, restoring to PHA funds received by PGW as a result of its liens and granting other related relief (the "Declaratory Judgment Action").

NOW, THEREFORE, BE IT RESOLVED that authority is granted to the President & CEO or his authorized designee to file the Declaratory Judgment Action at such time as the President & CEO determines it to be in the best interest of PHA to do so and to take all action necessary to successfully prosecute such Declaratory Judgment Action to conclusion.

I hereby certify that this was
APPROVED BY THE BOARD ON 7/18/13
Barbara Adams General Counsel
ATTORNEY FOR PHA