

~~January 13, 2011~~

November 18, 2010

The Board Meeting of the Philadelphia Housing Authority Board of Commissioners for November was held on Thursday, November 18, 2010, 3:00 pm, at the Philadelphia Housing Authority, Multipurpose Room, 12 S. 23rd Street, Philadelphia, Pennsylvania.

A quorum being present, Commissioner John F. Street, Chairman, called the meeting to order. Upon roll call, those present were as follows:

Present: Commissioner John F. Street, Chairman
Commissioner/Councilwoman Jannie L. Blackwell
Commissioner Nellie W. Reynolds, Vice Chairman
Commissioner Patrick J. Eiding
Commissioner Debra L. Brady

Also Present: Shelley R. James, Esq., Assistant Executive Director

Commissioner John F. Street, Chairman, called the meeting to order.

The next order of business was the approval of the regular meeting held on October 21, 2010, Commissioner Reynolds moved for the adoption of the minutes, for which Commissioner/Councilwoman Blackwell seconded. The minutes were unanimously adopted. With that, Commissioner John F. Street, Chairman, presided over the remaining agenda.

I hereby certify that this was
APPROVED BY THE BOARD ON 11/18/10

ATTORNEY FOR PHA

Commissioner Reynolds moved for the adoption of the following Resolution, which motion was duly seconded by Commissioner/Councilwoman Blackwell;

RESOLUTION NO. 11412

**RESOLUTION APPROVING MINUTES OF THE REGULAR BOARD OF COMMISSIONERS MEETING
HELD ON OCTOBER 21, 2010**

BE IT RESOLVED, that the minutes of the Board Meeting of the Philadelphia Housing Authority Meeting held on October 21, 2010 copies of which have already been provided to the members, be the same are hereby ratified, confirmed and approved.

A vote being taken thereon, the "Ayes" and the "Nays" were as follows:

Present: Commissioner John F. Street, Chairman
 Commissioner/Councilwoman Jannie L. Blackwell
 Commissioner Nellie W. Reynolds, Vice Chairman
 Commissioner Patrick J. Eiding
 Commissioner Debra L. Brady

Also Present: Shelley R. James, Esq., Assistant Executive Director

Commissioner John F. Street, Chairman thereupon declared the Resolution unanimously adopted.

Commissioner/Councilwoman Blackwell moved for the adoption of the following Resolution, which motion was duly seconded by Commissioner Brady;

RESOLUTION NO. 11413

RESOLUTION AUTHORIZING THE PHILADELPHIA HOUSING AUTHORITY THROUGH ITS AUTHORIZED DESIGNEE, TO CONCLUDE AND TO EXECUTE A CONTRACT WITH GREENSCAPE LANDSCAPE CONTRACTORS, INC. AND GESSLER CONSTRUCTION CO., INC., FOR THE PROVISION OF SNOW REMOVAL SERVICES AT VARIOUS PHA SITES (SOLICITATION NO. P-004022)

WHEREAS, the Philadelphia Housing Authority identified a need for snow removal services at various PHA sites; and

WHEREAS, Solicitation No. P-004022 was drawn up according to established procedures, and was properly advertised in the Philadelphia Inquirer and several community newspapers; and

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

WHEREAS, six (6) companies responded to the solicitation by submitting a proposal as follows:

- Greenscape Landscape Contractors, Inc.**
- Gessler Construction Co., Inc.**
- ELT Schuylkill Landscaping Inc.
- Avant Gardens, Inc.
- Rotelle Landscaping, Inc.
- Sabia Landscaping, Inc.

WHEREAS, the proposal was reviewed and evaluated by the Review Committee and the supporting documents were reviewed by the Contracting Officer; and

WHEREAS, it is recommended that a contract be awarded to Greenscape Landscape Contractors, Inc. and Gessler Construction Co., Inc.; and

WHEREAS, it is further recommended that the contract with **Greenscape Landscape Contractors, Inc.** shall be for a five (5) year period, funding to be in four (4) increments, one base funding increment and three additional increments to be expended at PHA's option; the base increment to be in an amount not to exceed **FOUR HUNDRED THREE THOUSAND DOLLARS (\$403,000.00)**; the first optional funding increment to be in an amount not to exceed **TWO HUNDRED NINE THOUSAND NINETY DOLLARS (\$209,090.00)**; the second optional funding increment to be in an amount not to exceed **TWO HUNDRED FIFTEEN THOUSAND THREE HUNDRED SIXTY TWO DOLLARS AND SEVENTY CENTS (\$215,362.70)**; and the third optional funding increment to be in an amount not to exceed **TWO HUNDRED TWENTY ONE THOUSAND EIGHT HUNDRED TWENTY THREE DOLLARS AND FIFTY EIGHT CENTS (\$221,823.58)**; for a total contract amount not to exceed **ONE MILLION FORTY NINE THOUSAND TWO HUNDRED SEVENTY SIX DOLLARS AND TWENTY EIGHT CENTS (\$1,049,276.28)**; and

WHEREAS, it is further recommended that the contract with **Gessler Construction Co., Inc.** shall be for a five (5) year period, funding to be in four (4) increments, one base funding increment and three additional increments to be expended at PHA's option; the base increment to be in an amount not to exceed **NINETY FIVE THOUSAND FOUR HUNDRED TEN DOLLARS (\$95,410.00)**; the first optional funding increment to be in an amount not to exceed **FORTY NINE THOUSAND EIGHT HUNDRED SIXTY TWO DOLLARS AND THIRTY CENTS (\$49,862.30)**; the second optional funding increment to

be in an amount not to exceed **FIFTY ONE THOUSAND THREE HUNDRED FIFTY EIGHT DOLLARS AND SEVENTEEN CENTS (\$51,358.17)**; and the third optional funding increment to be in an amount not to exceed **FIFTY TWO THOUSAND EIGHT HUNDRED NINETY EIGHT DOLLARS AND NINETY TWO CENTS (\$52,898.92)**; for a total contract amount not to exceed **TWO HUNDRED FORTY NINE THOUSAND FIVE HUNDRED TWENTY NINE DOLLARS AND THIRTY NINE CENTS (249,529.39)**; and

BE IT RESOLVED, by and for the Philadelphia Housing Authority, that the Board of Commissioners, or its designee, is hereby authorized to conclude and to execute a contract with Greenscape Landscape Contractors, Inc. and Gessler Construction Co., Inc. for the provision of snow removal services at various PHA sites; and

BE IT FURTHER RESOLVED, that (1) PHA shall require that the recommended contractors comply with all terms required by the solicitation; (2) each contract is subject to approval by PHA's funding source before a contract shall exist; (3) no contract shall exist until signed by the Board of Commissioners, or its designee; and (4) if PHA and a proposer have not mutually agreed on the terms of a contract within forty-five (45) days of the next regularly scheduled Board meeting, then this resolution, with regard to the respective proposer, shall be void and the authority of the Board of Commissioners, or its designee, shall cease.

A vote being taken thereon, the "Ayes" and the "Nays" were as follows:

Ayes Commissioner John F. Street, Chairman
 Commissioner Nellie W. Reynolds, Vice Chairman
 Commissioner Patrick J. Eiding
 Commissioner Debra L. Brady

Nays: Commissioner/Councilwoman Jannie L. Blackwell

Commissioner John F. Street, Chairman thereupon declared the Resolution unanimously adopted.

Commissioner Brady moved for the adoption of the following Resolution, which motion was duly seconded by Commissioner Blackwell;

RESOLUTION NO. 11414

RESOLUTION AUTHORIZING THE CONTRACTING OFFICER, OR HIS OR HER DESIGNEE, TO CONCLUDE AND TO EXECUTE VARIOUS CONTRACTS UNDER FEDERAL AND STATE COOPERATIVE PURCHASING AND SIMILAR PROGRAMS

WHEREAS, the Philadelphia Housing Authority ("PHA") has needs for various goods and services; and

WHEREAS, under certain circumstances, PHA is allowed to acquire and lease goods and services using the Federal Supply Schedules maintained by the U.S. General Services Administration ("GSA"), which schedules are also referred to as the "GSA Schedules" and Multiple Award Schedules ("MAS"); and

WHEREAS, under the GSA Schedules program, GSA establishes long-term government wide contracts with commercial firms, providing access to over 11 million commercial supplies (products) and services at volume discount pricing; and

WHEREAS, GSA Schedules provide fast, flexible, cost-effective procurement solutions that allow customers to meet acquisition challenges, while achieving their missions; and

WHEREAS, the benefits of using GSA Schedules include realizing cost savings, experiencing flexibility and choice, saving time, achieving transparency, and controlling the procurement; and

WHEREAS, purchasing from GSA Schedule contracts offers the following advantages over procuring on the open market:

GSA has determined prices under Schedule contracts to be fair and reasonable, Schedule contracts have been awarded in compliance with all applicable laws and regulations, administrative time is reduced, and schedule contracts offer a wide selection of state-of-the-art commercial supplies and services; and

WHEREAS, Section 211 of the E-Government Act of 2002 amended the Federal Property and Administrative Services Act to allow for "Cooperative Purchasing;" and

WHEREAS, Cooperative Purchasing allows for the Administrator of General Services to provide states and localities access to certain items offered through GSA's Federal Supply Schedule 70, Information Technology ("IT"), and Consolidated (formerly Corporate Contracts) Schedule contracts, containing IT Special Item Numbers (SINs); and the information technology available to state and local governments includes automated data processing equipment (including firmware), software, supplies, support equipment, and services; and

WHEREAS, Public Law 110-248, the Local Preparedness Acquisition Act, amended the Cooperative Purchasing provisions of the Federal Property and Administrative Services Act to allow the Administrator of General Services to provide states and localities access to certain items offered through GSA's Federal Supply Schedule 84, Total Solutions for Law Enforcement, Security, Facility Management Systems, Fire, Rescue, Special Purpose Clothing, Marine Craft, and Emergency/Disaster Response. The products and services available to state and local governments include alarm and signal systems, facility management systems, firefighting and rescue equipment, law enforcement and security equipment, marine craft and related equipment, special purpose clothing, and related services; and

WHEREAS, the GSA Schedule ordering procedures encourage ordering entities to consider and, where applicable, give preference to small businesses; and

WHEREAS, the GSA Schedules provide tools to allow customers to tailor their searches specifically for products and services provided by small, minority, veteran, and women owned businesses; and
WHEREAS, customers ordering through the GSA Schedules may make socioeconomic status a primary evaluation factor when making a best value determination; and

WHEREAS, pursuant to the Pennsylvania Commonwealth Procurement Code, Act 57 of 1998, as amended (the "Procurement Code"), local public procurement units ("LPPUs") are authorized to engage in cooperative purchasing with the Commonwealth of Pennsylvania through the use of statewide contracts and the COSTARS system maintained by the Pennsylvania Department of General Services; and

WHEREAS, PHA is a LPPU for the purposes of the Procurement Code; and

WHEREAS, such Federal and State cooperative purchasing and similar programs offer competitively obtained and standardized prices, terms and conditions, and enable acquisitions to be effected on a streamlined basis; and

WHEREAS, pursuant to the regulations of the U.S. Department of Housing and Development ("HUD") applicable to procurement by public housing authorities (24 C.F.R. § 85.36(b)(5)), public housing authorities are "encouraged to enter into State and local intergovernmental agreements for procurement or use of common goods and services," in order to "foster greater economy and efficiency;" and

WHEREAS, in view of the above-described benefits of Federal and State cooperative and similar programs, and HUD's authorization and encouragement to use such programs, PHA has determined that use of such methods for procurement of goods and services would be beneficial; and

WHEREAS, the competitive and intergovernmental nature of Federal and State cooperative purchasing and similar programs, as well as the establishment of volume pricing and standardized terms and conditions obviates the need for review and approval by the Board of Commissioners of the terms and conditions and pricing of such individual contracts; and

WHEREAS, PHA's contracting entities have established proposed projections for their procurement needs for the period December 1, 2010, to November 30, 2011, and is presenting such projections in the following paragraph of this resolution in order to obtain authorization from the Board of Commissioners to enter into contracts under Federal and State cooperative purchasing and similar programs in amounts not to exceed such authorization; and

WHEREAS, PHA has projected a need to acquire and lease goods and services in an aggregate amount not to exceed **THIRTY MILLION DOLLARS (\$30,000,000)** for the period from December 1, 2010, to November 30, 2011; and

WHEREAS, it is recommended that PHA shall be authorized to enter into such contracts with governmental and private entities for terms not to exceed five (5) years, and in amounts not to exceed the amount set forth above for the period from December 1, 2010, to November 30, 2011;

NOW, THEREFORE, BE IT RESOLVED, by and for The Philadelphia Housing Authority, that the Officer, or his or her designee, is hereby authorized to conclude and to execute a contracts with various governmental and private entities for goods and services utilizing Federal and State cooperative purchasing and similar programs, including but not limited to individual purchase orders, contracts, blanket purchase agreements, and similar agreements for terms not to exceed five(5) years, in an aggregate amount not to exceed **THIRTY MILLION DOLLARS (\$30,000,000)** for the period from December 1, 2010, to November 30, 2011; and

BE IT FURTHER RESOLVED, the goods and services authorized to be purchased and leased pursuant to this resolution shall consist of the full range of goods and services available pursuant to such Federal and State Cooperative Purchasing and similar programs, including but not limited to, appliances, furniture, computer hardware and software, information technology, copiers, vehicles, office supplies, electrical and mechanical equipment, commodities, and services, including but not limited to consulting, maintenance and support services; and

BE IT FURTHER RESOLVED, that (1) PHA will comply with all applicable requirements regarding the use of such cooperative purchasing and similar programs, including obtaining multiple quotations where required; (2) PHA shall require each contractor to comply with all terms required by the applicable solicitation or contract; (2) each contract is subject to funding availability; and (3) no contract shall exist until signed by the Contracting Officer or his or her designee.

A vote being taken thereon, the "Ayes" and the "Nays" were as follows:

Present: Commissioner John F. Street, Chairman
 Commissioner/Councilwoman Jannie L. Blackwell
 Commissioner Nellie W. Reynolds, Vice Chairman
 Commissioner Patrick J. Eiding
 Commissioner Debra L. Brady

Also Present: Shelley R. James, Esq., Assistant Executive Director

Commissioner John F. Street, Chairman thereupon declared the Resolution unanimously adopted.

Commissioner Eiding moved for the adoption of the following Resolution, which motion was duly seconded by Commissioner/Councilwoman Blackwell;

RESOLUTION NO. 11415

RESOLUTION AUTHORIZING THE PHILADELPHIA HOUSING AUTHORITY, OR ITS AUTHORIZED DESIGNEE, IN CONNECTION WITH THE NORRIS APARTMENTS DEVELOPMENT TO (1) SUBMIT EVIDENTIARIES TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; (2) NEGOTIATE, CONCLUDE, EXECUTE AND IMPLEMENT EVIDENTIARIES AND ANCILLARY DOCUMENTS; (3) SECURE, EXECUTE AND ADMINISTER ANY APPLICABLE GRANT AGREEMENTS/ CONTRACTS WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, THE COMMONWEALTH OF PENNSYLVANIA OR OTHER FEDERAL, STATE AND LOCAL FUNDING AGENCIES FOR RECEIPT OF GRANT FUNDS TO BE USED FOR THE NORRIS APARTMENTS DEVELOPMENT; AND (4) PERFORM ALL ACTIVITIES NECESSARY OR DESIRABLE TO OBTAIN APPROVAL FROM HUD IN CONNECTION WITH SUCH ACTIVITIES

WHEREAS, the Norris Apartments Development (the "Development") involves the development of 51 newly constructed public housing, low-income housing tax credit rental units and a management office; and

WHEREAS, in furtherance of the Development, on July 12, 2010, the Pennsylvania Housing Finance Agency ("PHFA") allocated 9% Low Income Housing Tax Credits ("Tax Credits") to the Development, which tax credits are expected to generate tax credit equity from the sale of such Tax Credits to a third-party equity investor to support the implementation of the Development; and

WHEREAS, the Development will be owned and operated by a Pennsylvania Limited Partnership, Norris Apartments, L.P. (the "Partnership"), comprised of a separate general partner, Norris Apartments HDC, which will be an affiliate of PHA, and a separate limited partner equity investor, Wells Fargo Bank or an affiliate thereof (the "Equity Investor") with respect to the Partnership;

WHEREAS, the total development costs for the Development is currently anticipated to be approximately \$22,500,000, which is expected to be funded from a combination of proceeds from the sale of the Tax Credits and by a loan from the PHA to the Partnership; and

WHEREAS, PHA will loan to the Partnership an amount sufficient to fund the development and construction of the Development, which amount may include a bridge loan (the "PHA Loan"); and

WHEREAS, the Partnership will enter into a development services agreement with the Philadelphia Housing Authority Development Corporation ("PHADC") to develop the Development; and

WHEREAS, pursuant to 24 CFR Part 941, PHA must submit a rental term sheet ("Rental Term Sheet") with respect to the Development and certain evidentiary documents, as set forth in Exhibit A hereto, as well as certain documents ancillary thereto (the "Evidentiaries") to the U.S. Department of Housing and Urban Development ("HUD") for approval,

THEREFORE BE IT RESOLVED, that the Philadelphia Housing Authority Board of Commissioners hereby authorizes the PHA, through its authorized designee, in connection with the Development, to submit to HUD a Rental Term Sheet and, as applicable, negotiate, conclude, execute and implement the Evidentiaries, including without limitation, the evidentiaries listed on **Exhibit A** attached to this Resolution and such other documents ancillary thereto or necessary for purposes of developing, funding, constructing and operating each phase of the Development, and to take all steps necessary to secure HUD's approval of these Evidentiaries and secure the necessary funding set forth herein for the Development; and

BE IT FURTHER RESOLVED, that the PHA, through its authorized designee, is hereby authorized to take all steps necessary to secure HUD's approval of the documents referenced herein, including all financing documents, for the Development; and

BE IT FURTHER RESOLVED, subject to the prior written approval of HUD of the Rental Term Sheets and the Evidentiaries, to the extent required, the PHA, through its authorized designee, is hereby authorized, empowered and directed to execute, acknowledge where necessary, attest, deliver and/or accept and implement the Evidentiaries, including the Ground Lease between PHA and the Partnership in connection with the Development; and

BE IT FURTHER RESOLVED, that the PHA, through its authorized designee, is authorized to apply for and execute any applicable Contracts with appropriate Funding Agencies for funding for the Development and to administer said Contracts in accordance with their terms in connection with the applicable grant programs; and

BE IT FURTHER RESOLVED, that the PHA, through its authorized designee, on behalf of PHA, is authorized to negotiate, execute and enter into loan documents evidencing the PHA Loan; and

BE IT FURTHER RESOLVED, all actions taken heretofore by the PHA, through its authorized designee, with respect to the matters set forth in these resolutions are hereby approved and ratified.

A vote being taken thereon, the "Ayes" and the "Nays" were as follows:

Present: Commissioner John F. Street, Chairman
 Commissioner/Councilwoman Jannie L. Blackwell
 Commissioner Nellie W. Reynolds, Vice Chairman
 Commissioner Patrick J. Eiding
 Commissioner Debra L. Brady

Also Present: Shelley R. James, Esq., Assistant Executive Director

Commissioner John F. Street, Chairman thereupon declared the Resolution unanimously adopted.

Commissioner/Councilwoman Blackwell moved for the adoption of the following Resolution, which motion was duly seconded by Commissioner Brady;

RESOLUTION NO. 11416

RESOLUTION AUTHORIZING THE PHILADELPHIA HOUSING AUTHORITY, OR ITS AUTHORIZED DESIGNEE ON BEHALF OF THE PHILADELPHIA HOUSING AUTHORITY TO APPROVE A SETTLEMENT AGREEMENT WITH PHA, SUNOCO, INC., SUNOCO, INC. (R&M), ATLANTIC REFINING AND MARKETING CORP, SUNOCO PARTNERS MARKETING AND TERMINALS LP, ATLANTIC RICHFIELD COMPANY AND THE UNITED STATES OF AMERICA, CONCLUDING LITIGATION PENDING AND IN THE UNITED STATES DISTRICT FOR THE EASTERN DISTRICT OF PENNSYLVANIA, CIV. NO. 06-CV-01635-AB

WHEREAS, on April 18, 2006, the Philadelphia Housing Authority (“PHA”) commenced a civil action in the United States District Court for the Eastern District of Pennsylvania, *Philadelphia Housing Authority vs. Sunoco, Inc., et al.*, Civ. No. 06-cv-01635-AB (the “Litigation”), in which PHA sought damages and injunctive relief related to the presence of a ground water petroleum hydrocarbon plume under the former Passyunk Homes property (“Passyunk Homes”); and

WHEREAS, Passyunk Homes was owned in its entirety by PHA until 2007 and redevelopment of the site was restricted by United States Department of Housing and Urban Development due to contamination from neighboring operations. PHA retained a portion of the property for use as an office building; and

WHEREAS, PHA brought claims against Sunoco, Inc, Atlantic Richfield Company and related entities seeking damages for, among other things, diminution of property value and installation of vapor barriers for PHA’s office building. Sunoco and Atlantic Richfield in turn asserted claims against the United States related to operations at the former Defense Logistics Supply Center; and

WHEREAS, Sunoco, Atlantic Richfield and the United States have agreed to make a total payment of \$6.25 million in full and final settlement of PHA’s claims in the Litigation, except that PHA reserves its rights to compel performance of cleanup from the United States Department of Defense if Pennsylvania state requirements are not met; and

FURTHERMORE, Atlantic Richfield agrees to indemnify PHA for claims brought by former residents related to the plume; and

WHEREAS, in an e-mail dated September 29, 2010, approval of the settlement was given by the Department of Justice on behalf of the United States Department of Housing and Urban Development;

NOW, THEREFORE, be it resolved that the Philadelphia Housing Authority’s Board of Commissioners hereby authorizes the Philadelphia Housing Authority, or its authorized designee to execute a settlement agreement with Sunoco, Atlantic Richfield and the United States pursuant to which PHA will be paid the sum of \$6.25 million within thirty (30) days of full signature of the settlement agreement.

FURTHERMORE, following receipt of settlement funds, the Philadelphia Housing Authority, or its authorized designee will arrange for payment of legal fees pursuant to the letter dated January 22, 2010 between Fox Rothschild, LLP and the Philadelphia Housing Authority.

A vote being taken thereon, the "Ayes" and the "Nays" were as follows:

Present: Commissioner John F. Street, Chairman
Commissioner/Councilwoman Jannie L. Blackwell
Commissioner Nellie W. Reynolds, Vice Chairman
Commissioner Patrick J. Eiding
Commissioner Debra L. Brady

Also Present: Shelley R. James, Esq., Assistant Executive Director

Commissioner John F. Street, Chairman thereupon declared the Resolution unanimously adopted.

Commissioner Brady moved for the adoption of the following Resolution, which motion was duly seconded by Commissioner/Councilwoman Blackwell;

RESOLUTION NO. 11417

RESOLUTION RATIFYING RESOLUTION NUMBER 11406, DATED OCTOBER 21, 2010, WHICH AUTHORIZED THE PHILADELPHIA HOUSING AUTHORITY THROUGH ITS AUTHORIZED DESIGNEE TO TAKE ALL NECESSARY STEPS TO (1) SUBMIT A DEMOLITION/DISPOSITION APPLICATION TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR A PORTION OF THE QUEEN LANE APARTMENTS DEVELOPMENT; AND (2) SECURE FUNDING AND AUTHORIZE OTHER NECESSARY OR DESIRABLE DEMOLITION, DISPOSITION AND RELATED DEVELOPMENT ACTIVITIES IN CONNECTION THEREWITH

WHEREAS, In furtherance of the Queen Lane Apartments development initiative, PHA is proposing the demolition and disposition of 119 units of residential housing and one (1) non-dwelling unit in the 16-story high rise building which contains a total of 120 units (the "Development"); and

WHEREAS, PHA has determined that the Development is obsolete as to its physical condition and other factors, making it unsuitable for its intended purpose; and that no reasonable program of modification is cost effective to return or restore the Development to its useful life; and

WHEREAS, PHA is seeking an award of low income housing tax credits ("LIHTC") to construct 55 affordable rental units on the site of the Development once demolished; and

WHEREAS, in order to demolish and transfer the New Development Site to a limited partnership affiliated with PHA (the "Affiliated Partnership"), PHA must comply with certain provisions of the Housing Act of 1937, the Quality Housing and Work Responsibility Act of 1998, 24 CFR Part 970 (Public Housing Program - Demolition and/or Disposition of Public Housing Projects), the National Environmental Policy Act of 1969 (42 U.S.C. 4321), and the National Historic Preservation Act of 1966 (16 U.S.C. 469) and related laws, as stated in 24 CFR Part 50; as such laws and regulations are amended; and

WHEREAS, by submitting a Demolition/Disposition Application to HUD and obtaining the necessary approvals, PHA will comply with federal laws and regulations, and other applicable laws governing the demolition, and disposition of real property by a public housing authority.

WHEREAS, Resolution No. 11406 was adopted on October 21, 2010 by the PHA Board of Commissioners (the "Adopted Resolution") authorizing the activities set forth in Adopted Resolution and restated herein; and

WHEREAS, in order to obtain HUD approval of the Disposition and Demolition Application for the Development, PHA must comply with certain provisions of the regulations at 24 CFR Part 970 and other related laws, which require that local governmental consultation predate the adoption of the Board of Commissioner's authorizing resolution;

WHEREAS, the government consultation letter was received and is dated after the date of the Adopted Resolution, the ratification of the Adopted Resolution is required; and

NOW THEREFORE, BE IT RESOLVED, that the Adopted Resolution and the Disposition Applications submitted to HUD with respect thereto are hereby ratified in all respects, subject to and in compliance with all applicable laws, statutes and regulations.

A vote being taken thereon, the "Ayes" and the "Nays" were as follows:

Present: Commissioner John F. Street, Chairman
Commissioner/Councilwoman Jannie L. Blackwell
Commissioner Nellie W. Reynolds, Vice Chairman
Commissioner Patrick J. Eiding
Commissioner Debra L. Brady

Also Present: Shelley R. James, Esq., Assistant Executive Director

Commissioner John F. Street, Chairman thereupon declared the Resolution unanimously adopted.

Commissioner Reynolds moved for the adoption of the following Resolution, which motion was duly seconded by Commissioner Eiding;

**Walk On Resolution
RESOLUTION NO. 11418**

RESOLUTION AUTHORIZING THE BOARD OF COMMISSIONERS OF THE PHILADELPHIA HOUSING AUTHORITY (“PHA”) TO ENTER INTO AN AGREEMENT WITH THE NEW YORK CITY HOUSING AUTHORITY AND MICHAEL P. KELLY FOR THE PROVISIONS OF SERVICES AS EXECUTIVE DIRECTOR OF THE PHA ON AN INTERIM BASIS FOR A PERIOD NOT TO EXCEED TWELVE MONTHS

WHEREAS, the Board of Commissioners (“Board”) of the Philadelphia Housing Authority (“Authority”) is the governing body of the Authority and is charged with the oversight of the Authority; and

WHEREAS, the Board is responsible for the appointment and supervision of the Executive Director of the Authority; and

WHEREAS, the position of Executive Director of the PHA (“Executive Director”) is currently vacant; and

WHEREAS, the Board of Commissioners has performed a search for a qualified candidate to fill the position of Interim Executive Director; and

WHEREAS, the Board of Commissioners has selected Michael P. Kelly, an employee of the New York City Housing Authority (NYCHA), to fill the position of Executive Director on an interim basis for an initial period of six (6) months, but in no event longer than twelve (12) months; and

WHEREAS, the Board of Commissioners desires to enter into an Agreement with NYCHA and Mr. Kelly for the provision of services of an Interim Executive Director by Mr. Kelly; and

WHEREAS, Mr. Kelly’s compensation is set forth in the Agreement, which provides that PHA shall pay to NYCHA the sum of up to **\$292,500.00** (representing the annual cost to NYCHA of Mr. Kelly’s annual salary plus benefits), which sum shall be invoiced by NYCHA and paid in equal monthly installments for as long as Mr. Kelly is providing services as Executive Director in accordance with the terms of the Agreement; and

WHEREAS, the Agreement provides that PHA shall pay certain other expenses of Mr. Kelly, including a payment to an account specified by Mr. Kelly and a housing and meal allowance, as specified in the Agreement; and

WHEREAS, the Board of Commissioners shall continue to search for a candidate to fill the position of Executive Director on a permanent basis.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners is hereby authorized to conclude and execute an Agreement substantially in accordance herewith, with the NYCHA and Mr. Kelly for the provision of services by Mr. Kelly as Interim Executive Director for an initial period of six (6) months, but not in excess of twelve (12) months; and

FURTHER RESOLVED that PHA, NYCHA, and Mr. Kelly shall comply with all terms of the Agreement; and

FURTHER RESOLVED, that the Board of Commissioners may continue to engage such consultants or professionals as is necessary to find qualified candidates for the position of Executive Director on a permanent basis.

FURTHER RESOLVED, that all actions taken by the Board of Commissioners and authorized staff of the PHA in accordance with the resolutions herein shall be hereby ratified and approved.

A vote being taken thereon, the "Ayes" and the "Nays" were as follows:

Present: Commissioner John F. Street, Chairman
 Commissioner/Councilwoman Jannie L. Blackwell
 Commissioner Nellie W. Reynolds, Vice Chairman
 Commissioner Patrick J. Eiding
 Commissioner Debra L. Brady

Also Present: Shelley R. James, Esq., Assistant Executive Director

Commissioner John F. Street, Chairman thereupon declared the Resolution unanimously adopted.

The resolutions were adopted. With that, Commissioner John F. Street, Chairman opened the meeting for public comments. With no other public comments being heard, Commissioner John F. Street, Chairman adjourned the meeting. (Copies of the actual transcript will be provided upon written request).