

# Special Meeting of the Board of Governors of the Housing Authority of the County of San Bernardino

## Minutes

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**Tuesday, August 6, 2019**

**1:00 PM**

**Covington Chambers**

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### **CALL TO ORDER**

Pledge of Allegiance

### **ROLL CALL**

### **MEMBERS PRESENT**

Josie Gonzales, Curt Hagman, Robert Lovingood, Sylvia Miller, Jessie Muñoz, Dawn Rowe, Janice Rutherford

### **PUBLIC COMMENT**

There were no public speakers

Presentations - None

Executive Director's Report

Additions or deletions to the agenda

### **CONSENT CALENDAR**

- 1)
  1. Approve an amendment to the original commitment of the 38 Project-Based Vouchers for Golden Apartments San Bernardino, LP, a Limited Partnership developing the Golden Apartments permanent supportive housing project, to allocate five of the 38 Project-Based Vouchers to units that will be occupied by clients who are defined as homeless versus chronically homeless as previously designated for this site.
  2. Authorize the Chairman of the Board of Governors, Chief Executive Officer or the Executive Director of the Housing Authority of the County of San Bernardino, upon consultation with Legal Counsel, to accept and sign ancillary documents or exhibits necessary or appropriate to carry out the commitment and to satisfy program rules and regulations pursuant to federal requirements.
  3. Direct the Executive Director of the Housing Authority of the County of San Bernardino to transmit all other executed documents or certificates to the Secretary within 30 days of execution.

(Presenter: Maria Razo, Executive Director, 332-6305)

### **APPROVED (CONSENT CALENDAR)**

Motion/Second: Robert A. Lovingood/Dawn Rowe

AYE: Josie Gonzales, Curt Hagman, Robert A. Lovingood, Sylvia Miller, Jessie Muñoz, Dawn Rowe, Janice Rutherford

- 2)
  1. Approve the commitment of 31 Project-Based Vouchers to Desert Haven Victorville, LP, a Limited Partnership developing the Desert Haven Apartments permanent supportive housing project, for a term of 20 years, subject to federal government appropriations.

2. Authorize the Chairman of the Board of Governors, Chief Executive Officer or the Executive Director of the Housing Authority of the County of San Bernardino, upon consultation with Legal Counsel, to accept and sign ancillary documents or exhibits necessary or appropriate to carry out the commitment and to satisfy program rules and regulations pursuant to federal requirements.
3. Direct the Executive Director of the Housing Authority of the County of San Bernardino to transmit all other executed documents or certificates to the Clerk of the Board within 30 days of execution.

(Presenter: Maria Razo, Executive Director, 332-6305)

**APPROVED (CONSENT CALENDAR)**

Motion/Second: Robert A. Lovingood/Dawn Rowe

AYE: Josie Gonzales, Curt Hagman, Robert A. Lovingood, Sylvia Miller, Jessie Muñoz, Dawn Rowe, Janice Rutherford

- 3) Adopt a Resolution approving revisions to the Housing Services Administrative Plan governing the Housing Choice Voucher Subsidized Program.

(Presenter: Maria Razo, Executive Director, 332-6305)

**APPROVED (CONSENT CALENDAR)**

Motion/Second: Robert A. Lovingood/Dawn Rowe

AYE: Josie Gonzales, Curt Hagman, Robert A. Lovingood, Sylvia Miller, Jessie Muñoz, Dawn Rowe, Janice Rutherford

- 4) Approve Amendment No. 3 to Contract No. 18-791 with Edra Construction Corporation increasing the total contract amount by \$167,352.38 from \$1,203,646 to \$1,370,998.38 primarily for required utility upgrades for the renovation of two original Public Housing duplexes at Waterman Gardens for a new Head Start Preschool Campus in the City of San Bernardino.

(Presenter: Maria Razo, Executive Director, 332-6305)

**APPROVED (CONSENT CALENDAR)**

Motion/Second: Robert A. Lovingood/Dawn Rowe

AYE: Josie Gonzales, Curt Hagman, Robert A. Lovingood, Sylvia Miller, Jessie Muñoz, Dawn Rowe, Janice Rutherford

**DISCUSSION CALENDAR**

Action on Consent

There were no public speakers on the Consent Calendar

- 5) 1. Adopt a Resolution:
  - a. Authorizing the issuance of up to \$55,000,000 in multi-family housing revenue bonds to fund construction of the "Arrowhead Grove Apartments Phase II" mixed-income rental housing development, to be located at the Southeast corner of Waterman Avenue and Baseline Street in the City of San Bernardino;
  - b. Approving a Master Pledge and Assignment, a Master Agency Agreement, a Tax Regulatory Agreement, a Paying Agent Agreement; and
  - c. Designating the Chairperson, Vice-Chairperson, Chief Executive Officer or Executive

- Director of the Housing Authority of the County of San Bernardino (Authorized Officer) to approve non-substantive modifications to such documents, subject to review by Legal Counsel.
2. Direct the Executive Director of the Housing Authority of the County of San Bernardino to transmit all documents to the Secretary within 30 days of execution.
  3. Acknowledge that the documents provided are subject to revisions as the United States Department of Housing and Urban Development or Authorized Officer, in consultation with Legal Counsel, may require or approve.
- (Presenter: Maria Razo, Executive Director, 332-6305)

Public Comment: None

**APPROVED**

Motion/Second: Dawn Rowe/Sylvia Miller

AYE: Josie Gonzales, Curt Hagman, Robert A. Lovingood, Sylvia Miller, Jessie Muñoz, Dawn Rowe, Janice Rutherford

- 6) 1. Adopt a Resolution:
- a. Authorizing the Housing Authority of the County of San Bernardino to enter into a Development Loan Agreement with Waterman Gardens Partners 2, L.P. in a total amount not to exceed \$3,412,000 for the construction of Arrowhead Grove Phase 2 Affordable Housing Project.
  - b. Approve documents ancillary to the Development Loan Agreement(s) including:
    - i. Promissory Note
    - ii. Deed of Trust
    - iii. Regulatory Agreement
  - c. Approve a Ground Lease Agreement between the Housing Authority of the County of San Bernardino and Waterman Gardens Partners 2, L.P.
  - d. Approve a Ground Lease Loan Agreement between the Housing Authority of the County of San Bernardino and Waterman Gardens Partners 2, L.P. in an amount not to exceed \$970,000 and documents ancillary to the Ground Lease Loan Agreement including:
    - i. Promissory Note
    - ii. Deed of Trust
  - e. Approve documents required by the U.S. Department of Housing and Urban Development to complete the conversion of the former public housing units to project-based vouchers under the Rental Assistance Demonstration program including:
    - i. Rental Assistance Demonstration Delayed Conversion Agreement
    - ii. Rental Assistance Demonstration Housing Assistance Payment Contract
    - iii. U.S. Department of Housing and Urban Development Subordination Agreements
    - iv. Releases of Declarations of Trust
    - v. U.S. Department of Housing and Urban Development Use Agreement
    - vi. Consolidated Owner Certification
  - f. Approve an Amended and Restated Reciprocal Easement Agreement
  - g. Approve a Temporary License and Construction Agreement
  - h. Approve a Partial Assignment of Development Agreement and Letter Agreement
  - i. Approve Bank Subordination Agreements
  - j. Approve an Option Agreement and Right of First Refusal Agreement
  - k. Authorize the Chairperson, Vice-Chairperson, Chief Executive Officer, or the Executive Director, upon consultation with Legal Counsel, to make non-substantive modifications,

execute and deliver the Loan Agreements, Ground Lease Agreement, and Rental Assistance Demonstration program related documents and the ancillary documents necessary to carry out and close the transaction.

- I. Direct the Executive Director to transmit all documents and amendments to the Secretary within 30 days of execution.
  2. Acknowledge that the documents provided are subject to revisions as the United States Department of Housing and Urban Development or Authorized Officer, in consultation with Legal Counsel, may require or approve
- (Presenter: Maria Razo, Executive Director, 332-6305)

Public Comment: None

**APPROVED**

Motion/Second: Dawn Rowe/Sylvia Miller

AYE: Josie Gonzales, Curt Hagman, Robert A. Lovingood, Sylvia Miller, Jessie Muñoz, Dawn Rowe, Janice Rutherford

- 7)
1. Adopt a Resolution to:
    - a. Authorize the Housing Authority of the County of San Bernardino controlled business entity, Waterman Affordable 3 LLC, as it relates to the Arrowhead Grove Apartments Phase 2 Development Project, to serve in a limited partnership, Waterman Gardens Partners 2, L.P. that will receive the Low Income Housing Tax Credits and all other funding to complete the development project; and
    - b. Authorize the Chairperson, Vice Chairperson, Chief Executive Officer, or Executive Director of the Housing Authority of the County of San Bernardino (Authorized Officer), upon consultation with Legal Counsel, to execute and deliver all agreements necessary to consummate the role of the Housing Authority of the County of San Bernardino and the Waterman Affordable 3 LLC in the limited partnership, including the Operating Agreement, Partnership Agreement, Fee Agreement, Option Agreement and ancillary documents necessary to carry out and close the transaction.
  2. Direct the Executive Director of the Housing Authority of the County of San Bernardino to transmit all documents to the Secretary within 30 days of execution.
  3. Acknowledge that the documents provided are subject to revisions as the United States Department of Housing and Urban Development or Authorized Officer, in consultation with Legal Counsel, may require or approve.
- (Presenter: Maria Razo, Executive Director, 332-6305)

Public Comment: None

**APPROVED**

Motion/Second: Dawn Rowe/Sylvia Miller

AYE: Josie Gonzales, Curt Hagman, Robert A. Lovingood, Sylvia Miller, Jessie Muñoz, Dawn Rowe, Janice Rutherford

**OTHER BUSINESS**

Other Business Not Requiring Prior Notice (Oral)

Adjourn (Oral)