

**CITY OF ALAMOGORDO, NEW MEXICO
HOUSING AUTHORITY BOARD
SPECIAL MEETING MINUTES
6:45 P.M., COMMISSION CHAMBERS
TUESDAY, JUNE 12, 2007**

**CHAIRMAN DON CARROLL
VICE CHAIRMAN RON GRIGGS
MEMBER INEZ MONCADA
MEMBER ED COLE
MEMBER MARION LEDFORD
MEMBER CHRIS LUJAN**

**MEMBER STEVE BROCKETT
MEMBER - VACANT
CITY MANAGER PAT McCOURT
CITY ATTORNEY WILLIAM BROGAN
SECRETARY RENEE CANTIN**

Call Meeting to Order and Roll Call.

Chairman Carroll called the meeting to order. Roll Call was taken.

CALL OF THE CONSENT CALENDAR:

Item #2 was withdrawn from the consent calendar.

Chairman Carroll would like to remove Item #2 from the Consent Calendar. There is an amended report on the post approval of the property at 1315 Puerto Rico. He is unsure what has changed to warrant the amendment. Chairman Carroll stated that if there is no one else who wants to have anything else removed, he would entertain a motion to approve the balance of the Consent Calendar.

1. Minutes of March 20, 2007 and March 27, 2007 Special Annual Meeting.

Recommendation: Approve the minutes.

3. Post approval of the purchase of a house located at 1315 Puerto Rico

Recommendation: Approve the purchase.

4. Approval for the Housing Authority audit to be included with the City audit.

Recommendation: Approve the request to complete the Housing Audit in conjunction with the City Audit.

Member Brockett moved to approve items 1, 3, & 4 of the consent calendar. Member Cole seconded the motion. All voted "aye." The motion carried with a vote of 7-0-0.

2. Consider Resolution 2007-06 approving the Homeowner's Assistance Program to meet our current needs with homes we are purchasing.

Recommendation: Approve the resolution.

Chairman Carroll noted some background and changes to the dwelling lease purchase agreement. Housing Manager Alicia Rios noted changes to the purchase option and a minor edit on the policy. Chairman Carroll asked City Manager Pat McCourt if these are in response to the discussion. Mr. McCourt indicated that they are in response to the concerns discussed yesterday. Ms. Rios said that this went to Bill, who rewrote it, after which it was returned to the Board. She took it back to Bill this morning, added some things, cleaned it up and re-edited it. She thinks everything is covered that

was requested to be covered, including the word "not" that needed to be in that very important paragraph. On the option, they took out the last sentence that did not make sense with the remainder of the policy. This has gone by Bill. Chairman Carroll said that this satisfies the questions that were posed. He asked if any other members have any questions on the proposed change or the reason for it.

Member Cole moved to approve Housing Resolution 2007-06 as revised. Member Brockett seconded the motion. All voted "aye." The motion carried by a roll call vote of 7-0-0.

UNSCHEDULED COMMUNICATION:

Chairman Carroll stated that he believes the Commissioners all received a letter from an individual relating to a problem that she encountered with the Housing Authority. He asked to be told what happened and whether this individual was correct in her interpretation of what happened, or if she overreacted to the situation.

Judy Garcia said that it was definitely an over-reaction. When the individual came into the office, there was no talking to her. She was unable to grasp what Ms. Garcia was trying to say. They do have a background check system for criminal activity. One goes to DPS records; one goes to Buddy Johnson, the Dispatch Supervisor; and the other goes to Otero County Sheriff's Office. If it comes back with a hit, which is what she's talking about, it doesn't necessarily mean that it's a warrant for arrest or that they've been arrested. Rather it means that they have something on record. This is the paper she is talking about that we get back from Buddy Johnson, which is seen by no one but Mr. Johnson and the Housing Authority.

When it comes back with a hit, we ask them to come in and get fingerprinted. We then send the fingerprints to American Bankers, which is a national fingerprint service. They run the prints and send us the report on file. When I tried to explain to her that it doesn't mean it was an arrest, and that it could be as easy as getting a speeding ticket, she was upset. I explained this is something we have to do. HUD says we have to do this. Some things the individual said were taken out of context. Ms. Garcia did have conversations with the individual, and she believes that Michelle tried to explain the same thing to her; that we do have to do this, and this is what it means. She explained that we need to find out if the individual has any criminal history since she's been living here. Ms. Garcia said the individual said they had no right to use DPS's name, which is the record that goes to Mr. Johnson.

Chairman Carroll asked Ms. Garcia if something showed up on the background check, but it did not indicate specifically what showed up. Ms. Garcia said that Mr. Johnson will not release the information, and that is the reason the fingerprinting is done. The fingerprinting has not come back yet, so as of now it is not known what is on record.

Member Ledford asked what information will come back, and Ms. Garcia said it will be what Mr. Johnson found on the NCIC report. She noted that the information must come from the fingerprint service and not from Mr. Johnson. Chairman Carroll indicated that Buddy Johnson is the Dispatch Supervisor, and that running those checks is one of his other assigned duties. Member Ledford asked if it is safe to say that it is not merely a DPS issue, but is beyond that; and Ms. Garcia indicated that is a safe assumption.

Ms. Rios said the only identifying information given to Buddy Johnson is name, Social Security number and date of birth. That is all he puts into the system to get an NCIC hit, and then he lets them know whether there was a hit. She said there could be a case of identity theft here. If someone else is using her name, Social Security number and date of birth, it could be that her fingerprints will not match up to anything, and American Bankers will tell us there is no record on those fingerprints.

Chairman Carroll said let's assume that comes back; then what do you tell her? How do you tell her that she has a record somewhere in the system, but no one can tell her what it is? Ms. Garcia said a letter was sent out by Lori, the person that does the re-certification, and she's the one that indicated that she needed to come in for fingerprinting. Mr. Carroll asked how do you tell her she may be the victim of identity theft? Ms. Garcia said they tried to explain that to her. Chairman Carroll asked when the report comes back, how do you explain it to her so that she knows to follow up? How does she follow up if no one can or will tell her what is in the system? Ms. Garcia said she had told her to go to DPS, tell them about this issue, and ask them where to go from here. She said she didn't want to be a part of it.

Mr. McCourt indicated that the individual said she went to DPS, and she was told there were no hits. Ms. Garcia said DPS has nothing locally. Member Ledford asked what DPS will do. Does she go to them after it is said that she has a record? Does she go to DPS to figure out what to do about it? Ms. Garcia said that when American Bankers sends the report back, we contact her and tell her what has come back, and then we destroy it. We cannot keep that on file.

Chairman Carroll said DPS is only in a position to show or discuss what is in their system? Even if you go in and ask, they can't or won't tell you what they found at the I-Computer or wherever they found it? Ms. Garcia and Ms. Rios said that is correct. Attorney Brogan said he does not know, but will find out tomorrow. It's an interesting question that has never come up before. Chairman Carroll said there is a procedure if there is something in the local system to get it purged, but they obviously can't purge the record if it's from another town. It seems that if they come up with a hit, they should be able to tell you what it was and where they found it. Ms. Garcia said we were told that we will not find out from DPS what the hit was.

Chairman Carroll thinks that applicants should be able to find out what was found. Chairman Carroll said assuming that it comes back to be a mistake, he would hate to put her or anyone in a bureaucratic circumstance of going around and around. Chairman Carroll asked if there were any other questions on this issue. Ms. Garcia said she was hoping to get the report today, but it did not come in. Member Cole asked if this could include any type of police activity, like a traffic stop? Ms. Garcia said yes, it could. Chairman Carroll said it would cover a conviction for any violation of the law. It doesn't have to be a felony; it could be a misdemeanor arrest or charge. Attorney Brogan indicated again that he will find out tomorrow.

Ms. Evelyn Huff commented that if it could be worked out we would save a great deal of money and time. It costs \$32 to send it away, and then they have to wait patiently. Chairman Carroll said it may be that the city would rather have the Housing Authority liable for any mistakes; that may be part of the hesitancy.

Ms. Rios said it was a year of negotiation with them. Then cannot give us that information based on their contract with the FBI or whoever generates the report. But they will cooperate to let us know if there is a record, which is all they can tell us. It's in the federal policy that we must negotiate with a fingerprinting agency to have the fingerprints read. Ms. Garcia said the other side of the coin is that the hit might go back ten years, and we only go back three years. So there's another \$32, but at least we're sure.

Member Ledford asked if the individual was awaiting housing. Ms. Garcia said she is already housed; this is occupancy re-certification. Member Ledford asked if this is a process everyone goes through, and Ms. Garcia said yes. Member Ledford asked if this is the first time she had gotten housing, and Ms. Garcia said no. Chairman Carroll asked how often they re-certify, and Ms. Rios said once a year. Ms. Garcia said we got NCIC five months ago, and this is her first re-certification since then. Ms. Rios said she hopes we don't have a serial killer wanted back East somewhere.

Chairman Carroll confirmed that they only go back three years on re-certification. He asked if it is

possible that the information Buddy provides can tell you if it's within the last three years? Ms. Garcia said Buddy will not give that information, and just says hit or no hit. Chairman Carroll said the results should be hit or no hit within a certain time frame, which would save having to go through the fingerprint exercise. Ms. Rios said she will e-mail them tomorrow and see if that is possible. She said sometimes the applicant or tenant comes forward, says they were arrested and gives us the story. We automatically give them the fingerprint card, and then everything rolls smoothly. Ms. Garcia said this was the first time anyone was so irate about it. Chairman Carroll said hopefully the situation will work out well; if not, don't let us know. In all seriousness, we would like to know how this turns out; whether the system is working or if there is some tweaking that may need to be done. Ms. Rios said she will provide feedback on the situation.

Ms. Rios said we have approval for the half-million CDBG grant. Our \$50,000 match needs to come from our reserve, and they will be asking for money from the reserve. She anticipates the entire \$550,000 will go to sidewalk construction. She will probably be requesting additional money from the reserve for oversight and additional expenses. Ms. Rios and Ms. Huff met with Mr. Alterson and Ms. Schmittle in Community Development. To have the city do oversight is 15% of the project or \$83,000. We will talk to someone in Houston about doing the oversight and how much it will cost.

Ms. Rios said that if we hire an outside contractor, there is \$25,000 in CFP to kick in for that. If we use the city, that will come out of reserves as well. We may be looking at \$130,000 from reserves. A member asked how much is in reserves, and Ms. Huff indicated the reserve balance is \$503,140. Ms. Rios said the reserves money is adequate to cover expenses for a few months. She said we put in \$300,000 last year, so they can afford to take some of that out to finish this contract. She will let everyone know how that works out and who is contracted for oversight. Chairman Carroll said it should be done in regard to effectiveness and cost-efficiency for the Housing Authority.

Ms. Rios said it was brought to her attention today that, on the lease agreement document just approved, Chairman Carroll will have to sign the lease options once they are done. They reviewed the Housing Authority bylaws, and no signatory is defined; however, there is a signatory on the ordinance bill. She will give it to Bill. She suggested re-evaluating the bylaws later this year to update them and bring them up to city code. Chairman Carroll thanked everyone for their presentations and asked for a motion to adjourn.

ADJOURNMENT

Member Cole moved to adjourn. Vice Chairman Griggs seconded the motion. All voted "aye." The motion carried by a vote of 7-0-0.

/s/Donald E. Carroll

Chairman Donald E. Carroll

(SEAL)

ATTEST:

/s/Reneé L. Cantin

Secretary Reneé L. Cantin

(Prepared by Ubiquis Reporting)

Approved at Special Meeting held on August 27, 2007.