

New Commissioner Orientation On Board Less Than 3 Years

AAHRA 2018

Let's Look At:

- What is a housing authority?
- How is it organized?
- What does the board do?
- What are my duties?
- How can I stay out of trouble?

Legal Issues

- PHA: Separate from the municipality
- Started with legislative act
- Is municipal corporation
- BOARD: Duty to act in good faith
- Duty to the PHA
- AND FIDUCIARY DUTY TO HUD
- ETHICS CONSIDERATION

Goals of a Board

- Integrity
- Experience
- Independent thinking
- Quality
- Attitude
- Ability to work together

Fiduciary Duty

- Duties owed:
 - Loyalty
 - Care
 - Be sure organization operates within the law

Role of Board and Individuals

- Pass policies to help the authority
- Gather information, listen to each other, staff, and citizens
- Limit personal liability and exposure to litigation
- Contractual Obligations: ACC, conflicts of interest
- Act together, not individually

Official Publications

- Housing law
- Annual Contributions Contract
- HUD Ethics Manual
- Regulations
- Handbooks
- Guidance

What is a Housing Authority?

- State law
- Federal law
- ACC and funding
- Rules, regulations, guidance
- Federal agency?

Housing Types

- Conventional Public Housing
- Section 8 (Housing Choice Vouchers)
- Non-profits
- Tax credit
- Management
- Mixed finance

Duty to the City/County

- Mayor appoints
- HA makes annual report to Mayor/Council
- Comply with ordinances
- Payment to city (PILOT)
- Cooperation Agreement

Selecting Residents/Participants

- Criteria
- Background checks
- Eligibility
- Screening
- Waiting lists

Spending Money

- Procurement policy
- HUD rules
- Local rules and policy
- Administration of policy
- Procurement
- Reports
- Audit

My Designation

- Appointed by elected official
- Public Official
- Ethics, open meetings, HUD regulations
- Local law
- Role: establish policies
- Trouble: day to day activities

Role of the Board

- Fiduciary relationship
- Budget approval
- Advocacy and relationships
- Liaison with elected officials
- Executive Director: hiring, selection
- Performance reviews
- Setting policy

Responsibilities with ED

- Hire a competent Executive Director
- Role in Succession Planning
- Annual evaluation of ED
- NO OTHER EMPLOYEES

Staff Responsibilities

- Should I be involved in hiring staff? Why or why not?
- What about other staff issues: promotions, disciplinary, etc? Setting Personnel Policy
- Can I get into legal trouble for staff issues?
- Will it always be covered by insurance?
- Volunteer service act.

Governing Body

- Number set by law
- Resident commissioner
- Oath of office
- Training/orientation
- Responsible to whom?
- Sign ACC, reports, other documents

Other Duties

- Make policies
- Receive reports
- Pass resolutions
- Follow the rules
- Succession planning
- Five year and annual plans

Effectiveness

- Demonstrate leadership
- Maintain good communications
- Have good relationship with ED
- Planning: knowledge, strategic
- Good policies with ED leadership

What Controls?

- Nature of the HA: state, federal or municipal?
- Organization documents
- Federal, state, local laws
- Contracts
- Attorney General Opinions
- Ethics Commission Opinions
- HUD rules and regulations

HUD Ethics

- Public housing, Section 8, Employment, contracts
- Nepotism: defined in Manual
- Disclosure
- Waivers
- Minutes of Board

ACC and Ethics

- Establishes contract between the HA and HUD for funding
- Describes ethical issues for staff and commissioners
- Prohibits doing business and hiring in many cases
- Signed by HA Chair: Fiduciary?

Follow the Money

- Procurement
- Appearance of impropriety
- Contracts to friends
- Disclosure
- Reporting
- Audits

Audits

- Procurement
- Audit committee
- Submitting audit
- What does the report say?

The Executive Director

- Part of the board team
- Secretary/Treasurer
- Has fiduciary duty
- Has one boss: the entire board
- Board has only one Executive Director

Meetings

- Preparation, review, ask questions in advance
- Attend all meetings
- Participate in discussion
- Cooperate with members
- Make the meeting work
- Compromise
- Work toward consensus

Meetings continued

- Begin on time
- Stick to the agenda
- Follow the Bylaws and Policies
- Ask questions in advance if possible
- Decision of the majority is the decision
- Support the decision
- Staff present? Attorney present?
- Open meetings law

The Agenda

- How generated?
- Add-on items, deletions
- What do we do about public comments?
- What action should the chair take?
- Look in Bylaws

Public Comments

- Have on agenda
- Sign up sheet
- Action taken
- Time limit
- Why wait until board meeting to talk about grass cutting and weeds?

But I Don't Agree.....

- Work toward resolving issues
- Work with other members to discuss alternatives
- Let everyone have a part in the discussion
- Reach consensus
- DO WHAT IS BEST FOR THE HA !!

Working as a Team

- Listen to other members
- Explain your position and ask questions
- Be friends with other members
- Don't be afraid to agree or disagree
- BUT: State your reasons

Listening

- When you are listening: LISTEN
- Avoid interruptions
- Be sure your speech is related to the conversation
- What about note taking? Disruptive??

Delegate Responsibility

- You make policy
- ED implements policy
- ED makes reports and suggestions to you
- Allow the staff to do their job
- Trust the staff
- Don't be afraid to ask questions

The Director

- Helps the board do its job
- Implements policies and reports
- Responsible for day-to-day operations
- Represents the organization
- Hires, disciplines, supervises, educates, evaluates and promotes/demotes employees
- Manages the finances
- REPORTS TO BOARD: ACCURATE REPORTS

Reports

- What do we need?
- When do we want them?
- Privacy and confidential information issues

Staff Involvement

- Who do we need?
- Ask for reports in advance
- Consider a cut-off for questions: noon on Friday, etc???
- Issues: overtime, preparation, etc.

Board and ED Relationship

- ED duty to Board
- Part of the board team
- Reports: not only reports as requested, but anything he/she thinks relevant to overall operation of authority

ED has one boss: the full board.

Relationship Continued

- Board has only one employee: the ED
- Watch for trouble in getting involved with management
- Reports from residents, other employees
- What do I do to stay out of trouble?
- But what if serious allegation made about the ED?

Staff Relationships

- Chain of Command
- Don't allow staff to “short circuit” the chain
- Remind staff about proper channels for making complaints or grievances
- Watch out for “witch hunts”

Grievances/Complaints

- Have a policy for reporting
- Have a policy for discrimination, retaliation, protected communications
- Investigation and disposition: ED responsible except for allegations against him/her
- Let the ED know about any concerns or complaints that come directly to you other than against him/her
- Let ED handle the problem !!!

But: Avoid

- Day to day activities
- Hiring, promotion, disciplinary actions of staff
- Let the ED do his/her job

Credit for Actions

- If it does not matter who gets credit, everyone wins
- Be willing to compromise
- Achieving goals and assessing progress

Complaints

- Refer to ED
- Remind residents and employees to tell the ED
- Don't make promises
- Avoid losing insurance coverage
- Notify the Director of issues and complaints

AVOID

- Being managers
- Politics
- Personnel matters other than ED
- Becoming involved with staff or residents

Do Not:

- Send people to be hired or housed
- Send friends for contracts
- Ask for personal favors
- Take a chance on violating ethics
- Use office for personal reasons or politics

Current Hot Spots

- Discrimination, bullying, harassment, retaliation
- Use of arrest records
- Gender identity, familial makeup
- Active shooter
- Personal and individual liability

DO:

- Be an advocate for the HA
- Attend training
- Attend meetings
- Disclose any possible ethical issue
- Take the advice of your staff and attorney

Becoming and Remaining Successful

- Know your policies
- Be ethical
- Make other members successful
- Check legal papers: cooperation agreement, Bylaws, Incorporation, ACC, Proof of Insurance

AND:

- Enjoy your service to the residents and the community
- Look for ways to improve the HA
- Listen, learn and communicate