

**City of Fort Lauderdale  
Community Services Board  
February 11, 2013 – 4:00 P.M.  
City Commission Chambers – City Hall  
Fort Lauderdale, FL 33301**

<b>MEMBERS</b>		<b>PRESENT</b>	<b>ABSENT</b>
Richard Whipple, Chair	P	3	0
Wendy Gonsher, Vice Chair	P	3	0
Benjamin Bean	P	3	1
Margaret Birch	A	0	3
Ann Clark	A	2	1
Mark Fillers	P	1	0
Helen Hinton	P	3	0
Jasmin Shirley	P	3	0

**Staff Present**

Jonathan Brown, Manager, Housing and Community Development  
Marcia Gair, Administrative Assistant  
Mario DeSantis, Liaison and Housing Administrator  
Randall Robinson, Urban Design and Planning  
Stephanie Denham, Senior Management Fellow, Neighbor Support Division  
J. Oppерlee, Recording Secretary, Prototype, Inc.

**Communication to City Commission**

None.

**I. Call to Order / Roll Call / Pledge of Allegiance**

- **Quorum Requirement: As of February 4, 2013, there are 8 appointed members to the Board, which means 5 constitutes a quorum**

Chair Whipple called the meeting to order at 4:00 p.m. Roll was called and all stood for the Pledge of Allegiance.

**II. Welcome and Board / Staff Introductions**

New Board member Mark Fillers introduced himself at this time. He has lived in Fort Lauderdale for over two years and has expertise in finance and consumer care. He was appointed to the Board by Commissioner Roberts.

**III. Approval of Minutes – January 14, 2013**

Chair Whipple stated that the January 14 minutes would be approved at the next Board meeting.

The following Item was taken out of order on the Agenda.

#### **V. CDBG – Application Review**

Mr. Brown advised that roughly 21 agencies have submitted application summaries to the Community Development Block Grant (CDBG) program, of which 20 are eligible to submit applications. These agencies will be provided with applications by February 12, 2013. He noted that some agencies did not provide their 501(c)(3) status or other documentation, which means it is not yet known whether or not these agencies will be able to submit applications.

He asked the Board to consider which days in April should be set aside for discussion of applications. The regular Board meeting is scheduled for April 8. Mr. Brown explained that due to the number of potential applications, he encouraged the Board to schedule at least two dates for oral presentations from the agencies and recommendations from the Board.

Chair Whipple asked if the Board could make their recommendations at the May meeting. Mr. Brown confirmed that this could be done.

The Board members briefly discussed the possibility of a second meeting in April or making their funding recommendations in May. Mr. Brown added that CDBG applications are due on March 4; Staff anticipates being able to provide booklets to the Board at their March 11 meeting. He also pointed out that if the Board makes a decision on recommendations in April, these can be presented to the City Commission in May, which would be preferable.

It was determined that after the agencies make their presentations at the April meeting, the Board members would work with Staff to schedule a date and location to hold the second meeting.

#### **VI. TBRV Update**

Mr. DeSantis explained that the Tenant-Based Rental Voucher (TBRV) program assists individuals with HIV/AIDS and their families through subsidized housing. A portion of the individual's income goes toward housing, and the rest is subsidized by the TBRV program based upon the household income.

In 2012, the City Commission divided TBRV funding between two programs, Broward House and the Broward Regional Health Planning Council (BRHPC). Previously, only one agency had provided this service. In December 2012, half the TBRV clients were transitioned to BRHPC to receive services. A waiting list

was opened in January 2013 in order to move more clients into these programs. There are presently 668 individuals on the waiting list, ranked by computer lottery. Mr. DeSantis noted that the waiting list is good for three years.

Vice Chair Gonsler arrived at 4:12 p.m.

Mr. DeSantis continued that at present, it is not possible to determine how many individuals may be provided with subsidized housing, as the City is still determining exactly how much funding is available. He advised that he would provide the Board with more information in the coming weeks. The goal is to ensure that there is sufficient funding for the program, and that it can be sustained throughout the next fiscal year. The process for providing housing services will be standardized so all clients are treated according to the same protocols and are aware of what they must do to remain in compliance with the program.

Chair Whipple asked if any clients were found to be ineligible during the switch to BRHPC. Mr. DeSantis said client certifications are still underway, and noted that one reason the program is being standardized is to eliminate any inconsistencies between providers.

Ms. Shirley asked if there had been inconsistencies in the documentation used by different agencies to prove eligibility. Mr. DeSantis said the intent is to arrive at a standardized list for the overall HOPWA rules and regulations for housing; then, depending upon the agreements that are attached, there may be additional rules and regulations as well. The City is working to make sure that clients know exactly what they must do to maintain their subsidies across the facility-based, project-based, and tenant-based programs.

Rachel Williams, representing BRHPC, explained that the transition phase had gone "as well as...expected," with cooperation from both agencies. She noted that this phase is still in progress, as clients are recertified for the program every 90 days. BRHPC is in the process of performing a file audit, which is a lengthy process; they have come across discrepancies during this process, and have reached out to Broward House for more information when appropriate. Ms. Williams observed that not all discrepancies discovered during the audit would have come to light if cases had not been shared between agencies.

She continued that roughly 12 to 14 clients are currently in serious violation of the TBRV program. The agencies are working with these clients to ensure that they remain in stable housing and follow the rules; any clients who are shown to have violated the rules will be held responsible for their actions. These incidents are still in process, and hearings are already pending for some clients.

Mr. DeSantis said while it is not unusual for more than one agency to help a single client, federal regulations state that a client cannot receive two federal subsidies at the same time. He advised that checks and balances are being implemented in order to make sure violations do not recur. Mr. Brown added that while landlords may be partly at fault in some cases, clients are ultimately the liable parties, as they are made aware they cannot collect from two federal subsidies at once.

#### **VI. Good of the Order**

Ms. Shirley noted that former Board member Bradley Katz had been a consumer of the HOPWA program, and asked who would now advise the City Commission and the Board with regard to HOPWA, as Mr. Katz is no longer on the Board. Mr. DeSantis said he had reached out to the directors of HOPWA services to seek an advocate to succeed Mr. Katz; applications will be sent to the City Clerk so this position may be filled. He concluded that the individual who fills this position is expected to advocate on behalf of the HIV/AIDS community.

Ms. Shirley asked if the HOPWA representative to the Board must reside in Fort Lauderdale. Mr. DeSantis said members must live, work, or own property within the City in order to be eligible to serve on the Board.

Chair Whipple pointed out that the Department of Housing and Urban Development (HUD) typically does not want any discrimination regarding who might fill this seat as a representative, as HUD funding is County-wide. Mr. Brown said the City is the jurisdiction responsible for HOPWA, which made it unlikely that HUD would object to the requirement that an individual live, work, or own property in Fort Lauderdale. Chair Whipple stated that there are several municipalities within Broward County, and this requirement does not allow them to participate as Board members.

Vice Chair Gonsler recalled that this issue had been discussed when the CSB first took on the responsibility of acting as HOPWA advisor. Mr. Brown pointed out that Board members do not have to reside within Fort Lauderdale, but may live elsewhere as long as they work or own property within the City.

#### **IV. City Ordinance on Community Gardens**

Randall Robinson, representing the Urban Design and Planning Division, stated that in 2012 the City Commission passed an Urban Agriculture Ordinance, which covers both urban farms and community gardens. Urban farms are money-making ventures, while community gardens are pieces of land where individuals can rent small plots and grow vegetables.

Mr. Brown explained that because the CDBG process has been opened to grassroots organizations and efforts within eligible neighborhoods, any applications from community gardens must first meet the requirements of this Ordinance before that application is sent before the Board as an eligible applicant.

Vice Chair Gonsher asked if groups may use community gardens as well as individuals. Mr. Robinson explained that gardens are typically divided into plots, and an individual or household may grow produce on a particular plot. Vice Chair Gonsher asked if the Ordinance precludes a larger group of people sharing a larger plot of land for personal use. Mr. Robinson said he believed this was allowed.

Vice Chair Gonsher stated that she felt compliance with the Ordinance governing community gardens was no different from the requirement that all CDBG applicants must observe regulations regarding zoning and documentation. She felt that groups requesting funding for a community garden may be asked if they are in compliance with all City Ordinances. Mr. Brown confirmed this.

Mr. Robinson added that community gardens are allowed everywhere in the City except parks; there is a 30-day period in which the City Commission may call up a community garden application for review. The gardens are not restricted from any zoning designations.

Mr. Brown said the only restriction on community gardens from a CDBG perspective was that the garden would have to be located within a CDBG-eligible area, and must have an employee identification number (EIN) or data universal number system (DUNS) number in order to apply to the program. Ms. Shirley pointed out that most neighborhood groups, unless they were affiliated with a neighborhood association or other larger entity such as a nonprofit, was not likely to have these numbers.

Stephanie Denham, representing the City's Neighbor Support Division, said this Division is considering the creation of a matching grant program that would be similar to the Neighborhood Capital Improvement Program (NCIP). This program would allow for four matching grants for community gardens, one in each district. She stated that she planned to go before the City Commission later on in the year to discuss this potential program, with the intent that funding would be available in October 2013. The program would provide a \$10,000 matching grant for each community garden, which would total \$20,000 per garden. CDBG funds are eligible for use as the matching funds for this program.

## **VIII. Items for the Next Agenda**

Vice Chair Gonsher recalled that a previous Board member had made recommendations regarding the CDBG application process. Mr. Brown advised that changes to the process be discussed at today's meeting, if possible, in order to prevent delaying the application process. Chair Whipple suggested that these changes could also be discussed after this year's CDBG process is complete. Vice Chair Gonsher agreed that this would be reasonable, as the Board already planned to discuss changes to the CDBG categories after this year's cycle. The members agreed to continue this discussion at the May meeting.

Chair Whipple said he would also like to know which agencies have already been funded during a previous cycle and are requesting funds from the program once again. He explained that the Board should receive information on where these agencies are with their funding expenditures before the Board evaluates their current applications. Mr. Brown said he could provide this information, although he pointed out that HUD did not upload grants for agencies until mid-January 2013, which means the agencies are only beginning to spend funds, through no fault of their own. Vice Chair Gonsher noted that this information could be provided on agencies that were not funded in the current cycle, but were funded in previous years.

Mr. Brown requested clarification of what information the Board wished to see. Chair Whipple said he would like to know if there were findings about the agencies and whether or not they were resolved, as knowing there were several findings could affect his evaluation of the applications. Vice Chair Gonsher said she wanted to hear the results as well as the findings.

Mr. DeSantis asked if the Board would like a further update on the TBRV program, such as how many vouchers would be available. Ms. Shirley said she would like to know how many clients the program expects to support over the coming year, including how many clients will potentially be moved off the waiting list and onto the program. Mr. DeSantis noted that there may be clients on the waiting list who believe they are eligible but have not yet been through the verification process.

Ms. Hinton requested an update on the Legal Aid issue. Mr. Brown said the City has twice requested information from HUD, including contractual information, such as whether or not the Florida Bar supersedes HUD requirements. He explained that the question is whether Legal Aid, while in the process of representing its clients, uncovers information that could affect that client's eligibility and would provide the City with this information. Legal Aid's response is that they would not do so, as this would be subject to attorney-client privilege. The City wishes to make sure that if HUD uncovers information about clients that has also been discovered by Legal Aid, they will not hold the City liable for repayment of these dollars. The City is now waiting for HUD to make a determination on this issue.

Mr. Brown continued that the second question for HUD is related to whether or not it is a conflict of interest for the City to award funding to Legal Aid while knowing that Legal Aid has represented clients who have sued the City. HUD's response was that no conflict of interest exists in this case.

Ms. Shirley commented that regardless of the attorney-client relationship, the attorney acting as the provider of a service should be subject to maintaining the integrity of the program, as would any provider, by following its regulations. This would include counseling clients about moving to other housing programs for which they are eligible. Mr. Brown said Legal Aid has asked that this portion of the agreement be stricken, which is why the question has been sent to HUD.

Chair Whipple said he was concerned regarding the time in which HOPWA funding must be expended. He pointed out that the dollars going to Legal Aid could have been used in other programs or with other agencies. Mr. Brown said these funds must be spent within three years. He added that HUD representatives have advised him a response may be available by the end of the week, and he has communicated this information to the City Manager's Office.

Ms. Hinton stated that she was concerned to hear Legal Aid wished to opt out of one of the requirements of the program, as the Board had not been made aware of this when they chose to award funds to the agency. Mr. Brown said Legal Aid feels the Florida Bar requires them not to disclose any privileged information; they may request a waiver, though it is not yet known whether HUD would approve a waiver or the City would accept it. He advised that the Board may communicate their thoughts on this topic to the City Commission if they wish.

He continued that the City Commission is interested in making a decision on this issue in a timely manner, which means there may be no opportunity to bring this issue before the Board if HUD gives its answer prior to the next Board meeting.

Ms. Hinton said she would like the Commission to be informed that the Board did not have all the information at the time they recommended funding for Legal Aid. Mr. Brown pointed out that Legal Aid would not have seen the City's agreement before the Board made their recommendation and the City Commission accepted it.

Vice Chair Gonsler asserted that it is not the Board's job to determine what is or is not a conflict of interest. She said she still supports funding the services Legal Aid would provide for their clients. Ms. Hinton said while she shared this support, she did not feel Legal Aid should be allowed to strike a portion of their agreement with the City.

Vice Chair Gonsler stated that other providers do not share Legal Aid's responsibility to provide attorney-client confidentiality, and she would be uncomfortable telling the agency that they must choose between this privilege and the HOPWA rules. Ms. Shirley pointed out that other agencies also have advocacy relationships with their clients, even if they are not attorney-client relationships; these agencies may also be aware that some clients have acted outside the law, and may have ensured that these clients were not funded by a program for which they were ineligible.

Mr. Brown clarified that Legal Aid's issue is not whether or not they represent an ineligible client using HOPWA dollars: they have agreed that they will use funding from other sources to represent these clients. The issue is related to whether or not they are still funded with regard to housing these clients rather than providing them with legal services.

Mr. Bean advised that attorney-client privilege is a basic tenet of the legal profession, and cannot be violated without answering to the Florida Bar. He said if Legal Aid is willing to cooperate to the fullest extent possible without compromising this privilege, the City cannot require them to commit this compromise.

Chair Whipple suggested that after the first year of the City's agreement with Legal Aid, the Board could then invite the agency to attend a meeting prior to renewal of this agreement so they could explain their discomfort with Legal Aid's request for a waiver.

Ms. Shirley asked if Staff could advise the Board on the service delivery provided by other agencies throughout the country who receive HOPWA funding. Mr. Brown said Staff would provide this information.

#### **IX. Communications to the City Commission**

None.

#### **X. Adjournment**

There being no further business to come before the Board at this time, the meeting was adjourned at 5:15 p.m.

[Minutes prepared by K. McGuire, Prototype, Inc.]