

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

MEMBERS		PRESENT	ABSENT
Richard Whipple, Chair	P	4	0
Wendy Gonsher, Vice Chair	P	4	0
Benjamin Bean	P	4	1
Margaret Birch	A	0	4
Ann Clark	P	3	1
Robert Ettinger	P	1	0
Mark Fillers	P	2	0
Helen Hinton	P	4	0
Jasmin Shirley	A	3	1

Staff Present

Jonathan Brown, Manager, Housing and Community Development
Marcia Gair, Administrative Assistant
Mario DeSantis, Liaison and Housing Administrator
David Harvey, Housing and Community Development
J. Opperlee, Recording Secretary, Prototype, Inc.

Communication to the City Commission

None.

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

- **Quorum Requirement: As of February 27, 2013, there are 9 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 / Board / Staff Introductions

The Board members, including new member Robert Ettinger, introduced themselves at this time.

III. Approval of Minutes – January 14, 2013

Motion made by Vice Chair Gonsher, seconded by Mr. Fillers, to approve. In a voice vote, the **motion** passed unanimously.

IV. Approval of Minutes – February 11, 2013

Motion made by Ms. Hinton, seconded by Mr. Fillers, to approve the minutes from February 11. In a voice vote, the **motion** passed unanimously.

V. Status of Current CDBG Subrecipients

Mr. Brown distributed copies of a spreadsheet tracking the status of the current agencies receiving Community Development Block Grant (CDBG) funding. The spreadsheet's format is per the City Manager's request, as it shows how the agencies are spending funds and working toward their targets and goals. Mr. Brown asked that the Board members review the document and provide feedback on agencies about which they have questions, as well as on whether or not another tracking format might be simpler.

He continued that some of the agencies have not spent any funds or requested reimbursement thus far. Although the program year did not begin until January 2013, the City is awaiting some of these requests so it can show in greater depth what the agencies are doing. Mr. Brown also noted that in its last Annual Action Plan, the City Commission approved the use of a subrecipient monitoring agency to monitor not only CDBG participants but Housing Opportunities for Persons with AIDS (HOPWA) and other agencies. An RFP has been prepared for this monitoring agency.

He added that the City Manager's Office has expressed concern with any agency that is not requesting reimbursement on a frequent basis. This Office also understands that in order to seek reimbursement, agencies must submit documentation of eligible clients. It is possible that agencies are serving a large number of clients, which may slow the documentation process; however, if clients prove to be CDBG-ineligible, the City may not reimburse for them.

Vice Chair Gonsler asked if 25% of the full amount funded was provided to each agency from October through December 2012. Mr. Brown confirmed this, stating that although the fiscal year for CDBG funding begins on October 1, some agencies do not begin spending their allotted funding until Staff notifies them that this funding is available. This is because some agencies administer their programs whether or not the City provides funding for them, as they do not have to bring in additional staff or purchase supplies. He also noted that because the City is still in the process of selecting a monitoring agency, the agencies are not yet being monitored and provide their own information regarding participants, expenses, and other details.

Vice Chair Gonsler asked what would happen if an agency spends all its funds early on during the fiscal year. Mr. Brown replied that these agencies would

continue their programs, even if CDBG funding does not last the entire 12 months during which it is provided.

It was clarified that the agencies' funding was provided in the following amounts:

- Jack and Jill Children's Center: \$28,590
- Broward Performing Arts: \$25,731
- Hope South Florida: \$28,590
- Susan B. Anthony Center: \$22,057
- Luz del Mundo: \$20,016
- Neighborhood Housing Services: \$28,590

Mr. Brown stated that he would correct the spreadsheet in order to reflect these amounts, and would email corrected copies to the Board members.

Ms. Clark asked if the benchmarks would be adjusted with each subsequent report. Mr. Brown explained that these were annual percentage goals based on performance and would accumulate on a month-by-month basis. He noted that in the case of Broward Performing Arts, participating children are acquired at the end of the school year, which means they may or may not add more participants throughout the year.

Vice Chair Gonsler commented that she was surprised to see some benchmarks set at only 50%. Mr. Brown said he would send the Board members copies of the benchmarks approved by the City Commission.

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

VIII. April CDBG Public Service Application Review and Attendance Confirmation

Mr. Brown advised that the Public Service applications have arrived and are provided for the members at today's meeting. Of the 22 agencies expressing interest in this category, there were ultimately 12 applicants. The agencies are broken out by categories and funding amounts. One scoring sheet per agency was also provided. He concluded that the Board may now determine how it would like to proceed with hearing these 12 applications, such as holding one or two meetings in April and whether to score the agencies in April or in May.

It was noted that at present, meetings on April 8 and 9 are scheduled to hear presentations. Mr. Brown noted that this was because more applications had originally been anticipated. He added that once the members provided their scores, they could be averaged at the meeting and entered into a spreadsheet.

Vice Chair Gonsler stated that she was not comfortable scoring the applications during the presentation meeting. Chair Whipple pointed out that most of the

applicants' information would be provided in their proposals, as each agency had only three minutes to present their applications to the Board.

Mr. Fillers suggested that the members provide their scores within a few days or a week of the regular meeting. Mr. Brown replied that this would be at the Board's discretion. He recalled that the Board had asked for a "decision-maker" from each agency to be part of the presentation session, and explained that he would need to give these individuals sufficient time to plan to attend the meeting or meetings.

It was determined that the Board would plan to meet on Monday, April 8 for the regular meeting and presentations, with a follow-up meeting scheduled for April 15. Representatives of the agencies would be in attendance at both meetings. The members would submit their scores to Staff no later than Thursday, April 11, and scores would be averaged and sent back to the members by Friday, April 12.

Mr. Brown noted that the Department of Housing and Urban Development (HUD) has not yet determined the City's allocation for CDBG funding. This amount should be available by the time the regular meeting is held. Mr. Brown recalled that one question that has arisen in the past was whether or not agencies would be able to operate if provided with a lesser amount of funding than they had requested, which is one reason the Board had requested that decision-making representatives of the agencies be present.

Vice Chair Gonsler stated that in 2012 the Board had considered using the total score rather than the average score, as average scores could result in a tie. Mr. Brown replied that Staff would provide both figures, with the total score to be used for ranking and the average score for informational purposes.

Vice Chair Gonsler observed that in the past there had been greater disparity between the members' scores; however, there is less variability at present. She said she would like to see all the members' scores reflected on the spreadsheet.

VI. Status of TBRV

Mr. DeSantis stated that he had met with the agency coordinators of Broward House and Broward Regional Health Planning Council (BRHPC). Roughly 46 new clients will be able to join the Tenant-Based Rental Voucher (TBRV) program in 2013. He advised that this is a conservative figure, and noted that federal sequestration meant there may be a 10% reduction in funding. Another 10-14 new clients may be able to be added the following fiscal year. He concluded that 287 individuals are already being served by these programs; the addition of 46 new clients would mean 333 individuals would participate in TBRV this year, up from 316 in 2012.

VII. Update on Legal Agencies Providing HOPWA Services

Mr. DeSantis advised that HUD had given him a list of agencies that provide legal services. After speaking with these agencies, he had learned that one agency was closing its doors; another does not receive HOPWA dollars; and a third agency has not yet responded to his email request. He also spoke with Legal Aid of Atlanta, which informed him that they have not experienced the same issues that have arisen in Fort Lauderdale. At present, Staff is still awaiting a response from HUD with regard to the potential conflict of interest in relation to attorney-client privilege.

Vice Chair Gonsler asked if the City Commission has tabled the issue until this response is received. Mr. DeSantis confirmed this.

Patrice Paldino of Legal Aid stated that her office has met with the City Attorney, and one outstanding issue remains: HUD has agreed with Legal Aid's position that there is no conflict of interest under their regulations. The issue of attorney-client privilege remains, however, as Legal Aid is not able to disclose client confidences. She advised that this privilege prevents Legal Aid from revealing past crimes or fraud disclosed in confidence; however, they are required by the Florida Bar to reveal "future crimes or fraud," as this revelation may serve to prevent these crimes.

The City's concern is that past incidents could serve as a basis for a client's termination from the HOPWA program, and it is problematic for a recipient of HOPWA funding to fail to reveal these incidents. Legal Aid has reached out to HUD to request an answer on this issue, as has City Staff; thus far, neither side of the issue has received a response.

Ms. Paldino added that if a client discloses that he or she may not have been eligible to be a HOPWA recipient, that client is still entitled to a termination hearing once this allegation has been raised. The City's position is that an agency receiving HOPWA funds is required to comply with HUD regulations in ensuring that no fraud is perpetrated. Ms. Paldino asserted, however, that although there may be an allegation of ineligibility, proof must still be shown that a particular client is not eligible.

Ms. Paldino noted that Legal Aid's proposal also extends to assisting HOPWA clients in defense against uninhabitable living conditions or landlord issues. Many clients also present with other issues as well, such as difficulty receiving disability payments; Legal Aid may also offer assistance with this and other problems.

She added that another issue is that funds would be provided to Legal Aid from HUD through the City; the City had felt this was a conflict of interest, as Legal Aid has a separate and unrelated lawsuit against Fort Lauderdale that is currently

going through the appeals process. HUD has ruled, however, because the recipient has no financial interest in the receipt of funds, no conflict of interest exists. She concluded that Legal Aid continues to assist HOPWA clients at present.

Pablo Calvo, representing BRHPC, advised that this agency has partnered with Legal Aid for the past five years and has found them to be of great help to clients with landlord/tenant issues, as well as benefits and employment issues. He expressed concern that BRHPC may also be working with a client about whom Legal Aid may have information that would make them ineligible for the program, but would be unable to access this information due to attorney/client privilege. He asked if the City would hold BRHPC liable for this information, even if they did not have access to it.

Mr. Brown replied that it is an agency's responsibility to determine that a client is eligible for a given program. If any agency provides the City with information that may affect this eligibility, the City will notify all agencies that assist that client. With regard to the City's question for HUD, he explained that the City is considered the grantee of funds, and HUD will look to the City, not to an agency, to act accordingly. The City is asking that an agency that becomes aware of information that would affect a client's eligibility share it with the City so the appropriate due diligence may be performed.

Mr. Calvo stated that his concern was for eligibility issues related to rule violations: for example, a poor client relationship with his or her neighbors or landlord might disqualify that client from assistance, but this information may not be provided to BRHPC until after assistance has already been provided. Mr. Brown said the City would provide information they are aware of that is related to the rules of HOPWA eligibility, although they were not likely to share information based upon the rules of a given agency. He proposed that a better example might be that of a client charged with the sale, manufacture, or possession of drugs, as this would be a HOPWA violation.

Mr. DeSantis added that an agency that performs due diligence and finds no infractions is required to report an infraction that is discovered at a later date; otherwise their housing subsidy may be terminated. Mr. Calvo said he had spoken with HUD representatives regarding a similar issue, and was informed that HUD would not pursue an agency that unknowingly assisted an individual engaged in fraud, but would pursue the individual who committed the infraction.

IX. Good of the Order

Chair Whipple advised that new Board members with questions regarding the materials provided in their CDBG documents should call Staff with these questions, as the Sunshine Law would prohibit Board members from discussing

any business outside a meeting. He also asked that all Board members respond to emails from Staff with regard to meeting attendance, as this would make it possible to determine whether or not a quorum would be present.

X. Items for the Next Agenda

Mr. DeSantis advised that CDBG applicants at the next meeting would be given three minutes to make their presentations, after which the Board would have an additional three minutes for questions to the agencies.

XI. Communications to City Commission

None.

XII. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 5:08 p.m.

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