



Teton Valley Housing

Teton County Joint Housing Authority

MINUTES OF THE REGULAR MEETING

Held on January 4, 2023, 12:00pm

Board Members Present: Chair Shawn Hill, Vice-Chair Troy Butzlaff, Monica Carrillo Martinez, Hallie Poirier, Phillip Hanamaikai, Suzanne Rees, Chris Jones.

Board Members Absent:

Others Present: Angie Pacheco, TCJHA Executive Director; Doug Self, TCJHA Secretary; Michael Stoddard, Hawley-Troxell, TCJHA Attorney; Jeremy Besbris, City Administrator, City of Victor; Peter Snaveley Jr., Snaveley Group; Freddie Botur, Snaveley Group; Jess Giuffre, NWRECC; John Vance, NWRECC; Vancie Turner.

ADMINISTRATIVE ITEMS

Call to Order

Chair Shawn Hill called the meeting to order at approximately 12:05pm, finding a quorum of appointed commissioners being present.

Amendment to Meeting Agenda

Commissioner Tory Butzlaff moved to amend the meeting agenda, adding Item No. 9 – Executive Session to discuss property acquisition. Commissioner Hallie Poirier seconded the motion. The motion passed with all in favor

Approval of December 7, 2022 Meeting Minutes

Commissioner Troy Butzlaff moved to approve the December 7, 2022 meeting minutes with an amendment adding to the Written Communication item the request by Commissioner Butzlaff that all written communication received be transmitted to all commissioners prior to the meeting.

Commissioner Monica Carrillo Martinez seconded the motion. The motion passed with all in favor.

Approval of November Financial Report

Commissioner Phil Hanamaikai moved to approve the November 2022 financial report. Commissioner Chris Jones seconded the motion. The motion passed with all in favor.

2023 Regular Meeting Schedule

Chair Shawn Hill noted that the Authority had been meeting twice a month until a full-time Executive Director had started and that without objections, the Authority would now meet on the first Wednesday of each month at noon. There were no objections to continuing with regular meetings as noted.

Creation of Standing Committees

Chair Hill suggested the creation of a standing Housing Policy and Supply Plan Committee, which would oversee the employee generation study and recommend housing policy. Commissioner Troy Butzlaff recommended a Governance Committee to develop policies and procedures with the Executive Director before presenting for adoption to the full board. Commissioner Butzlaff also recommended a Budget and Finance Committee. The commissioners agreed on the following standing committees and appointments:

- Housing Policy and Supply Plan: Commissioners Hill, Hanamaikai, Jones and Poirier (to be noticed as a public meeting of the board if a quorum of commissioners will be present);
- Governance: Commissioners Butzlaff, Hill and Carrillo Martinez;
- Budget and Finance: Commissioners Butzlaff and Jones.

SHERMAN PARK PROJECT – DEVELOPER SELECTION

Chair Hill noted that at the Authority's December 7, 2022 meeting, the board had requested that the two developer teams submit a project financial pro forma and that the board had received these documents. Commissioner Hallie Poirier asked if the Authority's attorney was available to comment prior to discussion. Michael Stoddard stated that the Authority was following the 67-23-20 state statute for a qualifications based process for firm selection and that once the most qualified firm was selected there would be a second step to negotiate a contract price and if the authority could not reach agreement, it would negotiate with the second firm.

Commissioner Troy Butzlaff stated that the Request for Qualifications (RFQ) included criteria, which was consistent with the MOU between the Authority and City of Victor and with the Housing Supply Plan as well as the Authority's webpage, with the project being defined as targeting 80% to 120% of Area Median Income (AMI) . Commissioner Butzlaff stated that the Authority is now considering deviating from that target and possibly awarding a project to a developer that cannot even get close to the 80% to 120% Area Median Income. Commissioner Butzlaff stated he was concerned with materially changing the goal posts, which also included some commissioners discussing ownership as a selection factor, which was not included in the request for qualifications. Commissioner Butzlaff stated that the only response that met the RFQ criteria of 80% to 120% Area Median Income was the Snively Group and that he would award to Snively Group or throw out the process and start over. Commissioner Butzlaff added that the process could be questioned by other firms that might have applied if the 80% to 120% AMI criteria had not been included in the RFQ.

Chair Shawn Hill noted that one option is to cancel the RFQ.

Commissioner Phil Hanamaikai stated that the 80% to 120% AMI will be addressed by the market and that what is most needed is below 80% AMI, and if that meant that the RFQ needed to be canceled, then that is the direction the Authority should take.

Michael Stoddard stated that the RFQ can be amended, but that there could be concern by firms about such amendments. Mr. Stoddard stated that it is important to keep a level playing field if there were an amendment so that responses to the RFQ could be updated to address those changes. Mr. Stoddard agreed with Commissioner Butzlaff that if the amendment was significant enough then the RFQ process would need to be restarted so that other firms had an opportunity to respond.

Chair Hill stated that he understood that the process was being conducted in a spirit of cooperation and allowed for flexibility in order to make the process as thorough as possible. Chair Hill stated that the process had gotten somewhat convoluted with meetings focused on project details rather than qualifications. Chair Hill stated that he agreed with Commissioner Hanamaikai that the market was producing rental units at above 100% AMI and that he struggled with using a subsidy for a project that that market is already producing. Chair Hill noted that regarding ownership, the RFQ had discussed both ownership and rental. Chair Hill stated that he would be in favor of canceling the RFQ and re-approaching the project with a better understanding of both policy and procedure.

Commissioner Hanamaikai stated that the project would meet a need for more housing and it would be unfortunate to lose the time that had been spent getting to this point. Commissioner Butzlaff agreed that it would be a shame to lose the time and that if the RFQ for Sherman Park was thrown out that the Authority may have to do the same with the 175 Front Street project. Commissioner Hanamaikai stated that if the Authority moved forward with an award with a focus on 80%-120% AMI that it should immediately identify land and issue an RFQ for a project targeting 60% to 80% AMI.

Commissioner Hallie Poirier noted that a lot has changed since the Authority started the process and that the market seemed to be providing rentals in the 80% to 120% AMI range. Commissioner Poirier noted that Snively Group stated that the financial picture was not pretty and she worried that the project might not be able to move forward if funding or investors are not secured. Commissioner Poirier observed that the process did get messy and that she would support taking a step back.

Commissioner Troy Butzlaff moved to approve the Snively Group for the Sherman Park project to honor the Request for Qualifications and avoid having to start the process over. Commissioner Chris Jones seconded the motion. Chair Hill asked if there was any discussion.

Commissioner Butzlaff stated that the Authority had a proposal from the Snively Group that met the RFQ criteria and that while there was still work to be done, he was much more confident in Snively Group's ability to bring the project to fruition, with less reliance on grant funding, which was not

guaranteed. Commissioner Butzlaff suggested moving this project forward and addressing the under 80% AMI needs separately.

Jeremy Besbris, City of Victor City Administrator asked to address the Authority. Commissioner Butzlaff moved to allow Mr. Besbris to address the Authority board. Commissioner Chris Jones seconded the motion. The motion passed with Chair Hill opposed.

Mr. Besbris stated that he did not think a new RFQ or RFP for the Sherman Park project would change City of Victor's preference for an 80% to 120% AMI project for Sherman Park.

Commissioner Phil Hanamaikai asked about putting performance criteria in place for the project. Commissioner Butzlaff stated that performance criteria could be put in place along with a performance bond.

Chair Hill asked for a vote on the motion. A roll call vote was taken: *Commissioner Butzlaff – aye, Commissioner Rees – aye, Commissioner Hanamaikai – aye, Commissioner Poirier – aye, Commissioner Jones – aye, Commissioner Carrillo Martinez – aye, Commissioner Hill – nay. The motion passed.*

VOLUNTARY DEED RESTRICTION REVIEW

Michael Stoddard stated that the voluntary deed restriction document is acceptable generally, but that if any lenders have concerns about provisions the document could be modified. Mr. Stoddard and that he did not find anything in review of the document with the Attorney General's office and other agency attorneys that would create a risk for non-enforcement of provisions by the Housing Authority given that the person recording the restriction retained the ability to amend the document. Mr. Stoddard stated that it was important to insert a "no third party beneficiaries" provision to further protect the Authority.

Mr. Stoddard confirmed that for a simple voluntary single-family home ownership scenario, this document was sufficient.

Commissioner Troy Butzlaff asked Mr. Stoddard when he would be able to deliver a red-line version of the document to the Housing Authority. Mr. Stoddard committed to providing a red-lined version by the end of the week.

The Commissioners agreed to continue the item to the February meeting, with a majority agreeing to wait for the red-lined version prior to approving the document.

EXECUTIVE DIRECTOR CONTRACT AUTHORIZATION

Commissioner Troy Butzlaff moved to ratify the contract for Angie Pacheco to provide executive director services as presented. Commissioner Monica Carrillo Martinez seconded the motion. The motion passed with all in favor.

The Commissioners agreed to review the contract's ninety-day work plan at the February meeting.

EXECUTIVE DIRECTOR'S REPORT

Angie Pacheco stated that she would send out a written report next week to the Authority board and would also send out possible dates for the new standing committees to meet.

WEBSITE REVIEW & COMMENT

Commissioner Troy Butzlaff stated that the website looks very nice, adding that the colors, font and overall structure look good, but that some photography could be added. Commissioner Butzlaff encouraged the other commissioners to make comments within the web platform as instructed.

EXECUTIVE SESSION PURSUANT TO 74-206(1)C TO DISCUSS REAL PROPERTY ACQUISITION

Commissioner Troy Butzlaff moved to enter executive session pursuant to Idaho Code 74-206(1)c. Commissioner Phil Hanamaikai seconded the motion. A roll call vote was taken: *Commissioner Butzlaff – aye, Commissioner Rees – aye, Commissioner Hanamaikai – aye, Commissioner Poirier – aye, Commissioner Jones – aye, Commissioner Carrillo Martinez – aye, Commissioner Hill – aye. The motion passed.* The board entered executive session at 1:21pm.

The board exited executive session at 1:54pm.

FUTURE AGENDA ITEMS

The commissioners identified the following items to be included on the February meeting agenda:

- Executive Director ninety-day scope of work
- Approval of the Voluntary Deed Restriction Document
- Standing Committee Reports
- Creation of an Ad Hoc Committee for the Housing Supply Plan Projects

ADJOURNMENT

Commissioner Troy Butzlaff moved to adjourn the Housing Authority's meeting. Commissioner Hallie Poirier seconded the motion. The motion passed with all in favor. The meeting adjourned at approximately 2:00 p.m.