

MINUTES OF A REGULAR MEETING OF THE  
COMMISSIONERS OF THE

CITY OF ROANOKE REDEVELOPMENT AND HOUSING AUTHORITY

The Commissioners of the City of Roanoke Redevelopment and Housing Authority met for a regular session on Monday, October 24, 2016, in the offices of the City of Roanoke Redevelopment and Housing Authority, 2624 Salem Turnpike, NW, in the City of Roanoke, Virginia.

**I. CALL TO ORDER – ROLL CALL**

Chair Karnes called the meeting to order at 3:00 p.m. and declared that a quorum was present.

PRESENT: Commissioners Anguiano, Burruss, Butler, Karnes, Smith, Witten

Commissioner Garner arrived at 3:07 p.m.

ABSENT: None

OFFICER PRESENT: Mrs. Glenda Edwards Goh, Secretary-Treasurer

ALSO PRESENT: Jackie Austin, VP of Finance/CFO; Kathy Beveridge, Compliance and Quality Assurance Manager ; David Bustamante, VP of Housing; Betsy Crow, VP of Human Resources and Administration; Jessica Farmer, HCV Manager; John Garland, Roanoke City Council Liaison; Frederick Gusler, Director of Redevelopment and Revitalization; Crystal Hall, Community Support Services Director; Mark Loftis, Legal Counsel; Suzzette McCoy, Site Manager; Joel Shank, VP of Operations; Melissa Wills, Executive Assistant

Chair Karnes welcomed everyone to today's meeting.

## II. REPORTS

### 1. Financial Report

Chair Karnes stated that Mrs. Austin provided a Financial Narrative along with a Financial Report.

Chair Karnes asked if there were any comments or questions. There were none.

### 2. Executive Director's Report

Chair Karnes asked for the Executive Director's report.

Mrs. Goh informed the Board that a purchase order had been issued to Major Security Consulting and Design LLC to conduct security assessment services for several RRHA sites. Major Security will be assessing the common areas, such as lobbies, where the public is served by the agency, along with office areas, maintenance shops, and daycare centers. Mrs. Goh stated that there will be an initial meeting with Mr. Jones who is the President of the company on Friday, October 28, 2016. Mrs. Goh said that once the assessment results are received from all of the sites, the information will be shared with the Board.

Mrs. Goh reported that no response has been received yet regarding the requests submitted to HUD for Technical Reviews and Database Adjustments for the Real Estate Assessment Center (REAC) physical inspection scores. As soon responses are received, Mrs. Goh will inform the Board of the outcome.

Mrs. Goh stated that, regarding the software proposals evaluation, the proposals have been narrowed down to two companies. Each company has been on site for a demonstration with RRHA management staff. Mrs. Goh noted that final

evaluations should be completed this week, and a decision will be made soon regarding the final selection. A resolution is anticipated to come before the Board at the November meeting.

Responding to an inquiry from Commissioner Witten regarding the hot water situation at Melrose Towers, Mr. Shank gave an update on the boiler situation and the temporary measures that were being put in place to provide hot water until permanent repairs can be made. Commissioner Smith stated that, while the installation of the temporary boiler was a good idea, there was some miscommunication with the tenants as to when the hot water would be available to use. This was confusing and disheartening to some tenants. Mr. Shank explained that it took a while for the temporary boiler to be able to heat up enough water for all the tenants. An engineer will be flying in on Tuesday to determine why the control panel shorted out during the repair process and caused both boilers to stop working.

Responding to Chair Karnes' question, Mr. Shank reported that the residents were currently getting hot water from a temporary boiler provided by a RRHA contractor. Once repairs are completed, it will switch back over to the two-boiler system. Mr. Shank stated that, because it would take several hours to heat the water in the holding tank, the decision was made to temporarily cut off the valve that controlled the hot water until it had time to heat back up. This was necessary because the temporary boiler could not catch up with the demand for the hot water. Mr. Shank said that this caused some confusion with the tenants who thought the hot water had been restored. Commissioner Smith stated that, to satisfy the tenants, it would have been helpful if more specific information had been shared regarding the process.

Because of past issues with the water and heat, some residents were skeptical that RRHA was actively working to resolve the situation. Commissioner Anguiano stated that tenants would more likely feel as if progress was being made in the situation if more details regarding the process had been shared.

Vice-Chair Burruss inquired about the Choice Neighborhoods Implementation grant and whether the U.S. Department of Housing and Urban Development (HUD) had given any information regarding their denial of the application. Mr. Gusler explained that the grant did not meet the two threshold requirements. One was the separability and the other was failure of one proposed offsite housing location to meet the requirement for minority concentration. Mrs. Goh explained that RRHA staff thought the requirement for separability had been met because detailed information was submitted regarding phased demolition ensuring that remaining units would have utilities and be suitable for continued occupancy. Mrs. Goh explained that the response received from HUD indicated that separability in terms of dividing parcels into separate tax parcels was the required information.

Vice-Chair Burruss asked for clarification regarding whether the minority representation was too high or too low for the proposed site for housing. Mr. Gusler stated that it was too high. He noted that the property, located at the corner of Peters Creek Road and Shenandoah Avenue, was optioned from the Virginia Housing Development Authority (VHDA) and was also included in last year's application. The same information regarding the concept plan for that site was submitted again this year. Mr. Gusler stated that, in last year's application, HUD did not identify the site as failing to meet the threshold requirement. He went on to explain that the HUD

requirement is that minority concentration be 20 percentage points below that of the Metropolitan Statistical Area (MSA). The entire minority concentration of the Roanoke MSA is 18 percent which means that the entire minority concentration of that census tract could be no more than 38 percent. Mr. Gusler stated that the number is somewhere near 40 percent if using the American Community Survey or the 2010 census. He noted that it will be very difficult to meet that requirement if it remains in the future because it is difficult to find land that is available and affordable with those stipulations. Vice-Chair Burruss commented that the irony is that awarding of that grant would help to address the disparity. Mr. Gusler stated that in the process of HUD Fair Housing Division's efforts to deconcentrate poverty, they are also trying to address areas of minority concentration.

Commissioner Garner inquired about the possibility of ongoing opportunities to apply for the grant and the other funding options to implement the Transformation Plan of the Loudon-Melrose/Shenandoah West neighborhood that Mrs. Goh referred to in her report. Mrs. Goh said that the Transformation Plan forms a basis for seeking other funding opportunities. She further stated that, based on staff review and discussions, RRHA will likely hire a consultant who has been successful in writing grant applications for Choice Neighborhoods for any future opportunity to apply for this program. After not meeting the same threshold twice on the same eligibility criteria of the grant, it seems as though there is some particular language that HUD is seeking, and working with someone who has mastered that process would be beneficial.

Responding to a question from Commissioner Garner about the number of

grants that were awarded, Mrs. Goh stated that the grants have not been awarded yet, but finalists have been named and four grants will be awarded. The finalists are housing authorities in large urban areas. Mrs. Goh noted that the Richmond Redevelopment and Housing Authority, after four unsuccessful grant applications, brought in a consultant to develop the application in this round. They did not make the short list of finalists for this year either. Mrs. Goh stated that there are no guarantees and the process is very competitive; however, because the resources are important, RRHA will pursue any future Choice Neighborhoods grant application opportunities.

Regarding the other funding options, Mrs. Goh stated that there is a plan to use replacement housing funds and the Operating Fund Financing Program (OFFP) to build some units of replacement housing. Mr. Gusler stated that if RRHA is approved by HUD to use the OFFP, it would allow the building of 14 or 15 new units. At the same time, a disposition application will need to be submitted to HUD for demolition of some of the units at Lansdowne Park.

Responding to a question from Commissioner Anguiano regarding anticipating any barriers with getting approval from HUD to use the OFFP, Mr. Gusler noted that the reserve funds are not protected from a potential HUD offset of reserves until HUD approves the OFFP. Mr. Gusler explained that, if there is an offset, RRHA should have an opportunity to request that the funds designated for building replacement units under the OFFP be excluded from offset. Mr. Gusler reported that, based on guidance from HUD headquarters, the OFFP application has been separated into two parts. Mr. Gusler explained that the first part, which involves accessibility improvements to existing units, is much easier to review and approve so that portion

will be submitted as a separate application. Mr. Gusler stated that the other portion of the OFFP proposal involves constructing replacement units and requires a development proposal which the Richmond field office of HUD will need to approve before HUD headquarters can approve the OFFP application. Mrs. Goh added that HUD recently approved the request for the disposition of the warehouse located on Whiteside Street, NE. She noted that approval process took approximately four months, so one barrier is the time it takes to complete HUD approval processes. She stated that, if HUD does an offset of reserves prior to OFFP approval, RRHA can request that the funds designated for OFFP be excluded, but the decision would be made by HUD.

Responding to a question from Commissioner Garner about the summer lunch program, Mrs. Goh explained that the program ran for nine weeks during the summer. The numbers were down by approximately 30 percent this year compared to previous years, likely because there were many more site options in Roanoke that served lunches, including the Melrose Library which is across the street from Lansdowne Park. Commissioner Witten stated that the summer programs through the Roanoke City Public Schools (RCPS) most likely affected the numbers as well. Mrs. Goh agreed and stated that children who participated in RCPS summer programs were served lunch during the day.

Commissioner Garner raised a question regarding the cash balance in the Sun Trust Bank checking account and whether any interest was earned. Mrs. Austin stated that, while the account is a non-interest bearing account, RRHA is receiving the benefit of paying minimal bank fees due to the high balance. This will change once the

balances are reduced. Responding to a question from Commissioner Garner about RRHA having concerns with having that much money in one location, Mrs. Austin explained that because RRHA is a public entity, the bank has to set aside and guarantee the funds above Federal Deposit Insurance Corporation (FDIC) limits.

Commissioner Garner raised a question about a way to easily check the bank balance that shows on the cash activity report versus the cash amounts listed on the balance sheets of the individual locations. Mrs. Austin explained that the cash is pulled into one account at RRHA and is always moving. She noted that the report looks at a point in time, but may not have been reconciled to the bank statement yet. Mrs. Austin stated that the way to get this information would be to look at a reconciliation report. Mrs. Goh stated that roughly calculating the totals from each of the balance sheets will give the approximate balance listed on the cash activity report.

Commissioner Garner asked Mrs. Austin to explain the favorable balance of \$38,000 due to Family Self Sufficiency (FSS) relinquishments shown under Other Income. Mrs. Austin explained that when a participant does not complete the FSS program, the money that had been held aside in an account for them is then returned to either the Public Housing or Section 8 program. Mrs. Goh went on to further explain that increased rent based on increased earned income is placed in an escrow account for FSS participants. If they do not complete the program, then the escrow amount is relinquished to RRHA.

Chair Karnes asked if there were any other comments or questions. There were none.

### 3. Staff Reports

Mr. Bustamante updated the Board on the results to date of the above-baseline policing services provided under an intergovernmental agreement that was approved by the Board in January 2016. In February, RRHA entered into an intergovernmental agreement with the Roanoke Police Department (RPD) to provide above-baseline policing. Mr. Bustamante stated that RRHA requested that RPD provide a report with the days and times of the highest incidents of both calls and crimes at public housing sites. From this information, RRHA would pay to have added police presence during those times at the specified locations. Mr. Bustamante explained that, as the program progressed and people became aware of the added police presence, the days and times changed. He noted that, because the program is dynamic, RRHA is able to change the added police presence to when it is needed. This sends a message to the community that RRHA will do what it takes to ensure the safety of its residents.

Mr. Bustamante distributed a report to the Board that he requested from Dr. Isaac Van Patten with RPD that compares crime data. He explained that the first table compares data from February through August 2015 to data from February through August 2016 when the program was implemented. The second table compares data from February through October 15, 2015 to data from February through October 15, 2016. Mr. Bustamante stated that this report includes Part 1 and Quality of Life Crimes along with Violent Calls for Service (CFS). The amount of crimes and calls for service were down compared to the previous year at most of the larger housing sites. He noted that, with the added police presence at Hunt Manor, more arrests have actually been made, so the numbers are higher. Mr. Bustamante

stated that the report also shows that, during both time periods compared, the overall amount of crimes and calls for service were down compared to the previous year, which indicates that the program is positive and effective. Mr. Bustamante said that it has helped the RPD work alongside Site Managers to identify issues on a weekly and sometimes daily basis and pursue action. He noted that this has also helped the community build a bond with the police officers and feel more empowered to make a phone call to report crimes or suspicious individuals as they see them. He stated that, in the past, people were not comfortable making the call to the police.

In response to a question from Commissioner Anguiano as to whether any feedback had been received from the residents about the program and how it is working, Mr. Bustamante confirmed that the Site Managers have received many positive comments from residents. He noted that, in the past, Melrose Towers had the most requests from residents to have a police officer on site. Mr. Bustamante stated that now they are saying that they are beginning to feel much safer, which is the ultimate goal of the program.

Commissioner Garner asked if any feedback had been received regarding the added cameras at the various sites and if RRHA is satisfied with the outside company that maintains them. Mr. Bustamante explained that the police have direct access to the cameras but that RRHA can also provide them with a video from the cameras if requested. Regarding resident feedback about the cameras, Mr. Bustamante stated that the residents like the presence of the cameras because it makes them feel safer. There have been a couple of instances of damage to the cameras; however 98 percent of the cameras are in proper working order. Mr. Bustamante stated that

RRHA is satisfied with the service that SDI provides with the cameras. He informed the Board that procurement for camera maintenance may need to be done again next year.

In response to a question from Vice-Chair Burruss regarding the total number of collective hours of increased police presence at the sites, Mr. Bustamante stated that it varied for each site depending on the need but averages somewhere between 16 and 20 hours collectively per week. Vice-Chair Burruss stated that the outcome of the program has been effective for a relatively modest amount of increased presence. Mr. Bustamante stated that the program has ultimately resulted in the residents being happier and feeling safer, which makes the program a success. Commissioner Anguiano commended Mr. Bustamante and his staff for their efforts to help reduce crime at the public housing sites.

Commissioner Smith inquired about the status of the recent fires in the stairwells at Melrose Towers and getting cameras installed in the stairwells on each floor. Mr. Bustamante explained that, because of the significant cost to install cameras on each floor, cameras have first been installed on each of the odd floors. He stated that when funds are available, cameras will also be installed on the even-numbered floors. Mr. Bustamante noted that, since the installation of the cameras, there have been no further fires in the stairwells.

Vice-Chair Burruss raised a question pertaining to the monthly Public Housing security report and the relevance of the criteria for a property to be considered performing. Mr. Bustamante explained that this report is generated by taking crime data provided by the RPD, and using it to compare crime rates at RRHA sites with

rates in the surrounding communities. He noted that one crime at a smaller location has a bigger impact on percentage than at a larger site.

Mrs. Goh further explained that RRHA began collecting this data when the transition was made to asset management. One of the measures that HUD gave for a property to be considered performing was if the incidence of crime did not exceed 120 percent of the surrounding community rate. She stated that the intent was for HUD to perform management reviews on site annually and look at those performance measures. This was never implemented and this measure is one of the things that HUD no longer reviews. Mrs. Goh stated that, because of the importance of safety to RRHA, the report has continued to be generated each month. Vice-Chair Burruss recommended taking the performance criteria statement off of the monthly report to avoid confusion. Mr. Bustamante agreed and indicated that it would be corrected for November's meeting.

Mrs. Goh went on to further explain that the numbers in the report depend on which zone the property is located in. RPD provides the crime rate for a particular zone and that is what it is compared to. For example, Lansdowne Park is not compared to the same area of the City as Bluestone Park. Their surrounding communities are different. If a site is located in an area where the surrounding community crime rate is higher, then the site's crime percentages may look better, even though it actually has more crimes committed.

Chair Karnes asked if there were any other Staff reports, comments or questions. There were none.

4. Committee Reports

Chair Karnes reported that the Personnel Committee met prior to today's Board meeting to discuss policies that will come before the Board at the November meeting in the form of a resolution.

Chair Karnes asked if there were any other Committee reports, comments or questions. There were none.

5. Commissioner Comments

Chair Karnes asked if there were any Commissioner comments. There were none.

6. Residents or other community members to address the Board

Chair Karnes asked if there were any residents or community members who would like to address the Board. There were none.

**III. CONSENT AGENDA**

C-1 Minutes of the Regular Meeting of the Board of Commissioners held Monday, September 26, 2016.

RECOMMENDED ACTION: Dispense with the reading thereof and approve as recorded.

C-2 Monthly Operations Report for the month of September 2016.

RECOMMENDED ACTION: File as submitted

Commissioner Burruss introduced a motion to approve the Consent Agenda.

The motion was seconded by Commissioner Garner and upon roll call the following vote was recorded:

AYES: Commissioners Anguiano, Burruss, Butler, Garner, Karnes, Smith, Witten

NAYS: None

Chair Karnes thereupon declared said motion carried as introduced.

#### **IV. REGULAR AGENDA**

##### 1. Board Committees - Discussion

Chair Karnes opened the floor for discussion on Board Committees. He stated that the Board has three committees, Personnel, Audit, and Affiliates. The Affiliates Committee has not met recently. He asked Mrs. Goh to provide additional information related to the committee discussion item.

Mrs. Goh clarified that the RRHA Bylaws do not specify any requirements for Board committees; therefore, the Board has discretion to determine the number and purpose of committees. Mrs. Goh stated that Commissioner Butler chairs the Affiliates Committee, which has not met in some time due to the need for liaison functions with the tax credit properties having decreased after the sale of Eight Jefferson Place. She stated that the Board may wish to reconsider whether that committee is still needed. Mrs. Goh also referenced information that she had emailed to Board members in July regarding committee structures of several housing authorities and noted that there is wide variation.

Commissioner Garner raised a question regarding whether the private management properties fall under the Affiliates Committee's purview. Mrs. Goh stated that the Affiliates Committee serves as liaison between RRHA, the management entity, and the limited partnerships that own the properties. Mrs. Goh noted that management information regarding the properties is reported to the Board of Commissioners in the Monthly Operations Reports.

Vice-Chair Burruss stated that, while the Affiliates Committee had a significant role when RRHA managed some challenging properties, there may no longer be a need for the Committee. The Audit and Personnel Committees cover two relevant and necessary areas of Board responsibility. Regarding committees at some other housing authorities listed in the materials Mrs. Goh distributed, Vice-Chair Burruss observed that those committees were more programmatic and the Board may be better served by presentations of information such as the Above Baseline Policing report that Mr. Bustamante gave earlier, rather than having that type of committees.

Commissioner Butler stated that, while there was a need for the Affiliates Committee at an earlier time, it may no longer be necessary. If an issue arises regarding one of the affiliates, it may make more sense currently for the Board to address it as a committee of the whole.

Commissioner Witten stated that there are two areas that the Board has a specific role in, but not necessarily a conduit for action. One would deal with legislative matters, and the other is a visioning or strategic planning role. Commissioner Witten noted that RRHA currently has a much lesser role as a redevelopment authority than in the past, and that may not be a significant role in the future. Commissioner Witten stated that, in addition, a committee could work with staff to develop a vision for the future of RRHA. Commissioner Witten also noted that the Board has a role in succession planning, which may fall under the Personnel Committee.

Commissioner Anguiano expressed agreement with both of Commissioner Witten's suggestions and stated that the Board might benefit from a committee

focused on legislative matters. He also stated that it is important to determine what, if any, RRHA's role will be in redevelopment, and that the committee could be more proactive in addressing the Choice Neighborhoods program so that the Board has more information on the front-end of the process.

Vice-Chair Burruss stated that RRHA's redevelopment functions have always been as a vehicle for the City, because RRHA cannot make redevelopment happen on its own without the City. She stated that she felt this could be more appropriately addressed during strategic planning versus a committee.

Chair Karnes asked the Board for a recommendation on how to proceed. Commissioner Anguiano recommended that the Legislative Committee should be formed and that consideration of forming a Redevelopment/Strategic Planning Committee be put on hold until Board members have a chance to conceptualize exactly what they wanted to see in that committee.

Responding to Chair Karnes about whether other housing authorities had any type of Legislative Committee, Mrs. Goh stated that she did not see one in any of the sources she had looked at.

Vice-Chair Burruss stated that she disagreed with the establishment of the committee because when there is a significant item that the government is proposing, the Board has been very responsive to taking action. She stated that a committee may not be the best vehicle when items surface quickly and require relatively prompt attention.

Commissioner Witten stated that he believed the Board was being reactive rather than proactive in legislative matters, so the committee would be tasked with

proactively monitoring legislative activities. He noted that there are real funding challenges and problems and, since RRHA is a relatively smaller housing authority, its voice may not always be heard.

Commissioner Garner agreed and said that there are so many things happening that will severely affect RRHA, like the change over from asset management. He stated that RRHA is definitely being reactive to that. Mrs. Goh stated that there are times, such as the proposed refederalizing of the Central Office Cost Center (COCC), when there is no choice but to be reactive to a situation because no opportunity for input is provided before the proposed action is announced. Commissioner Garner stated that, if there had been some forewarning that this change was being proposed, RRHA could have voiced an opinion as to the significant negative impact it would have on housing authorities. Commissioner Garner stated that he thinks the Board should consider establishing a Legislative Committee.

Commissioner Anguiano stated that he sees it as more of an information aggregation committee versus one that drives direction. Its purpose would be to gather information for the entire Board to use in making decisions.

Mrs. Goh noted that there are situations when RRHA could advocate for legislators to take certain actions that may change policy. One recent example involved Chair Karnes meeting with staff from RRHA and the Salem Veterans Affairs Medical Center (SVAMC) to discuss the definition of homelessness that is applicable to veterans being served in the HUD Veterans Affairs Supportive Housing (VASH) program. Mrs. Goh stated that the current definition that is being applied requires

veterans to actually be living on the streets or in a shelter to receive assistance.

Mrs. Goh noted that the SVAMC staff said that they are operating on the definition that was included in the legislation that authorizes the HUD-VASH program. Mrs. Goh stated that, if this is the case, then the change that would allow that definition to be revised to allow assistance to veterans at imminent risk of homelessness is a legislative change that could be addressed by legislative advocacy by RRHA Commissioners.

Commissioner Garner asked whether, along with the Personnel and Audit committees which are definitely needed, a Legislative Committee could be added on a trial basis. After one year, it could be evaluated to see if the Committee provides value to the Board. Mrs. Goh reiterated that the development of committees and whether they are permanent or temporary is at the complete discretion of the Board.

Vice-Chair Burruss agreed that it would be a good idea to reevaluate the committee after a certain period of time. She noted that the amount of staff time involved should be part of the evaluation because committees have the potential to become very staff-intensive, and RRHA staff are already very busy with the work they are assigned. The Board would need to determine if the value of the committee is commensurate with the time invested.

Chair Karnes stated that he had been quite concerned about HUD's announcement earlier in the year regarding transitioning all public housing to non-smoking units. He has tried to follow the issue, maintaining regular contact with a NAHRO staff person but was told each time he called that there was no new information. He stated that keeping abreast of the latest developments is important

because of the significant impact that this policy would have on residents of public housing.

Council Member Garland stated that City Council just went through development of their legislative agenda asking legislators to consider certain things and enact laws that would be helpful for municipalities. He noted that City Council works with the School Board in this process, and that City Council has a separate Legislative Committee. Council Member Garland suggested that there could possibly be an avenue developed for the City's legislative agenda to also include items RRHA wants to see that would be helpful for the housing authority. There appear to be a lot of common interests and issues between the two. He believes that RRHA's legislative priorities could be incorporated into the City's legislative agenda as is done with the School Board.

Council Member Garland stated that he wants his role as City Council Liaison to be productive. He stated that he would also like to see increased dialogue between the Roanoke Neighborhood Advocates and City Council. He noted that both RRHA and the City have planning and economic development departments. Council Member Garland stated that the work between RRHA and the City in the South Jefferson Redevelopment Area has been quite beneficial. He said that activities such as him taking items back to Council and possibly some committees having joint membership could enhance the collaborative work between RRHA and the City. Council Member Garland noted that possibly someone from the RRHA Board could be a part of the City Council's Legislative Committee to bring RRHA's concerns, similar to the current structure with a member of the School Board serving as part of

the Legislative Committee to bring their concerns.

Commissioner Anguiano stated that he could see value in a Commissioner serving as representative to the City's Legislative Committee and bringing back information to the Board for further discussion.

Council Member Garland referred to Commissioner Witten's remarks about the vision of RRHA and noted that there is much commonality between the vision of RRHA and the vision that the City would like to have relative to housing. He stated that he would like to be able to work jointly with staff to understand what that vision is and how the City can assist. He said that the renovation of Lansdowne Park is a perfect example. Council Member Garland stated that the City and RRHA could work together to determine how to obtain funding for that effort. He believes that City Council and the City Planning staff consider the renovation of Lansdowne a priority that can be accomplished collaboratively. He stated that the same type of collaboration between the City and RRHA that achieved renovation of Hurt Park and Villages at Lincoln can happen with Lansdowne Park.

Chair Karnes asked the Board how they would like to structure the Legislative Committee and who would like to serve on it. Commissioner Anguiano expressed interest in serving on the committee.

Mrs. Goh stated that current service assignments on committees include Commissioner Butler on the Affiliates Committee; Commissioners Witten and Garner serve on the Audit Committee; and Commissioner Smith, Chair Karnes, and Vice-Chair Burruss serve on the Personnel Committee with Commissioner Garner also a regular participant.

Commissioner Witten shared his interest in also serving on the Legislative Committee and recommended that a mission statement be developed for the committee. Commissioner Anguiano agreed to serve as Chair of the committee.

In response to Commissioner Witten's inquiry about the Affiliates Committee, Commissioner Butler stated that it could be left as is and meet only when needed or be dissolved. The Board agreed to dissolve the committee and to bring any matters that may arise concerning the affiliates to the Board.

Chair Karnes asked if there were any other comments or questions. There were none.

2. Resolution No. 3899

Ms. Crow introduced Resolution No. 3899, asking the Board to approve a revised Personnel Policy No. 324, regarding the Family and Medical Leave Act (FMLA). The revisions involved changing the formatting and adding a paragraph indicating that the Board has established the policy and delegates responsibility of establishing or modifying procedures to the Executive Director. It also added a statement from Policy No. 321 regarding accrual of Personal Time Off (PTO) for employees who are on leave without pay.

Chair Karnes asked if there were any comments or questions. There were none.

Commissioner Smith introduced Resolution No. 3899 and moved its adoption as introduced:

RESOLUTION OF THE CITY OF ROANOKE REDEVELOPMENT AND HOUSING AUTHORITY APPROVING A REVISED PERSONNEL POLICY REGARDING FAMILY AND MEDICAL LEAVE ACT (FMLA)

WHEREAS, the City of Roanoke Redevelopment & Housing Authority (RRHA) has undertaken a review of its personnel policies to ensure they are relevant, meet the needs of the agency and are legally compliant; and

WHEREAS, RRHA has reviewed and is proposing revisions to Personnel Policy No. 324 regarding Family and Medical Leave Act (FMLA) dated December 20, 1996, and previously revised on March 17, 2008, and July 1, 2011, to better reflect current requirements and practices; and

WHEREAS, the Personnel Committee of the RRHA Board of Commissioners supports and recommends approval of this revised policy.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the City of Roanoke Redevelopment and Housing Authority that the attached revised Personnel Policy No. 324, Family and Medical Leave Act (FMLA), is approved effective November 1, 2016.

The motion was seconded by Commissioner Burruss and upon roll call the following vote was recorded:

AYES: Commissioners Anguiano, Burruss, Butler, Garner, Karnes, Smith, Witten

NAYS: None

Chair Karnes thereupon declared said motion carried and Resolution No. 3899 adopted as introduced.

3. Resolution No. 3900

Mr. Bustamante introduced Resolution No. 3900, asking the Board to authorize the execution of a modification to an agreement with Waste Management for bulk container service at eight of the RRHA housing development sites. This resolution would extend and renew the contract for a one-year period. The not-to-exceed amount would increase from \$131,320.71 to \$197,750.19, which is a net increase of \$66,429.84, with all other agreement terms remaining unchanged.

Responding to a question from Commissioner Garner, Mr. Bustamante

confirmed that the \$66,429.48 amount was the cost to extend the agreement another year and not an increase in the amount originally quoted in the contract for the service that expires on October 31, 2016.

Chair Karnes asked if there were any other comments or questions. There were none.

Commissioner Burruss introduced Resolution No. 3900 and moved its adoption as introduced:

RESOLUTION OF THE CITY OF ROANOKE REDEVELOPMENT AND HOUSING AUTHORITY AUTHORIZING THE EXECUTION OF A MODIFICATION TO AN AGREEMENT FOR BULK CONTAINER SERVICE FOR RRHA HOUSING DEVELOPMENTS

WHEREAS, the Department of Housing and Urban Development (HUD) procurement regulations allow RRHA to join intergovernmental cooperative agreements; and

WHEREAS, the Commonwealth of Virginia Department of General Services and Waste Management contract fully satisfies HUD's five (5) intergovernmental cooperative agreement requirements; and

WHEREAS, the City of Roanoke Redevelopment and Housing Authority (RRHA) joined the Commonwealth of Virginia Department of General Services (DGS) and Waste Management contract by agreement on April 1, 2014, with a term ending date of October 31, 2016; and

WHEREAS, DGS and Waste Management have agreed to extend and renew the contract for period of November 1, 2016 to October 31, 2017; and

WHEREAS, the agreement between RRHA and Waste Management requires modification of the end date and not-to-exceed amount to allow RRHA sites to have access to Waste Management's bulk container service for the one year renewal period of the contract between DGS and Waste Management.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the City of Roanoke Redevelopment and Housing Authority that the Executive Director is authorized to execute modifications to RRHA's agreement with Waste Management, executed pursuant to the contact between the Virginia Department of General Services and Waste Management, extending the ending date from October 31, 2016, to October 31, 2017; and increasing the not-to-exceed amount from \$131,320.71 to

\$197,750.19, a net increase of \$66,429.48, with all other agreement terms remaining unchanged.

The motion was seconded by Commissioner Anguiano and upon roll call the following vote was recorded:

AYES: Commissioners Anguiano, Burruss, Butler, Garner, Karnes, Smith, Witten

NAYS: None

Chair Karnes thereupon declared said motion carried and Resolution No. 3900 adopted as introduced.

#### V. ADJOURNMENT

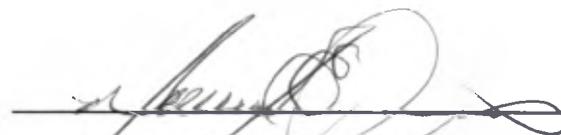
There being no further business to come before the Board, Commissioner Smith moved that the meeting be adjourned.

The motion was seconded by Commissioner Butler and upon roll call the following vote was recorded:

AYES: Commissioners Anguiano, Burruss, Butler, Garner, Karnes, Smith, Witten

NAYS: None

Chair Karnes declared the meeting adjourned at 4:18 p.m.



Daniel Karnes, Chair



Glenda Edwards Goh, Secretary-Treasurer



Policy No. 324  
 Date: December 20, 1996  
 Revised: 03/17/08  
 Revised: 07/01/11, ~~11/01/2016~~11/01/2016

## **FAMILY AND MEDICAL LEAVE (FMLA)**

### I. PURPOSE

To establish uniform guidelines for providing Family and Medical Leave to employees as set forth in the Family Medical Leave Act (FMLA). The FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.

### II. SCOPE

This policy applies to all eligible employees as set forth in the Act and defined in the Procedures below.

### III. DEFINITIONS

1. Spouse – Spouse means a husband or wife as defined or recognized in the state where the individual was married, including a common law marriage or same-sex marriage. Spouse also include a husband or wife in a marriage that was validly entered into outside of the United States, if the marriage could have been entered into in a least one state.

2. Parent – Parent means a biological, adoptive, step or foster father or mother, or any other individual who stood *in loco parentis* to the employee when the employee was a child. This term does not include “parent-in-law.”

3. Child, son or daughter – Any of these terms used in this policy means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is under 18 years of age or who is 18 years of age or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence. The onset of a disability may occur at any age for purposes of the definition of adult “son or daughter” under the FMLA. For purposes of military caregiver leave, a son or daughter refers to the servicemember’s son or daughter of any age.

4. Serious Health Condition - A serious health condition is an illness, injury, impairment, or physical or mental condition that involves **inpatient care** or **continuing treatment** by a health care provider. The FMLA does not apply to routine medical examinations, such as a physical, or to common medical conditions, such as an upset stomach, unless complications develop.

### IV. POLICY

It is the policy of RRHA to grant up to 12 weeks of family and medical leave during any rolling 12-month period to eligible employees, in accordance with the Family and Medical Leave Act of 1993 (FMLA) and up to 26 weeks of leave in any rolling 12-month period in compliance with the expansion of FMLA under The Support for Injured Servicemembers Act of 2007. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

The Board of Commissioners has established this policy and delegates responsibility for establishing or modifying procedures for implementation of the policy to the Executive Director. Current procedures are detailed below.

## V. Procedures

### A. General Provisions

~~It is the policy of RRHA to grant up to 12 weeks of family and medical leave during any rolling 12-month period to eligible employees, in accordance with the Family and Medical Leave Act of 1993 (FMLA) and up to 26 weeks of leave in any rolling 12-month period in compliance with the expansion of FMLA under The Support for Injured Servicemembers Act of 2007. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.~~

#### A. B. Eligibility

To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

1) The employee must have worked for the employer for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of the week or if the employee is on leave during the week.

2) The employee must have worked at least 1,250 hours during the rolling 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid leave, or unpaid leave, or holidays as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

#### B. C. Type of Leave Covered

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

1) *The birth of a child and ~~in order to care for that child to bond with the newborn child within one year of birth.~~*

2) *The placement of a child for adoption or foster care and to care for the newly placed child.*

3) *To care for a spouse, child or parent with a serious health condition.*

4) *The serious health condition (described below) of the employee.*

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or

any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition, which, if left untreated, would result in a period of incapacity of more than three days, would be considered a serious health condition.

Employees with questions about what illnesses are covered under this FMLA policy or under RRHA's Personal Time Off policy are encouraged to consult with the HR department.

RRHA may require an employee to provide a doctor's certification of the serious health condition. The certification process is outlined in section H of this policy.

If an employee takes Personal Time Off for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, RRHA may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

*5) A covered family member's active duty or call to active duty in the Armed Forces.*

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to active military duty or who is already on active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. Reasons related to the call-up or service includes helping the family member prepare for the departure or caring for children of the servicemember. The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave, except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a rolling 12-month period.

Employees requesting this type of FMLA leave must provide proof of the qualifying family member's call-up or active military service before leave is granted.

*6) To care for an injured or ill servicemember.*

This leave may extend to up to 26 weeks in a rolling 12-month period for an employee whose spouse, son, daughter, parent or next-of-kin is injured or recovering from an injury suffered while on active military duty and who is unable to perform the duties of the servicemember's office, grade, rank or rating. Next-of-kin is defined as the closest blood relative of the injured or recovering servicemember. An employee is also eligible for this type of leave when the family servicemember is receiving medical treatment, recuperation or therapy, even if the servicemember is on temporary disability retired list.

Employees requesting this type of FMLA leave must provide certification of the family member or next-of-kin's injury, recovery or need for care. This certification is not tied to a serious health condition as for other types of FMLA leave. This is the only type of FMLA leave that may extend an employee's leave entitlement beyond 12 weeks to 26 weeks. Other types of FMLA leave are included with this type of leave totaling the 26 weeks.

An eligible employee can take up to 12 weeks (or up to 26 weeks of leave to care for an injured or ill servicemember) under this policy during any rolling 12-month period. RRHA

will measure the rolling 12-month period as a rolling-rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, RRHA will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks (or 26 weeks for the care of an injured or ill servicemember) of available leave, with the balance remaining being the amount the employee is entitled to take at that time.

If a husband and wife both work for RRHA and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent in-law) with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for RRHA and each wishes to take leave to care for a covered injured or ill servicemember, the husband and wife may only take a combined total of 26 weeks of leave.

#### **C. ~~D.~~ Employee Status and Benefits During Leave**

While an employee is on leave, RRHA will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

Under current company policy, the employee pays a portion of the health care premium. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Accounting department by the 15th day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. The employer will provide 15 days' notification prior to the employee's loss of coverage.

RRHA will continue making payroll deductions while the employee is on paid leave for life and disability coverage. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay their portion of the premiums under "like" terms as stated above as relates to health care premiums. If the employee does not continue these payments, the employer may discontinue coverage during the leave.

Not less than once a month while on leave, employees are requested to report to HR their status and their intent to return to work. An employee must furnish a Medical Examiner's Certification form for fitness-for-duty before he or she can be returned to work.

#### **D. ~~E.~~ Employee Status after Leave**

An employee who takes leave under this policy will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or virtually identical in terms of pay, benefits and working conditions.

RRHA may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

#### **E. ~~F.~~ Use of Paid and Unpaid Leave**

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all Personal Time Off prior to being eligible for unpaid leave. Personal Time Off [may-bewill](#) run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established Personal Time Off policy.

Disability leave for the birth of the child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA.

An employee who is taking leave for the adoption or foster care of a child must use all Personal Time Off and FMLA prior to being eligible for unpaid leave.

[Employees who are on leave without pay exceeding five \(5\) consecutive working days will not accrue PTO or LS leave during that time. See Policy #321 - Unpaid Personal Time Off/Leave Without Pay policy.](#)

#### **F. ~~G.~~-Intermittent Leave or a Reduced Work Schedule**

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the work week or work day, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 work weeks (or 26 work weeks to care for an injured or ill servicemember over a rolling 12-month period).

RRHA may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption or foster care of a child, RRHA and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with RRHA before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary. RRHA may require certification of the medical necessity as discussed in Sections H and J.

#### **G. ~~H.~~-Certification of the Serious Health Condition of the Employee or the Spouse, Child or Parent of the Employee**

RRHA may ask for certification of the serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification may be provided by using the Medical Certification Form. Request for a medical certificate must be made in writing as part of the employer response to employee request for leave.

Certification of the serious health condition shall include the date when the condition began, its expected duration and a brief statement of treatment. For medical leave for the employee's own medical condition, the certification must also include a statement that the employee is unable to perform work of any kind or a statement that the employee is unable to perform the essential functions of the employee's position. For a family member who is seriously ill, the certification must include a statement that the patient, the family member, requires assistance and that the employee's presence would be beneficial or desirable.

If the employee plans to take intermittent leave or work a reduced schedule, the certification must also include dates and the duration of treatment as well as a statement of medical necessity for taking intermittent leave or working a reduced schedule.

RRHA has the right to ask for a second opinion if it has reason to doubt the certification. RRHA will pay for the employee to get a certification from a second doctor, which RRHA will select. If necessary to resolve a conflict between the original certification and the second opinion, RRHA will require the opinion of a third doctor. RRHA and the employee will mutually select the third doctor, and RRHA will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

**H. ~~I.~~ Documentation of the Covered Family Member's Active Duty or Call to Active Duty in the Armed Forces**

Employees requesting this type of servicemember FMLA leave must provide proof of the qualifying family member's call-up or active military service. This documentation may be a copy of the military orders or other official Armed Forces communication.

**I. ~~J.~~ Documentation of the Need for Servicemember FMLA Leave to Care for an Injured or Ill Servicemember**

Employees requesting this type of Servicemember FMLA leave must provide documentation of the family member's or next-of-kin's injury, recovery or need for care. This documentation may be a copy of the military medical information, orders for treatment, or other official Armed Forces communication pertaining to the servicemember's injury or illness incurred on active military duty that renders the member medically unfit to perform his or her military duties.

**J. ~~K.~~ Procedure for Requesting Leave for 1) the birth of a child or in order to care for that child; 2) the placement of a child for adoption or foster care and to care for the newly placed child; 3) to care for a spouse, child or parent with a serious health condition; or 4) the serious health condition of the employee**

All employees requesting this type of FMLA leave must provide verbal notice with an explanation of the reason(s) for the needed leave to their immediate supervisor, who will advise the HR department. If the leave is foreseeable, the immediate supervisor may require the employee to provide a written request for leave and reasons(s) with a copy to the HR department. Failure of the employee to provide a written request for leave cannot be grounds to deny or delay the taking of FMLA leave.

RRHA will provide individual notice of rights and obligations to each employee requesting leave within two business days or as soon as practicable. For employees on intermittent or recurring leave for the same incident, this notice will be provided every six months.

When an employee plans to take leave under this policy, the employee must give RRHA 30 days' notice. If it is not possible to give 30 days' notice, the employee must give as much notice as is practicable. An employee who is to undergo planned medical treatment is required to make a reasonable effort to schedule the treatment in order to minimize disruptions to RRHA's operations.

If an employee fails to provide 30 days' notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least 30 days from the date the employer receives notice. While on leave, employees are requested to report periodically to RRHA regarding the status of the medical condition and their intent to return to work.

**K. ~~L.~~ Procedure for Requesting Leave for 1) a covered family member's active duty or call to active duty in the Armed Forces or 2) to care for an injured or ill servicemember**

All employees requesting this type of FMLA leave must provide verbal notice with an explanation of the reason(s) for the needed leave to their immediate supervisor, who will advise the HR department. Leave may commence as soon as the individual receives the call-up notice. If the leave is foreseeable, the immediate supervisor may require the employee to provide a written request for leave and reasons(s) with a copy to the HR department.

RRHA will provide individual notice of rights and obligations to each employee requesting leave within two business days or as soon as practicable.