AFFORDABLE HOUSING ADVISORY COMMITTEE MEETING

1769 East Moody Boulevard Building 3, Bunnell, FL 32110
1st Floor Conference Room Government Services Building

TUESDAY, July 14th, 2020 @ 8:30 AM

AGENDA

1. Call to order and roll call
2. Pledge to the Flag
3. Corrections or Additions to Agenda
4. Approval of March 10, 2020 regular meeting minutes
5. SHIP staff report/update
6. Legislative update
   5a. Status of SHIP FUNDING
   5b. House Bill 1339 as it pertains to AHAC
7. AHAC by-laws revision and review
8. Public Comments
9. Adjourn

Next Meeting: TBD
10. **Call to order**, Sandra Shank called the meeting to order at 8:30 am.

11. **Review of minutes from February 11 2020**

   Rick noted the minutes needed an edit to the notation of his excused absence as he had given notice that he was away advocating at the Florida Legislature

   A **MOTION** was made by Denise Santa Maria and **SECONDED** by Nealon Joseph to approve the minutes from the February 11 2020 meeting with the edit.

   **MOTION** carried unanimously.

12. **SHIP Staff Report**  
    a. Joyce announced that the SHIP Housing Program Manager had been offered to qualified candidate who had rescinded her acceptance due to family issues. The position will be re-posted. She said that in light of the increased Sadowski Funds,
the department is considering updating the credentials when reposting to include grant management and other in-need skills.
b. Devrie explained that Joyce and Devrie spoke with Bill Lazar with regard to rehab contract potential for inspections and that the department was hoping to have the new manager make these final decisions, so initiating these contracts has been delayed. She mentioned that there were a few Habitat builds scheduled which would help SHIP meet its set-aside requirements.
c. She explained that the Flagler County Emergency Management has stepped up to help launch the Hurricane Loss Mitigation Program
d. The Housing Program Coordinator and the Director will be receiving training with the coalition in preparation for Annual Reporting requirements
e. There will be a B.O.C.C proclamation for Fair Housing on April 6th
f. The Housing Fair is scheduled for April 25th

13. Legislative Update
a. Sandra mentioned the expectation for full funding of the Sadowski Housing Trust Fund, though she warned that the Coronavirus pandemic has wide-spread economic implications and housing professionals should carefully monitor the entire situation and consider the possibility that Housing Funding could be re-directed once again.

14. AHAC By-Laws Revision and Review
a. Sandra read through the by-laws. She mentioned the discussion regarding having more than one person per role. Devrie discussed the vacancies not being open for additional roles and that Mari Davis said that there had to be an update to the by-laws in order to allow for multiple applicants so long as it complied with the Florida Statutes. Joyce explained that the county attorney’s office recommends that the verbiage should refer to statute rather than re-explain the statute since the statute changes.

b. Members discussed the terms and the member roles. Devrie mentioned that new Florida Laws will soon change describing AHAC requirements, especially with having an elected official, opening the position generally reserved for a citizen who serves on the local planning agency.

c. Trish commented that the elected official should be serving in an ex-officio capacity since there would be a voting conflict for a committee to recommend items to an elected board.

d. Rick said that he agreed with filling all 11 slots as required by Florida Statute since AHAC members tend to have schedules with do not always allow them to be available, and to ensure a quorum, filling all 11 positions would reduce risk of not achieving quorum. After discussion, members agreed to add the verbiage “refer to statute” to avoid statutory changes which would affect AHAC by-laws.

e. Members discussed term limits and the time required to develop understanding of the requirements. They discussed the long-term commitment versus the ability to re-apply for a shorter time commitment.
f. **A MOTION was made by Trish Giaconne and SECONDED by Denise Santa Maria to update the by-laws to require three year term limits.**

   **MOTION carried with four members in favor and two members opposed.**

g. Members discussed each section then debated the verbiage of part IV Section 7, regarding the specifications of location of AHAC meetings. Nealon suggested that the verbiage should include “Government Services Complex,” to reduce the possibility that changed locations within the complex would create a conflict with the standing by-laws.

h. Part IV Section 8, involving quorum, members discussed the fact that the commissioner is an ex-officio member without voting rights, so they suggested a technical revision of the by-laws to state that 51% of current “voting” members be added to clarify that there needs to be a simple majority to execute a vote.

i. Members discussed section 9, regarding absences and the consensus regarding an “excused” absence was based on notice and was relegated to staff liaison.

j. Members noticed that the proceedings in the by-laws had not been adhered to and should be on the agenda, regarding the Pledge of Allegiance. It should be added to agenda, and that approved minutes should be sent to county administrator and county commission. The members reviewed the proceedings and agreed to add an approval of the agenda before starting that the staff liaison shall record when meeting members arrive or depart.

k. Members asked if there was an orientation for AHAC members regarding Sunshine requirements. They discussed the fact that the city has trainings and that we could coordinate with the city to onboard new members. Trish suggested an orientation specific to this committee with our by-laws.

l. Regarding section 16, members discussed the process of recommendations for AHAC members, noting that the by-laws suggest that the B.O.C.C submits recommendations to AHAC rather than AHAC suggesting recommendations to the county. They noted that they had not been receiving referrals. They discussed the fair housing ordinance and noted that the approved ordinance had not come back to AHAC before changes had been added. They discussed the need for staff to parlay the recommended changes that go to legal first than to go back to AHAC. They are concerned that communication needs to be formal so that these members who are providing public service have formal process for their recommendations. Health and Human Services Director said she would check the status of the fair housing ordinance. Sandra and Trish said that they had been told that staff had told them each that staff had discretion to change recommendations approved and voted on by AHAC; however, AHAC members do not dispute that their recommendations are solely recommendations; however, they have been articulating the need for a process of communication between the committee and county officials.
15. **Disaster Housing**  
a. Nealon explained that the disaster housing plan had not been updated in years and that the EOC is attempting to simplify plans that the public can easily understand. The plan was originally under Financial Services for SHIP but it now falls under Health and Human Services and the request is to have a revision with the help of AHAC to decipher an approach to place several hundred people if they are displaced due to a disaster. The need is for some sort of sustainable housing during the rehabilitation process of their primary residences, which addresses the long term issues of creating this longer term temporary housing once the need for it ends.
b. Health and Human Services Director will meet with Nealon to help construct the plan.

16. **Public Comments**  
c. Dorothy addressed the committee on her legislative meeting. She says that Senator Hudson introduced a new bill for affordable housing which appears to build a partnership between the state and local government to stratify the mission. She says that the legislative message appears to be find local solutions and not to rely too heavily on the Sadowski Housing Trust fund.
d. Denise said she attended the conference calls and that she learned that Florida is one of the top states in the country for housing funding. Thomas explained the document stamp tax and how it efficiently directed funding for the housing trust fund, however, the funding is often directed to general funds. Dorothy noted that the legislature is beholden to balance the budget. She added that all of Florida’s trust funds are affected.
e. Sandra commented that Representative Renner was looking forward to the Housing Retreat. She said they are looking at how local and state governments develop partnerships to incentivize affordable housing creatively. She reiterated the legislative message that housing affordability is important; however, local governments must not rely fully on SHIP funds to spur housing affordability. She expressed the positive momentum in all levels regardless of the lack of assurance in full funding of the Sadowski funds.
f. Commissioner Joe Mullins said that the Northeast Florida Regional Council has asked him to do a summit with them. He said that they want to approach housing regionally since housing affordability and growth in one county or area has an impact on neighboring counties or areas. He says that someone from the AHAC should come with him to discuss a housing summit. He wants to have the regional summit in Flagler County. He says the apartment associations want to be involved. He suggests that the solution lies in working directly with the private sector, and says the private sector has been shown to be the sector stepping up to address gaps.
g. Sandra noted that Representative Renner wants local governments to look at how they incentivize developers, and she mentioned impact fees. Joe said that the county doesn’t really have impact fees. Gina Lemon, county staff in the planning department noted that the only impact fee in the county for residential units was for parks and recreation which was $268 per unit.
17. **Public Comment**
   a. Valerie Clymer suggested FEMA trailers are not ideal, and that Florida Housing Finance Corporation presented a down payment assistance program for veterans. She expressed disappointment that the new apartments would not fully accommodate the workforce needs of our community.
   b. Sandra explained the importance of getting pre-considerations and talks before these developments happen, and she expressed the housing retreat’s importance to get the maximum amount of units out of the funding being used for these developments.
   c. Pastor Daisy Henry looked at the by-laws and suggested the possibility of getting an alternate for each of the positions considering the importance of AHAC for the county. And she suggested options with the decommissioned county-owned buildings for disaster housing. Trish suggested AHAC members review the future land use of the properties such as Pastor Daisy mentioned (old jail house). Nealon said that planners review location, potential for wind and water intrusion, etc when reviewing building use for disaster recovery. Rick responded that an alternate might not be practical despite the fact that it was a good suggestion. Denise added that the commissioner has an alternate. Members agreed that the new members and updates will preclude the future possibility of lack of quorums.
   d. Mary Vasilyevsky seconded Valerie’s disappointment with the housing in Palm Coast’s Community Development District, and she pointed out that some of the housing is geared toward seniors; however, the fee structures are steep, confusing and relatively misleading regarding the affordability of the housing. After the affordable rental prices add on required fees and hook-up fees, the cost of these units comes to a higher amount than 30 percent of the lower half of the population’s income. She noted that the housing is not reasonable for average families, and she suggested disaster housing would be best addressed through prevention rather than reaction. She explained that the social sphere, government, economics and environment are all variables requiring consideration to promote long term sustainability.

   h. **Adjournment**

   AHAC adjourned at 9:53 am.

   Next meeting will be April 14th at 8:30 am at the Emergency Operations Center.
BYLAWS OF THE
FLAGLER COUNTY
AFFORDABLE HOUSING ADVISORY COMMITTEE

PART I: PURPOSE & INTENT

The Flagler County Board of County Commissioners has established the Affordable Housing Advisory Committee/Housing Task Force under Section 16-77 of the Flagler County Code, to make recommendations to the Board of County Commissioners regarding specific initiatives to encourage or facilitate affordable housing in Flagler County.

PART II: MEMBERSHIP

Section 1. MEMBERSHIP. The Committee shall consist of thirteen members, who represent the following categories: residential home building industry, for-profit provider of affordable housing, advocate for low income individuals, banking or home mortgage industry, resident of the local jurisdiction, real estate professional, not-for-profit provider of affordable housing, laborer actively engaged in the homebuilding industry, local planning agency, citizen representing essential services personnel, citizen representing employers, and two citizens-at-large. All appointees shall be residents and registered voters of Flagler County and shall serve at the discretion of the Board of County Commissioners.

Section 2. TERMS. The Committee members shall serve staggered terms and the term of office shall be for 4 years. If a vacancy occurs prior to the expiration of any member’s full term, the Board of County Commissioners shall advertise the position and replace with another candidate accordingly.

Section 3. COMPENSATION. All members of the Committee shall serve without compensation; none are entitled to pension or retirement benefits for service on the Committee.

PART III: OFFICERS

Section 4. OFFICERS. Except where otherwise required by statute or ordinance, the Committee shall elect its Chairman and Vice-Chairman from among its members. The term of the Chairman and Vice-Chairman shall be one (1) year with eligibility for reelection.
Section 5. **DUTIES OF OFFICERS.** The duties and power of the officers of the Committee shall be as follows:

A. **Chairman**
   1. To preside at all meetings of the Committee;
   2. To call special meetings of the Committee in accordance with these Bylaws;
   3. To sign documents within the purview and authority of the Committee; and
   4. To see that all actions of the Committee are properly taken.

B. **Vice-Chairman**
   During the absence, disability or disqualification of the Chairman, the Vice-Chairman shall exercise or perform all the duties and be subject to all responsibilities of the Chairman.

**PART IV: MEETINGS**

Section 6. **ANNUAL MEETING.** The annual meeting of the Affordable Housing Advisory Committee / Housing Task Force shall be the first regular meeting in the month of January each year. Such meeting shall be devoted to the election of officers for the ensuing year and such other business as shall be scheduled by the Committee.

Section 7. **REGULAR MEETINGS.** Regular meetings of the Committee shall be held on the 2nd Tuesday of the month at 8:30 a.m. in the OMB Conference Room on the 3rd floor of the Government Services Building located at 1769 East Moody Boulevard, Bunnell, Florida. Time and place changes of meetings may be called by the Chairman or staff, provided that reasonable advance notice is given to each member and the public in accord with Florida's Sunshine Law.

Section 8. **QUORUM.** Six members of the Committee shall constitute a quorum for transaction of business. The only business that can be transacted in the absence of a quorum is (1) to adjourn; (2) to recess for a period of time within the same day; and (3) to continue any agenda item to a date and time certain.

Section 9. **NOTICE OF INABILITY TO ATTEND MEETING.** Each member of the Committee that will not be able to attend a scheduled meeting shall, at the earliest possible opportunity, advise the County staff liaison. The County staff liaison shall notify the Chairman in the event that projected absences will produce a lack of a quorum. If any appointed member of the Committee fails to attend three (3) unexcused consecutive, regularly scheduled meetings or five (5) of twelve (12) regular or special meetings or workshops of the Committee, the County staff liaison shall notify the County Administrator, who shall take those steps necessary to fill the vacancy.

**Commented [DKP2]:** It doesn't necessarily say "each month," but should we amend to make it more open-ended regarding frequency before we submit to AHAC?

**Inserted: Regular meetings will be held quarterly**

**Inserted: the**

**Inserted: Complex**

**Commented [DKP3]:** FL Statute 420.9076 (4) requires triennial meeting only (once every three years), at minimum, though Omnibus 1339 will require annual—only if municipality receives more than minimum allocation of funding ($350,000)

**Inserted: Fifty-one percent of the Committee’s voting members**

**Inserted: wo**

**Inserted: 2**

**Inserted: .**
Section 10. **VOTING.** At all meetings of the Committee, each member attending shall be required to cast a vote on all matters requiring action by the Committee. Any member who has a conflict of interest on any issue being voted shall recuse themselves from voting on matters relating to the issue. The member must have a special gain or loss as defined by the Florida Commission on Ethics in order to have a conflict of interest. The member should consult with the County Administrator’s office on whether a conflict exists. In the event of conflict, the required form must be completed and made a part of the minutes. The conflict and recusal shall be stated in the minutes of the Committee. Otherwise the member is required to cast a vote.

Section 11. **PROCEEDING.**

A. The order of business, unless otherwise adopted by the members present, at all regular meetings shall be as follows:

1. **Roll call and Pledge of Allegiance**
2. Approval of minutes of previous meetings
3. **Agenda items**
4. Adjournment

B. Minutes will be taken and maintained by County staff. Copies of all minutes will be sent to each Flagler County Commissioner and the County Administrator.

Section 12. **RULES OF PROCEDURE.** All meetings of the Committee shall be conducted with Robert’s Rules of Order Revised as a guideline. The Committee shall be governed by the Florida Sunshine Law, Public Records Law, Section 420.9076 Florida Statutes, Section 16-77 of the Flagler County Code, the State Housing Initiatives Partnership (SHIP) Procedures Manual, and these Bylaws.

Section 13. **DEADLINE FOR AGENDA.** The deadline for placement of an item on the agenda of the Committee shall be seven (7) calendar days prior to any scheduled meeting. Items for Downpayment/Closing Cost assistance that are time sensitive for real estate closings can be placed on the agenda up to 48 hours before the meeting. However, agenda items may be added at the discretion of the committee on the day of the meeting.

Section 14. **AMENDMENTS.** These Bylaws may be amended at any meeting of the Committee, only to the extent consistent with County resolution and provided that said notice of said proposed amendment is given to each member in writing at least five (5) business days prior to said meeting and the action is ratified by the Board of County Commissioners.

Section 15. **RELATION TO COUNTY COMMISSION RESOLUTIONS AND STATE LAWS.** Any section or provision of any section of the Bylaws as adopted by the Affordable
Housing Advisory Committee (Housing Task Force) which conflicts with County resolution or State laws shall have no force and effect.

Section 16. MATTERS REFERRED BY THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS. Matters referred to the Committee by the Board of County Commissioners shall be placed on the calendar for consideration and action at the first meeting of the Committee after such referral.

Section 17. THESE BYLAWS SHALL BECOME EFFECTIVE IMMEDIATELY UPON RATIFICATION BY THE BOARD OF COUNTY COMMISSIONERS.

These Bylaws adopted this ___ day of ____________________, 20__.

______________________________
Barbara Revels, Chairman

ATTEST:

______________________________
Valerie Bradley, Recording Secretary

APPROVED AS TO FORM:

______________________________
County Attorney

Ratified by the Board of County Commissioners: ________________________