

**Lexington Housing Authority  
Minutes October 20, 2021**

The regular meeting of the Lexington Housing Authority was held Wednesday October 20, 2021 at 609 East 3<sup>rd</sup> Street, Lexington, Nebraska, at 12:01 p.m. Commissioners present were Chairman Victoria Clements, Vice Chairman John Salem, Commissioner Bricker, Commissioner Bill Brecks, Commissioner Kyle Ferguson and Derek Haines from LHA.

**NOTICE:** Notice of the meeting was given in advance, thereof by posting in the LHA lobby, social media and other public places in Lexington, the designated method for giving notice. The proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public. All items presented and discussed on the agenda were available for public inspection.

**CALL TO ORDER:** The regular meeting was called to order by Commissioner Clements at 12:00 PM who informed the public that the Open Meetings Act is posted at the Lexington Housing Authority, located at 609 E 3<sup>rd</sup> Street, Lexington, Nebraska.

**Public Comment Period**

There were no parties in attendance for public comment period.

**Consent Agenda Items:**

Minutes of the Regular Meeting held September 15, 2021 were presented to the Commissioners for consideration and approval.

Claims and Bills including the check registers were presented to the Commissioners for consideration and approval.

Grant funds report was presented to the Commissioners for consideration and approval.

Financial Reports were presented to the Commissioners for consideration and approval.

Accounts to be charged off for consideration and approval

THEREFORE BE IT RESOLVED by the Commissioners of the Housing Authority of the City of Lexington, Nebraska that they accepted Consent Agenda as presented by the Executive Director as of October 20, 2021.

Commissioner Brecks moved that the resolution be adopted as introduced and read, which motion was seconded by Commissioner Brecks and upon roll call the "Ayes" and "Nays" were as follows:

Clements Aye

Salem Aye

Brecks NA

Ferguson Aye

Bricker Aye

**New Business:**

**RESOLUTION 2021-18 LEXINGTON HOUSING AUTHORITY RAD CONVERSION OF EASTLAWN APARTMENTS**

WHEREAS, Lexington Housing Authority (the "**Authority**") is the owner of that certain public housing development located in Lexington, Nebraska known as Eastlawn Apartments, as well as certain other adjacent non-dwelling public housing properties (collectively, the "**Properties**");

WHEREAS, the Authority desires to revitalize the Properties through conversion under the U.S. Department of Housing and Urban Development's ("**HUD**") Rental Assistance Demonstration ("**RAD**");

WHEREAS, the Authority has entered or will enter into that certain RAD Conversion Commitment with HUD detailing the RAD conversion process (the "**RAD Conversion Commitment**");

WHEREAS, conversion of the public housing units at the Properties under RAD requires that the Authority enter into certain additional documents, certificates, instruments and/or agreements with or in favor of HUD evidencing the RAD conversion process, including, without limitation, certain amendments and supplements to the RAD Conversion Commitment, as appropriate, a RAD Use Agreement, a RAD PBRA HAP Contract, and partial and/or full Releases of Property from Declaration of Trust (collectively, with the RAD Conversion Commitment and such other documents, certificates, instruments and agreements entered into and/or delivered in connection with the conversion of the Properties under RAD, the "**RAD Documents**"); and

WHEREAS, the Authority intends to take all other actions necessary, advisable or appropriate for the conversion of the Properties under RAD.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Authority hereby approves in all respects the revitalization of the Properties through conversion under RAD and the transactions contemplated thereby;

FURTHER RESOLVED, that the Board of Commissioners of the Authority hereby confirms, ratifies and approves in all respects the execution and delivery of the RAD Conversion Commitment by the Executive Director on behalf of the Authority and the consummation of the transactions contemplated thereby;

FURTHER RESOLVED, that Derek Haines, as Executive Director of the Authority, or his designee (collectively, the "**Authorized Officers**" and each, an "**Authorized Officer**"), is authorized and directed to execute and deliver the RAD Documents, and to execute, acknowledge, deliver, file and/or record such other documents and instruments and to take such other actions as he deems necessary and/or desirable in order to consummate the transactions described in the RAD Documents, and to cause the Authority to perform its obligations under such RAD Documents;

FURTHER RESOLVED, that the Authorized Officers are hereby authorized to submit to HUD for review and approval the evidentiaries, exhibits, instruments, documents and other information as HUD may require or as may be appropriate in connection with the conversion of the Properties under RAD, including, without limitation, evidentiaries and exhibits required by or associated with the RAD Conversion Commitment, information requested in connection with the provision of project-based rental assistance pursuant to the RAD conversion for the Properties, and information requested in connection with the release of the Properties from the existing Declarations of Trust;

FURTHER RESOLVED, that the Authorized Officers are hereby further authorized, empowered and directed to take such other action and to enter into such documents, instruments and/or agreements, from time to time, in connection with the transactions contemplated by the foregoing resolutions as the Authorized Officers deem necessary, advisable or appropriate; and

FURTHER RESOLVED, that the Board of Commissioners of the Authority hereby ratifies, confirms, and approves all lawful actions taken by the Authorized Officers or other officers, employees or Commissioner of the Authority, and all lawful papers and documents executed by any of the foregoing on behalf of the Authority where such actions, papers or documents effectuate the intent of these resolutions and the consummation of the transactions and matters set forth herein.

Commissioner Bricker moved that the foregoing resolution be adopted as introduced and read, which motion was seconded by Commissioner Ferguson and upon call the "Ayes" and "Nays" were as follows:

Clements Aye  
Salem Aye  
Brecks NA  
Ferguson Aye  
Bricker Aye

**PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF LEXINGTON HOUSING AUTHORITY  
THIS 20th DAY OF October, 2021.**

**2021 Passbook Rate**

The following resolution was introduced by Derek Haines, Executive Director; read in full and considered:

**RESOLUTION NUMBER 2021-19**

WHEREAS: The Commissioners of the Housing Authority of the City of Lexington have discussed the matter of the setting the Passbook Rate for Lexington Housing Authority Public Housing and Housing Choice Voucher rent computation. It is understood the rate cannot be below 0% but it can be 75 points either side of the Current National Rate which is currently 0.06%.

BE IT RESOLVED by the Board of Commissioners of the Housing Authority of the City of Lexington, Nebraska that the Passbook rate is to be set at ZERO percent based on the National Rate being 0.06% on September 20, 2021. This passbook rate will be reviewed every October and adjusted accordingly effective the first day of the next calendar year.

Commissioner Salem moved that the foregoing resolution be adopted as introduced and read, which motion was seconded by Commissioner Ferguson and upon call the "Ayes" and "Nays" were as follows:

Clements Aye  
Salem Aye  
Brecks NA  
Ferguson Aye  
Bricker Aye

The Chairman thereupon declared said motion carried and said resolution adopted.  
Adopted October 20, 2021

**AUDIT REVIEW AND FINDINGS**

The following resolution was introduced by Derek Haines, Executive Director; read in full and considered:

**RESOLUTION NUMBER 2021 - 20**

WHEREAS: The Commissioners of the Housing Authority of the City of Lexington reviewed the Financial Audit for NAF SR Housing Year Ended June 30, 2021 as presented by the Audit Firm of Niewedde and Wiens, Certified Public Accountants and;

WHEREAS: The Commissioners of the Housing Authority of the City of Lexington reviewed the audit and finding responses prepared and presented by the Executive Director along with the required reply and documentation to HUD;

BE IT RESOLVED by the Commissioners of the Housing Authority of the City of Lexington, Nebraska that after review of the Audit Document for the Fiscal Year ended June 30, 2020, the Audit Report be approved.

Commissioner Bricker moved that the foregoing resolution be adopted as introduced and read, which motion was seconded by Commissioner Salem and upon roll call the "Ayes" and "Nays" were as follows:

Clements Aye  
Salem Aye  
Brecks NA  
Ferguson Aye  
Bricker Aye

The Chairman thereupon declared said motion carried and said resolution adopted.  
Adopted October 20, 2021

### **2021 EIV Policy**

The following resolution was introduced by Derek Haines, Executive Director; read in full and considered:

#### **RESOLUTION NUMBER 2021-21**

WHEREAS: The Commissioners of the Housing Authority of the City of Lexington have reviewed the EIV policy and approve of the change to run the New Hires report from monthly to quarterly. This change will meet the requirement that pertains to the program.

BE IT RESOLVED by the Board of Commissioners of the Housing Authority of the City of Lexington, Nebraska EIV policy to be changed to reflect the requirement to run the New Hires report from monthly to quarterly.

Commissioner Bricker moved that the foregoing resolution be adopted as introduced and read, which motion was seconded by Commissioner Ferguson and upon call the "Ayes" and "Nays" were as follows:

Clements Aye  
Salem Aye  
Brecks NA  
Ferguson Aye  
Bricker Aye

The Chairman thereupon declared said motion carried and said resolution adopted.  
Adopted October 20, 2021

## **Legend Oaks I and II Rent increase and Budgets**

The following resolution was introduced by Derek Haines, Executive Director; read in full and considered:

### **RESOLUTION NUMBER 2021-22**

After the Commissioners of the Lexington Housing Authority, which is the Managing Member, reviewed the proposed budget and rent increase for Legend Oaks LLC and Legend Oaks II LLC, they found the rent increase and expenditures to be necessary in the efficient and economical operation of the individual programs.

THEREFORE BE IT RESOLVED by the Commissioners of the Housing Authority of the City of Lexington, Nebraska that they approve and adopt the attached Legend Oaks LLC Operating Budget for the Fiscal Year Ending December 31, 2022.

Commissioner Salem moved that the foregoing resolution be adopted as introduced and read, which motion was seconded by Bricker and upon call the "Ayes" and "Nays" were as follows:

Clements Aye  
Salem Aye  
Brecks Aye  
Ferguson Aye  
Bricker Aye

The Chairman thereupon declared said motion carried and said resolution adopted.  
Adopted October 20, 2021

Roundtable discussion

Haines updated on the RAD / Public Housing conversion progress.

Meeting Adjourned 12:30 PM

Next Meeting: October 13, 2021 at 12:00 PM

Respectfully submitted

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Executive Director / Secretary