

MINUTES

HOUSING AND COMMUNITY DEVELOPMENT COMMISSION MEETING

COLUMBIA CITY HALL

701 EAST BROADWAY, COLUMBIA, MO

April 12, 2023

COMMISSIONERS PRESENT

**Mr. Thomas Rose
Mr. Mitchell Ritter
Mr. Ross Kasmann
Ms. Rebecca Shaw
Ms. Diana Suhler**

COMMISSIONERS ABSENT

**Mr. Blake Willoughby
Mr. Michael Fletcher**

CITY STAFF

**Mr. Tim Teddy
Ms. Jennifer Deaver
Ms. Molly Fair
Mr. Jacob Amelunke
Mr. Earl Kraus**

I.) CALL TO ORDER

MR. ROSE: All right. We will go ahead and call the meeting to order. We'll first start with introductions. Start over there with Rebecca.

II.) INTRODUCTIONS

MS. SHAW: Sure. Rebecca Shaw, Member at Large.

MR. KASMANN: Ross Kasmann, Ward Three.

MR. RITTER: Mitch Ritter, Ward Two.

MS. SUHLER: Diane Suhler, Representative for Human Services.

MR. ROSE: Tom Rose, Ward Five.

MR. AMELUNKE: Jake Amelunke, City staff.

MR. TEDDY: Tim Teddy, Community Development Director, staff.

MS. FAIR: Molly Fair, City staff.

MR. KRAUS: Earl Kraus, and I'm the new attorney with the City, staff.

MS. DEEVER: Jennifer Deaver, City staff.

MR. ROSE: Okay. I'd like to start off -- first off, we have one obvious member who is not here, and that's Barbara Jefferson. And I don't know if any of you had heard that she had passed away unexpectedly. And so I thought it would be appropriate for us to have just a moment of silence in memory of Barbara. I mean, she made us think a lot about -- about what we're about, and so I appreciated that. So if we just have a brief moment of silence here. Okay. Thank everyone for that.

III.) APPROVAL OF AGENDA

MR. ROSE: So our first item is to approve the agenda. So I would move for approval of the agenda?

MS. SHAW: So moved. Shaw.

MR. ROSE: Shaw.

MR. RITTER: Second. Ritter.

MR. ROSE: All right. All in favor, aye -- say aye. Any opposed, same sign.

(Unanimous vote for approval.)

MR. ROSE: Okay. Thank you.

IV.) APPROVAL OF MINUTES

MR. ROSE: Next, we have the approval of the minutes of our last meeting, and I would entertain a motion for approval of those.

MR. KASMANN: So moved. Kasmann.

MR. ROSE: Second?

MS. SHAW: Seconded. Shaw.

MR. ROSE: All in favor? Any opposed?

(Unanimous vote for approval.)

MR. ROSE: Okay. Thank you.

V.) SPECIAL ITEMS

MR. ROSE: Our next item is a special presentation about the Sunshine Law, and I believe that is why you are here today.

MR. KRAUS: That is why I'm here today.

MR. ROSE: Okay.

MR. KRAUS: We have some slides up. Okay. That's great. Well, like I said before, my name is Earl Kraus, and I just started with the City on February the 20th, so it hasn't been that long. I come from the -- working mostly with the State. I was previously with the State Courts Administrator's Office for nine, ten years. I was a Deputy State Courts Administrator and the Director Of Administrative Services, which included the legal shop, which does Sunshine Law and a lot of other things. Before that, I was General Counsel with the Division of Professional Registration, which is all the different professional licensing boards and committees and commissions and counsels. And then before that, I was with the Attorney General's Office. So in each of those roles, I dealt with the Sunshine Law in different ways. So hopefully the information I have for you today will be good. I've got some slides here, which I will try to run through. It's a hard balance sometimes to have the detail you want without going on forever because you don't want to hear about this forever, of course. So hopefully I've got a good balance, but I appreciate any feedback. What we'll -- oh, and as we go through, if you have any questions or thoughts, feel free to jump in and ask because that's why I am here. All right. So we'll cover authority, which there is more than just the Sunshine Law to talk about. There is also the City Code, and some other things. Public meetings, public votes, notice agenda and minutes with regard to meetings. So there's the meeting parts -- part, closed meetings, of course, and then there's the records part too. So the Sunshine Law is not just meetings and that sort of thing, it's also records, opened and closed. So we'll talk about that. So Authority. Chapter 610, Revised Statutes of Missouri, that's RSMO, that's where the Sunshine Law is for the State statute -- all the different sections that we'll talk about -- some of those today. And then there's the City Code with regard to closed meetings in 2-25.1,

and then closed records, which is 2-25.3. And the reason I'm touching on that is the Sunshine Law, of course, has a starting point of open. Open government, things being available for the public to see, and participate in, and view, and obtain with regard to records many times. But the Sunshine Law authorizes public and governmental entities to close meetings and records. But they don't have to do that under the Sunshine Law. Now, the City has done that to some extent with regard to meetings and records. And so we will talk about that. Okay. So what is a public meeting? Basically, any meeting of a public governmental body where you talk about your business. So this, of course, is a public meeting. We have a quorum here. We'll talk about that in a minute. If you are talking about business, that's a public meeting. It includes, you know, commissions, boards, subcommittees. There's a lot of different entities that can be captured in public governmental bodies. Now, of course, this doesn't apply to, you know, private businesses. You know, McDonalds isn't a public or governmental body. I can't send them a request and ask about their records on their french fries. That doesn't apply to them. But it does here. Okay. So meetings can be more than just in person. They can be virtual, over Zoom or Webex or some service like that. They can be on the telephone. They can be an exchange of a forum of people talking over email even. It can be a series of phone calls in some instances. So it's more than just meeting in person. I have a note there the City requires in-person meetings. That's a bit dated. I should probably put an asterisk on that because of course through the pandemic, there was an emergency provision from the City Council to allow other methods of meeting virtually, and it's my understanding from talking to some folks very recently that there's a couple of committees are piloting that having virtual meetings in an ongoing way. That hasn't been expanded to all committees for all purposes going forward, but they are trying to sort out how that might work is my understanding. So while they require them in person today, that's for most committees in most instances, and they're trying to work something else out. A quorum. Yay. We have a quorum today. Generally, a quorum is a majority of the members or the positions. However, the ordinance or whatever documents are creating the entity can specify what the quorum is. Sometimes they say a different number. They might say you can only have, you know, out of eight or nine, you've got to have eight. Or they could say a simple majority. I think yours says a simple majority of the existing members. So maybe if you had vacancies, that wouldn't count against you. So you always want to, you know, remember that it's generally a simple majority, but look at your authority to see what yours is. And I -- I have yours here, and I believe it's -- just looking at that --

MR. ROSE: I think it is simple majority of the existing members.

MR. KRAUS: Simple majority of the current members of the Commission shall constitute a quorum for the transaction of business.

MR. ROSE: Right now, we --

MR. KRAUS: There you go. Spot on. Of course, if you don't have a quorum, you can't do anything. You can still talk, but it's just people talking. It's not really a meeting. You can't vote and take official actions. You can't conduct business, which is really votes and deciding things. All right.

Does include luncheon meetings? Yeah. If you had lunch here, it would still be a meeting. If you had dinner, if you had breakfast, it doesn't matter what meal it is, it would still be a meeting if you're talking business and you have a quorum. If, however, you all go over to Tom's house because he's having a barbeque and it's a nice day and he likes you all and just wants to, you know, have a few beers and barbeque, you don't have a quorum there talking business, you know, then that's not a meeting. You could have a quorum there and still not talk business, still not a meeting. If everybody huddles over in the corner and starts talking business saying at the next meeting we're going to do this and decide this and you vote this way and you vote -- well, that's probably a meeting. So you don't want to do that. All right. So there's the informal gatherings. Did I miss something on the former slide? Okay. Yeah. I think we -- thank you. So informal gatherings, unless your intent is to avoid the purposes of the Sunshine Law.

MR. ROSE: Can you back to that last slide again?

MR. KRAUS: Yeah.

MR. ROSE: Because that is where we get to sometime somebody sends an email to somebody -- does include any -- does include -- yeah.

MR. KRAUS: It can include emails. And where people will run into trouble with that is, say, you'll send a question out and you send it to the whole group, and you have people start replying all, and pretty soon you have back and forth discussion between all the members about business. Well, that's the definition of a meeting. So I know a lot of times folks will -- I think staff will send out things blind copied --

MR. RITTER: Uh-huh.

MR. KRAUS: So that you can't reply all. If you accidentally -- you mean to reply, but you accidentally hit reply all, well, now what do we do? So blind copy is a good way to avoid that. Replying to one person is fine. You can do that. But then if they contact someone else, and then they contact someone else, and they contact someone else, you can fall into a meeting inadvertently sometimes. All right. Public vote. Well, that's voting at a meeting. Where -- members must personally vote. How many votes are needed for approval, again, is typically a simple majority of those present and attending the meeting. I say "and attending" -- or attending the meeting because you might not be physically present if you have people attending virtually, if that's allowed, they could be voting. But sometimes your ordinance might specify some other number. But absent some specific ordinance saying otherwise, it's usually a simple majority. And how can you vote? You can -- depending on the item, you can, you know, say all in favor, any opposed, and just get a group vote. You can also do a roll call vote, calling that out in open session. If you're not sure whether you should -- what kind of vote you have to do, roll call votes are always safe. We'll talk about some instances where you have to do a roll call vote here in a minute. You also have to post the meeting notices so that people know there's a meeting and they have a chance to come to it, participate in it. That's kind of the whole -- another point of the Sunshine Law, to make government available to people. I know we've got the bulletin board out

here they post meetings on, they post them on the website too. It says in a prominent place where holding the meeting. All that's right outside too, also. So that's kind of how what the City does, which is a pretty good practice. And include all these things on the notice, so people know the -- when it is, where it is, how you are holding it -- you know, if it's in person versus some other way. There does need to be a tentative agenda. It does not have to be a final agenda. You can change the agenda as long as your tentative agenda is a reasonable version of what you're going to talk about. Give people reasonable notice so that they can show up if they want to. Let's see. Minutes. So minutes do need to be taken, and that is primarily of the decisions that are made, so the votes. You've at least got to get the votes down. This was moved; this was seconded. All voted in favor with no dissent. Or here is what the roll call vote was for each person. A lot of times folks will include a lot of other information about the discussion and what was considered and those kinds of things. That's all fine. The Sunshine Law doesn't necessarily require that, but it is fine to do that and it is good record keeping for a lot of committees. And then emergency meetings, there's special parameters for that. Closed meeting. You can close meetings if it falls within an exemption that's authorized under the Sunshine Law, and the City has adopted. So you'll see there like we were talking about before with -- with meetings and records. The City has adopted exemptions that we'll talk about for closed meetings. It says they may be closed under the City Code. Now, the records under the City Code say records shall be closed to the extent authorized. So there's a little difference there that we can talk about. So here's the beginning of all the exemptions. There's a whole bunch. And I kind of struggled with how to show this in that -- I've got all of them up there that are possible under the Sunshine Law. But the City hasn't adopted some of them, and those are kind of the orange ones, like number four, the State militia. The City doesn't have a State militia, of course, so they don't need that one. That wasn't adopted by the City. Same with number six, with scholastic records and some school related things. They did adopt the testing/examination materials, but not all the rest of it in that exemption. All of these are pretty much the same for the Sunshine Law and the City. And then the last three there, the City has not adopted, 23 and 24, you know, 23 is higher education, 24 is foster care. That's not really a City thing. And 25 was just passed this last year in 2022 about the State legislature. So that's a pretty new change or addition, another exemption for the Sunshine Law, and the City has not yet adopted that into the City Code. They very well might, but it's not in there yet. So you can see, and if we go back to the very top of the first exemptions. There we go. So the real common ones, number one, legal actions, causes of actions, pretty common for committees to use -- those who have litigation going on. Another one is competitive bidding, number 10. Go down to number 11, I think. Sealed bids, that's a pretty often used one. And then protected by other laws, there is one that comes up a lot if there is some federal law or some other law that makes something confidential and closed under law that comes into State law though protected by other laws and the City Code, and that can be closed. So that's kind of how that works. All right. I ran through that part of it pretty quick. Yes?

MR. RITTER: Do you have to list the exception when you are going into closed session or do you just say you are going into closed session per 610.021?

MR. KRAUS: That's a great question, and, yes, you do have to say the reason and cite to the specific section.

MR. RITTER: Okay.

MR. KRAUS: You just -- well, the practice is -- it's always the best practice because, you know, what's going to get you to litigation and what's not, but -- is to announce, you know, have it on the agenda that you're going to go into closed session and announce it when you go into closed session under 610.021 sub 14 or sub 1 related to legal action, causes of action, blah, blah, blah, blah. And then you -- well, yeah, there. You announce it, you have a motion and a second. That's a great segway. You announce it, get a motion and you second. You get a majority quorum vote for closing the session, the meeting. You do that via a roll call vote.

MR. RITTER: Do you ask people to leave?

MR. KRAUS: You ask people who are not intended to stay in the closed session to step out. You do have to do a roll call vote to go into closed and record that in the minutes. And then once you are in closed, all -- all the votes taken in closed session should be roll call votes, and those are taken down in the minutes. And you have to stick to the item that you went into closed session for. Now, if you get in and you talk about your litigation and you say, oh, you know, there's this other thing that I want to talk about while we are in closed, while everyone else isn't in here, you can't do that. And that's even true if you say, you know, those sealed bids we're going to talk about at the next meeting? I want to talk about that now because it's a closed exception. Well, that's not this -- that's the reason you announce to go into closed, if you closed on sub 1 for litigation. So you need to stick to the one you went into closed for. Let's see. Public record. Okay. Well, this is transitioning to records now.

MS. SUHLER: I have a question.

MR. KRAUS: Yes?

MS. SUHLER: Who decides if the meetings are going to be opened or closed? Like, on this Commission, whose call would that be?

MR. KRAUS: Well, that -- that's often a group decision between the -- the Committee members, the Chair, and talking with staff so that they can be properly prepared to go into closed. And oftentimes, if you're, like, well, we've got this item coming up, we think we're going to need to go into closed, how do we do that? And you can talk with staff, figure out who needs to be there, who doesn't, what's the reason, and does the exemption fit? They can talk legal counsel and we can make sure that's all going to work okay and how to frame it on the agenda, and that the item really does fit under that. And that's generally how that moves forward. So -- but ultimately, it's a Committee determination for the Committee to go into closed, but there's a lot of support to help you do that. Public record. So what's a record? Well, it's a record that you have. If you have a -- it's pretty much a record whether it's a piece of paper or that's an email or that's an electronic file. If you have it as a govern -- as a public

governmental entity or body, that's a record. Now, whether you have to retain it or not is another question. But if you do have it, it is a record, and it can be subject to Sunshine Law requests. And that's including if someone else prepared it and gives it to you and you're looking at it and you have it as a public governmental body. You now have it, it is a record, and that can be a public record. I thought I would throw this in about transmitting messages relating to public business via email that there is a requirement under 610.025 about also transmitting that message copying, you know, the public office computer, which is what it says in the law, or really the custodian of records, whoever the custodian is for your committee so that those can be maintained in a way that you don't have to keep track of that yourself. And then there's assurance that the changes of committee members and that sort of thing, the custodian of records really can, you know, be a custodian of all those records that have to do with the business of the Committee. And any of these records are public unless it falls under an exemption, which are the same exemptions we were just looking at. All right. Penalties for violating Sunshine Law. People often ask about this, so I put that up there, not to scare and intimidate anybody, it's just this is what the law says. So if there were to be a lawsuit and there were to be a trial and a court were to find that there was a knowing violation of the Sunshine Law, there can be a fine of up to \$1,000. If the court were to find a purposeful violation, there would be a fine of up to \$5,000. And that's a governmental body or member. Often that's -- if there is a finding, which is pretty rare, it's often on the governmental body and not an individual. But then there can also be reasonable attorney fees, which can be way more than \$1,000 or \$5,000. That's often where the big money comes in. And another item I don't have on there is the court can also void whatever action was taken in violation of the Sunshine Law. So if the committee made some kind of decision that we're going to implement this, and then litigation happens and it has been underway for a year or two, that could all be undone. Now, there's a weighing that the court has to do to decide whether to void the action or not, but that is a potential repercussion. On here, we're talking about staff. Staff is your friend. This was in the slides when I was first updating them. I thought, I'm -- I like that. I'm going to leave that in there because, you know, staff can help a lot with these. We're not Committee members, we don't make the decisions for the Committee or Commission, but we can help -- help you do your work. And if you have questions about the Sunshine Law, open/closed meetings, records, how to handle things like that, we're happy to help. Staff can ask -- talk to me too, and others in the law department. Happy to do that. And then in looking at this Commission, I thought you probably know these things, but I -- they struck me as something you might be interested in and it kind of relates to meetings and attending meetings. This is all from your ordinance that you meet once a month, but your Chair can cancel. Simple majority for a quorum. The Chair can excuse absences. There's an automatic forfeiture of office in your ordinance, so that's good to be aware. You don't want to accidentally fall into that. I've worked with some committees in the past that had similar provisions, and it would come up sometimes and they would be calling a person on the phone saying you got to get down here. This is your last one and you're going to be -- you're going to be gone.

MR. ROSE: I would ask if our -- if the administration is kind of following that and observes that?
We may have some members that are getting close to that.

MS. DEEVER: It would be for unexcused absences.

MR. ROSE: Yeah. So we're not -- as members, I don't know that there have been --

MR. KRAUS: And that's a key --

MR. ROSE: I don't know if there's been an excused absence, you know.

MR. KRAUS: Right. And that's a key point is unexcused absences and --

MR. RITTER: Yeah. If they're not emailing you.

MR. KRAUS: You know, if you're not sure if it's excused or unexcused, you're probably not going to assume that it's unexcused, I guess.

MR. ROSE: I haven't --

MR. KRAUS: So there's room --

MR. ROSE: -- (inaudible) -- we have no way of knowing.

MR. KRAUS: There's flexibility built into that language.

MR. ROSE: Yeah.

MS. DEEVER: And we can review that.

MR. ROSE: Okay.

MR. TEDDY: We usually ask who is able to attend -- or who is able not to attend. When folks will affirm that they going to be at the meeting.

MR. ROSE: For like when that email goes out about the meeting?

MR. TEDDY: But if they say they're going to be here and then they are not, then --

MR. ROSE: Yeah.

MR. KRAUS: Right. And if it --

MR. TEDDY: -- we probably need to get an explanation.

MR. KRAUS: And if historically that has been viewed as a delegation of the Chair or the Committee to staff and people call and they say, oh, I'm not going to be able to make it, and that is considered excused, that's fine. You can operate that way. All right. That's for another one. Okay. Any other questions or thoughts? That's what you were hoping I would cover?

MR. ROSE: Sounds good.

MR. KRAUS: Thank you. And there's me if you need to contact me for anything.

MR. ROSE: That would be an open meeting with you?

MR. KRAUS: I'm sorry?

MR. ROSE: Would that be an open meeting with you or a closed meeting?

MR. KRAUS: That would depend on what we talk about and if it meets an exception.

MR. ROSE: Right.

MR. KRAUS: Right. Well, that's a good question because, you know, this presentation itself, well, is this legal advice? Well, it's a general presentation regarding Sunshine Law as it exists for

everybody. Now, if we were going to go into closed and have legal advice for this Commission individually, that might be a different kind of discussion, and that probably would need to go into closed. But this is general information that is the same for everybody.

MR. TEDDY: Earl, you said that -- may I ask --

MR. KRAUS: Yes.

MR. TEDDY: Yeah. You said that when there is no quorum present, you can talk, you just can't do business. And do business means voting. We've generally shied away -- when we're in that situation, we've got one shy of a quorum or two shy of a quorum, we generally just talk about the weather and movies that we have seen lately and that kind of stuff. But if you had someone on your agenda that night that was a guest speaker that is just providing information, would you discourage us from going ahead with that individual's presentation --

MR. KRAUS: I would.

MR. TEDDY: If it had -- okay.

MR. KRAUS: I would. Yeah.

MR. TEDDY: Okay. So then it's content that relates to what the Commission does?

MR. KRAUS: Well, it is, and it's really hard to then ignore that and forget it.

MR. TEDDY: Uh-huh.

MR. KRAUS: Because it didn't happen at a meeting.

MR. TEDDY: Right.

MR. KRAUS: And so then at your next meeting when you want to talk about it --

MR. TEDDY: Yeah.

MR. KRAUS: -- and refer to it, well that might as well be a discussion on the street that you had with someone.

MR. TEDDY: So that's business -- that's going into your agenda, so that is new business.

MR. KRAUS: It's -- it's doing business. The challenge there is if you don't have a quorum, you can't act in any way.

MR. TEDDY: Right. Right.

MR. KRAUS: Because it didn't occur at a meeting.

MR. TEDDY: Yeah.

MR. KRAUS: And so in future meetings, you also can't act on it --

MR. TEDDY: Yeah.

MR. KRAUS: -- because it didn't occur at a meeting. It's just some discussion you had.

MR. TEDDY: I was thinking of something that wasn't an action item.

MR. KASMANN: Right. Like --

MR. TEDDY: If somebody --

MR. KASMANN: -- if we didn't have a quorum tonight, would you have -- I mean --

MS. DEEVER: Could you still have presented?

MR. KRAUS: I'd suggest not.

MR. KASMANN: : Okay.

MR. KRAUS: Because it's -- it's business. It looks like you're doing business without a quorum.

MR. TEDDY: Uh-huh.

MR. KRAUS: You're going to talk about it later in meetings about something that wasn't really a meeting, and it's just really messy. So it's a better practice --

MR. TEDDY: Yeah.

MR. KRAUS: -- to stick to business --

MR. TEDDY: So just talk about social stuff --

MR. KRAUS: -- when you don't have a quorum. If you don't have a quorum, then go on.

MR. TEDDY: Yeah.

MR. KRAUS: Yeah. Good question. It's hard to do that though when people travel in and they're ready to go and then you're like, oh, sorry. We don't have a quorum.

MR. TEDDY: Yeah. Sure.

MR. KRAUS: But that is the better practice.

MR. TEDDY: Yeah.

MR. KRAUS: So -- now, if in that instance they wanted to submit some kind of record for you to present instead at the next meeting, they say, well, here's my materials. You could do that .

MR. TEDDY: Sure. Yeah.

MR. KRAUS: That's not the same as having somebody talk to you though.

MR. TEDDY: You could do administrative stuff, simple --

MR. KRAUS: Well, I mean at the very -- at the next meeting where you do have a quorum.

MR. TEDDY: Yes.

MR. KRAUS: Yeah.

MR. ROSE: We would have been close to a quorum anyway.

MR. KASMANN: Well, four.

MR. ROSE: Because we -- now we do not have two --

MR. RITTER: Current.

MR. ROSE: -- current. Yeah.

MR. KASMANN: We have five out of nine.

MR. ROSE: Yeah. Well, how many -- but how many do we actually have -- how many vacancies? We have six wards, and then two at large and one rep. Is that right?

MR. RITTER: We have nine.

MR. ROSE: Nine? Okay. But two of those wards are not filled right now.

MR. RITTER: So four out of seven.

MR. ROSE: So they wouldn't count toward the quorum. Right? Am I right? Am I understanding that?

MR. KRAUS: I think that is right.

MR. TEDDY: The majority of the current members.

MR. ROSE: Current members.

MR. KRAUS: Yeah. And that's -- that's one of those things where, you know, often we'll advise that when you can, don't be right on the line. Because if anyone wants to challenge anything, they will say, hey, you only had four. And you've got to explain, well, no, there's really only seven right now. But, you know, if you always have five or more, you know you are always good, and that avoids, you know, people who want to complain about something else but they can't really get traction to complain about that. And then you end up dealing with it.

MS. SUHLER: I have -- I'm just -- quick question. I know the Missouri legislature has been looking at the Sunshine Law, and I don't know whether any of their changes passed. Is that still in limbo and what sort of changes are they looking at?

MR. KRAUS: There are a number of bills pending. I don't believe any of them have passed yet, but I haven't checked real recently. And a number of the bills haven't moved at all. But, yeah, there's a lot of significant changes, many of them regard legislators and how their records, you know, are -- can be closed. So -- but I'm not aware that any of those changes have passed just yet. The session is moving right along. It's going to be over before you know it.

MS. DEEVER: Uh-huh.

MR. KRAUS: So we'll see. But every now and then they'll -- they'll pass something and we'll all adapt. And I can come back and talk to the group about the changes, whatever those are. So I know the -- one of the things the legislative members have been concerned about recently has been their constituents contact them, just members of the public. Like, they'll send them an email and they'll lay out a bunch of stuff that they want action on or they are unhappy about. And then they'll get a record -- they'll receive a records request for their email about a certain topic. Well, that constituent's email is just a communication from the public. It doesn't fit any exemptions up here. It's got to be provided, including their name and address and everything else. And they don't like that, so they want to change the law to address that in some way. But we'll see if they can figure out how to -- how to address that without, you know, closing everything and get it passed.

MS. DEEVER: Any other --

MR. KRAUS: Thank you very much.

MR. ROSE: All righty. Our next item was Old Business.

VI. OLD BUSINESS

MS. DEEVER: And the first part of that is the update on the allocation of funds. So as we discussed at the last meeting, we were -- we have funds from FY 21 and FY 22 that we are looking to reallocate. These are funds that for whatever reason were not used by the groups that they were given

to. We've gotten some funds back from a -- one particular property that we have some funds back from is Phoenix Programs we had done, and that has changed ownership. And so we have gotten funds back from that.

MR. TEDDY: As a loan payoff.

MS. DEEVER: As a loan payoff. Correct. As the payoff and the income that has come back to us that we now have to reallocate those funds. So what we are anticipating and I'm still trying to pinpoint down with some -- some of the not for profits, we're anticipating that we will reallocate about \$813,000 CDBG funds and about \$45,000 HOME funds. So when we put out the request for proposals, we will be getting towards those numbers. We'll also be out -- also at the same time, and this is later on the agenda, but we will be talking about the FY 24 funds too.

MR. RITTER: So \$800,000 --

MS. DEEVER: Two hundred some of that is from the sale back. So take out \$200,000 of that. But, yes.

MR. RITTER: So we're --

MS. DEEVER: It's a lot.

MR. RITTER: It's the most we've ever seen.

MR. TEDDY: Yeah.

MS. DEEVER: Yes.

MR. TEDDY: Yeah. I would say so.

MR. RITTER: So where -- I mean, \$200,000 from the one, Rainbow House was not six figures.

MS. DEEVER: Uh-huh. So what we are really estimating at this point is we feel that a lot of this is due to Covid that we've had the -- the building costs went up, projects changed, things like that. One of the things that we're really looking at for this next round that I'll be working on with staff is to make sure that when we are presenting projects, that they are projects ready to go. And that's where we are. We want to make sure that we reallocate the funds so that we are not dinged on those funds any more than what we may have already been by HUD, but we do have the obligation, and we do have several agencies that have come to us and said we want to spend this money immediately. So they'll be -- these funds will be funds that people will need to spend before the end of December of this year. So we have several agencies that have come to us and had projects that they can do and that are ready to go. And we are going -- this will be as part of the RFP process going out next week.

MR. ROSE: Tom Rose. I forgot to say it is helpful for the person. This is Tom Rose talking. Helpful for the person that is helping to do our actual recording if we say our name, I guess, because they don't know who we are. Is that correct? Okay. Do we have to be careful about that some of these were allocated in certain sections and we don't try to allocate it to a different section and increase that amount for that section?

MS. DEEVER: The -- the biggest challenge we have is the 15 percent for social services.

MR. ROSE: Okay.

MS. DEEVER: So, yes. That -- and that would be the vocational education funds as an example of that. So, yes. We will be cognizant of that when we are doing this.

MR. ROSE: Did you want to talk then about the fiscal year '24 -- or was that kind of the same --

MS. DEEVER: That's -- we're moving to that in New Business -- in the New Business.

MR. ROSE: Oh. Update on fiscal year 2024 -- oh, the Needs Survey. I'm sorry.

MS. DEEVER: So did any -- do we need to do anything on this? Okay. The Needs Survey. So basically where we are here as of April 12, so as of today. Right? We have 262 responses. We did get -- that we had regular responses. We also did get 75 paper copies from CHA. They were -- did distribute our survey in their last newsletter, and they showed up with 75 paper copies. So we are at 337 copies now. We have about one more month that the survey is out. We do have again -- have the six wards. You can see here how they distributed. The survey closes May 10th, and again, remember that any paper surveys distributed or collected must be submitted to City staff for the staff to enter them in. I know and appreciate -- I want to give a word of thanks to Molly, who has been entering the 75 paper surveys into the system so that they are being counted. Any questions for this?

MS. SHAW: So -- this is Rebecca Shaw. Ward Six was the lowest ward previously, and we -- and it doesn't look like we've grown much from that area. Is there a place in Ward Six we could put a drop box easily or something?

MS. DEEVER: I can investigate a little bit what we have. Right now the drop boxes are at Services for Independent Living, they are at Love Columbia, they are at the public library, out here in our City Hall. But I will -- I can check and see if we can find somewhere to put a box out.

MS. SHAW: I'm trying to think. So Ward Six is like east campus?

MS. DEEVER: Right.

MS. SHAW: Benton-Stephens area.

MS. DEEVER: Let me see what I can do. They are also on --

MR. TEDDY: East of Providence, south of the downtown and south of the campus. It's east of Providence.

MS. SHAW: If there's a public place really --

MS. DEEVER: We can investigate and see.

MS. SHAW: -- but we can --

MS. DEEVER: We also -- they are available also on BeHeard, which is the City's website. Every City employee was sent them, so -- sent the survey when it first opened, so there's been quite a bit of distribution. But I can see if there's a drop box around the Sixth Ward somewhere we can try to get in --

MS. SUHLER: In the past I -- I think that some -- sometimes we would put them on the busses or the bus station, just for people to have access to them there.

MS. DEEVER: We can look into that. I don't -- I don't know where all of the bus routes are running now, but we can definitely check on if there's anything like that that we can do. Any other questions or comments?

MS. SUHLER: Any reaction to the change in the survey that you heard or has anybody favorably -- they like the shortness of it? No comments?

MS. FAIR: I will say we have received a lot more written comments this year than we did last year. I will say having entered about two-thirds of those paper surveys today, the paper surveys, people have not seemed to understand the ranking very well. But on the BeHeard version it is more clear, and I think people just got their wires crossed on the paper version that is out.

MS. DEEVER: The other -- the other thing that comes into place there is that the BeHeard, the survey won't let you put the rankings wrong. Like, it won't let you double rank something. So it has rules that it is following, and when someone is doing it in person, they can just -- or on a paper survey, they can do whatever they want on that. Any other questions or comments? The next thing on our -- is Old Business. Am I --

MR. ROSE: Yes.

MS. DEEVER: Okay. And one of the things that we have submitted is our Annual Action Plan. We are currently noticing our Annual Action Plan. If you recall when the FY 24 or FY 23 funds were released, we were required -- at that point we had 60 days to submit the AAP, which will put us to at the end of here -- of April. So I think it is April 28 or 29. We have -- were required to post that and notice that for 30 days. So it has been out doing that. If you recall you also already voted on these, and let me -- back on here. These were approved last year. Thank you. These were approved last year, so -- and these were the funding amounts that were given for CDBG. We ended up with the \$1,002,486 for CDBG funds, and then for the HOME funds, we ended up with the \$603,540. So these were how you all voted last year and through the criteria where it came to these conclusions for these. So this is what was submitted in that plan. Any questions on the Annual Action Plan? I think we do -- next, we go Monday and we will have an open hearing at the Council meeting. So that's where that will be reviewed by -- that way. Do we need any movement on that? You just need to approve the Annual Action Plan?

MR. ROSE: Oh. We didn't do that yet. I thought we were -- we didn't do that last time?

MS. DEEVER: Oh, no. I'm sorry. We talked about this the last time.

MR. ROSE: Yeah. Okay.

MS. DEEVER: We did not approve the Annual Action Plan.

MR. ROSE: Okay. Got it. I would now -- Tom Rose here. I would now entertain a motion to approve the 2023 Annual Action Plan.

MS. SHAW: Rebecca Shaw. So moved.

MR. KASMANN: Second. Kasmann.

MR. ROSE: Any comments or questions? All in favor, say aye. Any opposed, same sign.

(Unanimous vote for approval.)

MR. ROSE: Okay. Thank you. Okay. Then we'll go to New Business. I think you had an update for our timeline for the FY 2024.

VII. NEW BUSINESS

MS. DEEVER: So, yeah. I -- I included this on here just so that you all are remembering kind of where we are and what the timeline is. We're not going to go through all of the dates. We are -- we are currently -- if you can see here, we had our March 8 Pre-application Workshop that we discussed last time as well. April 19th is when we open up the FY 24 and the additional funds request for proposals. So the additional funds request will be that reallocated -- the reallocated funds. And then this just goes through and explains the difference -- the different steps. Coming up what we have is we have our public hearings that we'll have in these meetings in May. And then also you can see here that there is a separate timeline for the additional CDBG and HOME funds, the reallocated funds.

MR. TEDDY: About a month earlier than the last couple of years. Right?

MR. KASMANN: Yeah.

MR. RITTER: Uh-huh.

MS. DEEVER: Any questions or comments on the upcoming calendar?

MS. SUHLER: Just one question -- Diane Suhler. On the additional funds request, I know sometimes in the past, we would -- when we got funds back, we would go to our list of groups that had applied and then give some of that money to groups who didn't get all that they needed or were not given anything. Is this going to be a totally new application process, so it's groups that are kind of starting from scratch in applying or are we going to go back?

MR. TEDDY: I suspect the group that filed an application last year without success could put that same on in and say we are ready for this funding and make a case because the reprogrammed funds will have to be spent sooner. They will be spent by the end of next year. And so as long as they are in that position, yeah, they could submit a similar application. And we could reference that also in a staff memo when they make the presentations.

MR. KASMANN: Yeah. I mean, we're going to have to lean on staff hard --

MR. TEDDY: This is something that you have looked at before, and just recap it.

MR. RITTER: This is Ritter. What -- what date would the FY 21, FY 22 reprogramming RFPs come through?

MS. DEEVER: The RFPs be -- we are opening those up on April 19, and there's a required letter of intent that is due to us by April 28. And on May 10 is the deadline for those proposals.

MS. FAIR: To be clear the way that we're going to open that up in Neighborly, we're just going to do one RFP. And in their Neighborly application through that online portal, they will indicate if they are applying for '24 funds or reallocation funds.

MR. TEDDY: Yeah. Yeah.

MR. RITTER: Oh, okay.

MR. TEDDY: Yeah.

MR. RITTER: Yeah. Because we need to probably update the agendas to let them know if they applied for F1 -- FY 21, 22 funds, they should attend that meeting. Right?

MR. ROSE: Yeah. And additional funds.

MR. RITTER: Won't they make a determination in their application, like I want -- my project is ready to go now, so therefore, I want the 2021, 2022 reallocation funds versus the FY 24, which is a year away at least.

MS. DEEVER: And we'll let them know which meetings they need to attend. We'll be making sure that they know to present their -- at the public hearings.

MR. RITTER: And maybe -- I mean, maybe it's the same organization. They are just, like, hey, this is ready to go. This one is the FY 24. I was making sure we didn't -- weren't going to have another meeting other than those.

MS. DEEVER: No. There's the two.

MR. ROSE: Yeah.

MS. SHAW: Shaw. I have a general question on the timeline of things, just as we will possibly have another seated member of our Commission, are they going to come in on that May 17th and immediately hear projects? I mean, --

MS. DEEVER: I -- I -- and I will let you know that I have been there. You come in and pick up where you are. I mean, that's where we'll keep our process the same so that we can go ahead and use our funds and get the funds to the groups that need them. But yes. And we can always, if there is a new member, we'll make sure that they get the documents and the trainings that we're giving out.

MS. SHAW: I'll say the onboarding will be really important for that person.

MR. RITTER: Uh-huh.

MS. SHAW: I know that I came in with a -- very little knowledge, and it --

MS. DEEVER: We will work with that and make sure that they get good information.

MR. TEDDY: That's a good point. Because Council, I know, is doing Commission appointments --

MS. SHAW: Next Monday.

MR. TEDDY: -- Monday for applications received. They do it once a month, so they're going to republish for this -- or publish again for this Commission. And, yeah, so it will be -- I guess there will be one May 15th. Right ahead of that first public hearing -- or just be getting the name, and then we track them down and see if they --

MS. SHAW: They have two days to --

MR. TEDDY: -- will sign your oath. Yeah.

MS. DEEVER: Uh-huh.

MR. TEDDY: Yeah. We'll -- maybe it's just a matter of spending some time with the person and just invite them to come in and we'll try to catch them up.

MR. ROSE: Tom Rose here. We're not making any decisions on those first ones, but we are acquiring that information. But from those, we're going to be ranking them on our -- on our format there. So to be knowledgeable of that is helpful, I guess.

MS. DEEVER: Any questions or comments?

MR. ROSE: Sorry. I've got another question. Have you started thinking yet about for meetings for 2024 for the new Consolidated Plan? Not really yet?

MS. DEEVER: We have not yet.

MR. ROSE: Okay.

MS. DEEVER: We have just -- we're --

MR. TEDDY: It's on the list.

MR. ROSE: Okay.

MS. DEEVER: Yeah. We're just wrapping up the -- the current CAPER, and then the 2023 plan. So as -- once we get through these -- these steps and then get people in, then we will start with reviewing the calendar for next year. Do you have any things that you are requesting or are you just looking for dates?

MR. ROSE: No. Just asking.

MS. DEEVER: Okay.

MR. TEDDY: Yeah.

MR. ROSE: Because that will have to fit in dates -- well, along where you will have listening sessions and whatever, but that --

MR. TEDDY: This calendar --

MR. ROSE: We will be doing the same thing next year at this timeframe.

MS. DEEVER: Correct. Correct.

MR. ROSE: Plus that.

MR. TEDDY: The plan starts this calendar year, just a little later in the year. But yeah.

MR. ROSE: Yeah.

MR. TEDDY: If we're going to compare it to the last --

MS. DEEVER: Okay. So we just need an approval to go ahead and put out the CBDG and HOME Requests For Proposals.

MR. ROSE: Okay. I would entertain a motion to release the RFPs for these fundings.

MR. KASMANN: So moved. Kasmann.

MS. SHAW: Seconded. Shaw.

MR. ROSE: Any discussion or questions? All those in favor, say aye. Opposed?

(Unanimous vote for approval.)

MR. ROSE: Okay. Thank you. I think that got us there, I guess. I'm looking through my calendar. All right. Now we have -- if we have any -- I don't see any members from the public here today, so do we have any general comments from any members of the Committee? Yes. Rebecca?

VIII. GENERAL COMMENTS BY PUBLIC, MEMBERS AND STAFF

MS. SHAW: I will very quickly say that I was able to attend the Building Inclusive Communities training that the City offered us as Commission members this year, so I did that on Monday and Tuesday. It was, I think, a very helpful informational session. I think that if it's offered again, I would suggest people attend and I appreciate the City making that available to us.

MR. ROSE: There is some meeting at Kinney Point, I think, next Thursday.

MR. KASMANN: Fair Housing. Isn't it tomorrow?

MR. ROSE: Okay.

MS. SUHLER: It's tomorrow.

MR. ROSE: It's tomorrow.

MS. DEEVER: Tomorrow.

MR. ROSE: I couldn't remember.

MS. DEEVER: At 10:00 a.m., I believe.

MR. ROSE: I'm sitting here looking at my schedule and thinking, okay, I've got all these surgeries.

MS. DEEVER: Correct.

MR. ROSE: Okay. Yes. 10:30 to 1:00.

MS. DEEVER: 10:00 or 10:30.

MR. KASMANN: 10:30. Yeah.

MS. DEEVER: 10:30? Okay.

MR. ROSE: It's tomorrow.

MS. DEEVER: And it is tomorrow.

MR. ROSE: Yes. I'll try to attend that. Okay. Any staff comments or anything? Yes?

MR. TEDDY: I have none.

MR. ROSE: Okay. All right. Very good.

IX. NEXT MEETING DATE

MR. ROSE: So our next meeting will be that May 17th meeting where we will hear from about the public projects first.

X. ADJOURNMENT

MR. ROSE: I would entertain a motion to adjourn then.

MS. SHAW: So made. Shaw.

MR. RITTER: Second.

MR. ROSE: Second, Mitch. Okay.

MR. ROSE: All in favor?

(Unanimous vote for approval.)

MR. ROSE: All right. Thank you.

MS. DEEVER: Thank you.

MR. ROSE: We'll see you again.

(The meeting adjourned at 8:00 p.m.)

(Off the record.)