

12/27
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Acton Community Housing Corporation
Nancy Tavernier, Chairman
TOWN OF ACTON
Acton Town Hall
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 263-9611
achc@acton-ma.gov

TO: Board of Selectmen
FROM: Nancy Tavernier, Chair, Acton Community Housing Corporation
SUBJECT: Home Rule petition H3609 – Amendment
DATE: November 22, 2013
Cc Town Manager, Town Clerk, Steve Anderson

On November 18, 2013, ACHC was notified by Representative Jen Benson, that the Home Rule petition (H3609) filed by her office on behalf of the Town could not proceed as written. Just to refresh your memories, ACHC sought changes to our enabling legislation at the April Town Meeting that allows for two associate members and changes in the annual independent audit requirement to a once in three year schedule. This request was made to reduce the excessive cost of an independent audit reviewing a very small amount of financial activity (12 checks written in one year, 13 interest deposits). Last year ACHC paid \$1500 for an audit after receiving quotes of \$7500 and \$5400 for what turned out to be 6 hours of work. We feel there must be a more cost efficient way to review our finances each year without consuming finite housing funds.

The bill has been sitting in the Committee in Third Reading for several months with the Chairman refusing to report it out of committee due to the Town's request to change the audit requirements. The recent bad publicity about a very small number of housing authorities seems to have spilled over to affordable housing committees as well even though we are not a Housing Authority in any way, shape, or manner. He will not allow the bill as written to proceed. He has apparently agreed that deleting the audit provision of the bill would then allow it to move forward in the legislative process and our local legislators are prepared to follow through on this. It still has many layers of approval in front of it but without the audit change, it should be totally non-controversial.

On November 21, 2013, ACHC voted to remove the audit change from the filed bill. Because this Home Rule petition was approved by Town Meeting, we think it is advisable to have the Board of Selectmen endorse the revised language and so notify Senator Eldridge, and Representatives Benson and Atkins. This would allow the Associate Member change to move forward. ACHC is working on other options for addressing the audit issue. The revised bill is included below with Section 3 crossed out. Thank you for your support.

Bill H.3609 188th (Current)

An Act amending the special legislation establishing the Acton community housing corporation

By Ms. Benson of Lunenburg, a petition (accompanied by bill, House, No. 3609) of Jennifer E. Benson, Cory Atkins and James B. Eldridge (by vote of the town) relative to the community housing corporation in the town of Acton. Housing. [Local Approval Received.]

SECTION 1. The first paragraph of Section 1 of Chapter 143 of the Acts of 1996 is hereby amended to delete sentences two through five and to replace them with the following: "The board of directors of said corporation shall consist of not less than five members who shall be appointed by the board of selectmen for staggered three-year terms as designated by said board of selectmen, such appointments to be made annually by said board of selectmen on or before June thirtieth. The board of selectmen may also appoint up to two associate members of the board of directors for staggered three-year terms as designated by said board of selectmen, such appointments to be made annually by said board of selectmen on or before June thirtieth. Members and associate members of said board of directors shall serve until their successors are appointed and qualified. Continuing members may act despite a vacancy in said board of directors and, for this purpose, subject to the final sentence of this paragraph, shall be deemed to constitute a full board of directors. Any vacancy in the members or associate members of said board of directors, however occurring, may be filled by the board of selectmen for the unexpired portion of the term. The chair of the board of directors may designate an associate member to sit on the board of directors for any particular matter or matters in the case of an absence, inability to act, or conflict of interest on the part of any member of the board of directors, or in the event of a vacancy on the board of directors, until said vacancy is filled.

SECTION 2. Chapter 143 of the Acts of 1996 is hereby further amended to add the words "and associate members" after the word "members" in the final sentence of the second paragraph of Section 1.

~~SECTION 3. Chapter 143 of the Acts of 1996 is hereby further amended to delete the final sentence of Section 4 and to replace it with the following sentence: "At least once every three years, the board of directors shall cause an independent audit to be made of the books and records of said board, which audit shall be filed with the board of selectmen of said town."~~

SECTION 4. This act shall take effect upon its passage.

Christine Joyce

From: Janet K Adachi [jkajeg@msn.com]
Sent: Tuesday, November 26, 2013 9:00 AM
To: Christine Joyce
Cc: Steve Ledoux
Subject: FW: Acton/ACHC - for BOS agenda 12/2
Attachments: Home Rule petition revision audit change.doc

This include's Counsel's suggested motion for approval of the proposed revision of the pending bill.

Janet K. Adachi
jkajeg@msn.com

> From: SAnderson@AndersonKreiger.com
> To: ntavern@comcast.net; sledoux@acton-ma.gov
> CC: jkajeg@msn.com; eszkaradek@acton-ma.gov
> Subject: RE: Acton/ACHC - for BOS agenda 12/2
> Date: Sun, 24 Nov 2013 19:40:24 +0000
>
> Steve:
>
> If the Selectmen ask for my opinion, I recommend that the Board approve ACHC's request, summarized in Nancy's attached memo, and that the revised proposed home rule legislation be forwarded to the legislative Town's delegation.
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> Article 38 from the 2013 Annual Town Meeting authorized "the Board of Selectmen to petition the General Court for an amendment to Chapter 143 of the Acts of 1996, in a form acceptable to the Selectmen and Town Counsel" relative to associate members on the ACHC Board and to the frequency of the required audit. The original home rule legislation stalled because of the audit provision. Deleting that provisions is expected to enable the remainder of the home rule legislation to pass. Article 38 is consistent with Article 36 (the charter amendment re associate members) passed at the same Town Meeting. As a result, it is appropriate to seek the home rule legislation on that potion of Article 38 even if the audit provision is deleted. As the BOS has the last word on the proposed form of the legislation, I recommend that the Board pass the following motion:
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> "Move pursuant to Article 38 from the 2013 Annual Town Meeting that the Board petition the General Court to adopt Bill H.3609 188th, An Act amending the special legislation establishing the Acton community housing corporation, including Sections 1, 2 and 4 thereof relative to associate members but excluding Section 3 thereof relative to the frequency of ACHC audits."
>
> Steve
>
> _____
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> -----Original Message-----

> From: Nancy Tavernier [<mailto:ntavern@comcast.net>]

> Sent: Friday, November 22, 2013 10:13 AM

> To: manager@acton-ma.gov

> Cc: Janet K Adachi; clerk@acton-ma.gov; Stephen D. Anderson

> Subject: for BOS agenda 12/2

>

> Attached please find a request for the BOS to approve at their next meeting the revisions to H3609. This is the Home Rule petition to allow for Associate members for ACHC and the unsuccessful audit requirement revision.

>

> Thank you.

>

> Nancy