



Howard County

Internal Memorandum

Subject: **CR 154-2012 - Downtown Columbia Housing Foundation**

To: **Howard County Council**

From: **Thomas P. Carbo, Director** *TPC*
Housing and Community Development

Date: **October 15, 2012**

On behalf of County Executive Ken Ulman, and in accordance with Section 28.204(b)(2) of the Howard County Code, I am pleased to offer the following recommendation with respect to Council Resolution 154-2012 to recognize the Columbia Downtown Housing Corporation as the Downtown Columbia Housing Foundation.

The proposed directors of the Columbia Downtown Housing Corporation are a group of highly skilled, experienced, and dedicated housing professionals. I have worked closely with many of the members on past Howard County Housing projects; two are former Housing Commissioners and two are former Housing and Community Development Board members; and several are active members of the Full Spectrum Housing Coalition. Their skills and experiences span the breadth of the affordable housing industry, including development, financing, construction, property management, human services, and advocacy. What's more, they all have personal ties to Howard County and Columbia, having lived or worked in the area for many years. If approved, the CDHC will be charged with the daunting task of finding ways to incorporate affordable housing into the new downtown Columbia development. Personally, I cannot imagine a more capable and enthusiastic group to face this important challenge. I wholeheartedly recommend your approval.

With respect to the Articles of Incorporation and Bylaws, I offer these comments:

1) Section 4.2 of the Bylaws provides that the corporation may have up to 19 directors. This number of directors may prove cumbersome and difficult to organize, and could hinder the corporation's ability to move quickly and decisively. I recommend that the number of directors be limited to 15.

2) Section 4.3 of the Bylaws provides for nonvoting, ex-officio members representing the County Executive, County Council and community developer. As the corporation will be engaging and working closely with the Department, it is superfluous to have a representative from the Executive branch assigned to the board. Likewise, we anticipate that the corporation will work cooperatively with the Council and Howard Hughes. The designation of ex-officio members, especially as they are nonvoting, is therefore unnecessary. Moreover, the formal designation of government officials as ex-officio directors is a factor that weighs against the corporation's private, independent status. In addition, the designation of a Howard Hughes

representative may give rise to a conflict of interest should the corporation seek to negotiate a transaction with the community developer. For these reasons, I recommend that this provision be omitted.

The corporation's expressed intent to engage the Department to provide it with administrative support will greatly facilitate the work of the corporation and allow it to "hit the ground running." The Department will work with the directors to further refine the draft MOU so that the corporation can begin to operate quickly and smoothly.

We look forward to the opportunity to work with this organization to accomplish the important task of assuring that quality affordable housing opportunities are made available in downtown Columbia.

cc: Ken Ulman, County Executive
Jessica Feldmark, Chief of Staff
Margaret Ann Nolan, County Solicitor
Stephen LeGendre, Council Secretary