

HOUSING AUTHORITY OF THE CITY OF PEARSALL



RESOLUTION #2018.08.15.02

BY LAWS OF THE HOUSING AUTHORITY OF THE CITY OF PEARSALL

WHEREAS, the Housing Authority of the City Of Pearsall was established to undertake programs attending to low-income persons in need safe affordable housing; and

WHEREAS, the Housing Authority of the City Of Pearsall administers the Public Housing/Low Rent, Housing Choice Voucher (formerly Section 8) Program and USDA Rural Public Housing Programs within the City of Pearsall, Texas; and

WHEREAS, the Board of Commissioners of the Housing Authority of the City Of Pearsall adopted a set of By Laws; and

WHEREAS, the Board of Commissioners has reviewed the By Laws of the Housing Authority of the City of Pearsall, Texas and believe that the updated language contained in the Revision dated August 15, 2018, reflect the current needs of the Housing Authority and conform to all applicable federal, state and local requirements; and

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners for the Housing Authority of the City of Pearsall approves and adopts the attached By Laws as presented this 15th day of August in the year 2018.

The Motion outlining the resolution to approve and adopt the By Laws was made by Commissioner Brenda Trevino, seconded by Commissioner Monica Camacho.

Voting Tally: For-3, Against-0, Abstained-0

Motion was: Passed

Certified by my signature below as a true and correct accounting of the events this 15th day of August, 2018.

Lydia Nall, Chairman of the Board of Commissioners

Antonio Martinez, Secretary Board of Commissioners

(SEAL)



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ARTICLE I - THE AUTHORITY

Section 1. Name of Authority: The name of the Authority shall be "Housing Authority of the City of Pearsall, Texas". The terms "Board of Commissioners" and "Board" shall, when the context requires, have the same meaning as "Authority".

Section 2. Seal of the Authority: The seal of the Authority shall be in the form of a circle and shall bear the name of the Authority.

Section 3. Office of Authority: The office of the Authority shall be located at 501 W. Medina, Pearsall, Texas.

ARTICLE II - COMMISSIONERS, OFFICERS AND RESPONSIBILITIES

Section 4. Appointment of Commissioners:

Board of Commissioners

The Mayor of the City of Pearsall shall appoint 5 Commissioners to serve on the Board of commissioners of the Authority. The term of each Commissioner shall be for a period of two (2) years. Appointments shall be staggered with two (2) Commissioner terms expiring on an even numbered year and three (3) Commissioner terms expiring on an odd numbered year.

Resident Commissioner

Per Texas law amended in 2011 (392.0331 b-1) Public Housing Authorities with less than 150 units must announce to the Public Housing Residents that a Commissioner seat will be vacant and solicit an eligible tenant to serve as a Resident Commissioner on the Board. If no one is interested in serving, the requirement may be waived, and the Mayor may appoint a Commissioner from the community at large according to applicable state law.

Section 1. Officer Election and Appointment:

The officers of the Authority shall be a Chairperson, a Vice-Chairperson and a Secretary (who shall be the Executive Director).

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The Chairperson and Vice-Chairperson shall be elected by the Authority from among the current Commissioners and shall hold office for 2 years or until their successors are elected and qualified.

The Authority shall appoint the Secretary/Executive Director. Any person appointed to fill the office of Secretary/Executive Director, or any vacancy therein, shall have such term as the Authority affixes, but no Commissioner of the Authority shall be eligible to this office until one year after he/she has ceased to serve as a Commissioner. The term of the Secretary is consistent with the employment of the Executive Director.

Section 6. Vacancies: Should the office of the Chairperson or Vice-Chairperson become vacant, the Authority shall elect a successor from its membership at the next regular meeting, and such election shall be for the unexpired term of said office. When the office of Secretary/Executive Director becomes vacant, the Authority shall appoint a successor.

Should there be a vacancy on the Board of Commissioners, the Secretary/Executive Director shall notify the Mayor of the City of Pearsall in writing. The Mayor shall fill the vacancy by appointing a new Board Commissioner at the earliest available opportunity to avoid a disruption in the operation of the Authority.

In the case of the removal, absence or incapacity of both the Chairperson and the Vice-Chairperson, the other Commissioners of the Authority may elect an Acting Chairperson to serve during the period of absence or incapacity of the Chairperson and Vice-Chairperson.

Section 5. Forfeiture Of Office: All Commissioners of the Authority shall adhere to the same Standards of Conduct as imposed to the employees of the Authority. Any Commissioner whose action are construed as defiance of the Standards of Conduct; or who is convicted of a felony or misdemeanor involving a crime of moral turpitude, while in office, shall forfeit his or her office, which forfeiture shall be declared and enforced by a vote of majority of the total membership of the Authority.

Any Commissioner of the Authority who fails to attend three (3) consecutive meetings (regardless of type - regular, special or emergency called meeting) of the Housing Authority of the City of Pearsall, Texas shall forfeit his or her office unless excused by unanimous vote of the Authority, the vote being taken at the beginning of the fourth (4th) meeting after providing the absent Commissioner an opportunity to present his or her excuse or extenuating circumstances to the Commissioners of the Authority.

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Section 2. Commissioner and Officer Responsibilities:

Commissioner. Each Commissioner must have a sincere desire to improve the community by working for better housing, to improve the living standards of the community's low income families, to cooperate and coordinate the PHA's efforts with other community improvement agencies, to be concerned for the prudent and responsible use of the public funds, to engage in training about Texas Housing Authorities including the Open Meetings Act, have a working knowledge of the policies and of the Authority and have the time to devote to full participation in the meetings of the Authority.

Chairperson. The Chairperson shall preside at all meetings of the Authority. Except as otherwise authorized by Resolution of the Authority, the Chairperson shall sign all contracts, deeds and other instruments made by the Authority. At each meeting, the Chairperson shall submit such recommendations and information as he/she may consider proper concerning the business, affairs and policies of the Authority.

The Chairperson shall see that all Commissioners of the Authority are sworn in upon appointment by the Mayor and the Commissioner Certificates of Appointment are duly files with the Pearsall City Clerk per the Local Government Code (currently LGC Sec. 32.031(c).)

Vice-Chairperson. The Vice-Chairperson shall perform the duties of the Chairperson in the absence, unavailability or incapacity of the Chairperson and in case of the resignation, removal or death of the Chairperson, the Vice-Chairperson shall perform such duties as are imposed on the Chairperson until such time as the Authority shall appoint a new Chairperson.

Secretary. Although the Secretary is an officer of the Authority, the incumbent serves as a non-voting member of the Authority. The Secretary shall also serve as the Executive Director of the Authority. The Secretary shall keep the record of the Authority, shall act as Secretary of the meetings of the Authority and record all votes, and keep a record of the proceedings of the authority in a journal of the proceedings to be kept for such purpose, and shall perform all duties incident to his/her office.

The Secretary shall keep in safe custody the seal of the Authority and shall have power to affix such seal to all contracts and instruments authorized to be executed by the Authority. The Secretary shall have the care and custody of all funds of the Authority and shall deposit the same in the name of the Authority in such bank or banks as the Authority may select. The Secretary shall sign all orders and checks for the payment of money and shall pay out and disburse such monies under the direction of the

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Authority. All such orders and checks shall require a minimum of two (2) Authorized signatures for the Authority. In addition to the Secretary, authorized signatories shall be the Chairperson, Vice-Chairperson and/or Commissioner(s) appointed by the Chairperson and confirmed by Board Resolution. The Secretary shall keep regular books of accounts showing receipts and expenditures and shall render to Authority, at each regular meeting an account of his/her transactions and also the financial condition of the Authority. The Secretary shall give such bond for the faithful performance of his/her duties as the Authority may determine.

Executive Director. In the capacity as Executive Director of the Authority, the incumbent shall have general supervision over the administration of the business and affairs of the Authority, subject to the direction of the Authority. He/she shall be charged with the management of the Housing Programs of the Authority. The Executive Director shall exercise those powers authorized by applicable laws, By Laws and Resolutions. The Authority shall determine the compensation and benefit package of the Executive Director.

Section 3. Additional Duties: The Officers and Commissioners of the Authority shall perform such other duties and functions from time to time as may be required by the Authority, the By Laws or Rules and Regulations of the Authority or as prescribed by applicable local, state or federal law.

Section 7. Additional Housing Authority Staff: The Executive Director may from time to time employ such Housing Authority Staff Members as he/she deems necessary to exercise his/her power, duties and functions as prescribed by the Housing Authorities Law of the State of Texas, the Housing Authority of the City of Pearsall's Human Resource Policy, and all other laws of the State of Texas applicable thereto. The selection and compensation of such staff members shall be determined by the Executive Director; subject to the laws of the State of Texas, policies and budget of the Authority and applicable HUD regulations and the Code of Federal Regulations.

ARTICLE III - MEETINGS

Section 1. Annual Meeting: The annual meeting of the Housing Authority shall be held forty-five to sixty days after the end of the fiscal year (currently June 30). At this meeting an annual report will be presented detailing the activities of the preceding year as well as plans and recommendations for the future year(s) with reference to any additional legislation and/or other action as it is deemed necessary to carry out the Housing Act and Program(s). An Annual report shall be filed with the City of Pearsall.

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Section 2. Regular Meetings: Regular meetings shall be held on the third (3rd) Wednesday of each month at 6:00 p.m.

Section 3. Notice of Meetings: Notice and posting of the agenda for **ALL** regular, special and emergency meetings of the Authority shall be given as required by applicable law, including the Texas Open Meetings Law.

Agenda. The Secretary/Executive Director shall prepare an Agenda for each meeting subject to approval of the Chairperson. Additional items can be included in the agenda if a majority of the Commissioners approve including such items in the agenda.

Special Meetings. The Chairperson of the Authority in his/her judgment may call a special meeting of the Authority for the purpose of transacting any business designated in the Notice of the Meeting. The Notice shall be delivered or mailed to each commissioner at his/her home or business in such manner that a commissioner has at least 72 hour notice of the meeting. Such Notice to the commissioners may be waived in writing or by participation in the meeting. The foregoing is subject to Texas Open Meetings Law.

Emergency Meetings. In compliance with applicable law, the Authority may conduct emergency meetings.

Section 4. Texas Open Meetings Act and Notice to Commissioners: All meetings of the Authority shall be held in compliance with the Texas Open Meetings Act. All pertinent notices and agendas shall be delivered to each commissioner at the same time, or as nearly as possible, that the statutory public notices are posted.

Section 5. Quorum: At all meetings of the Authority a majority of the members of the Authority shall constitute a quorum for the purpose of transacting business; provided that a smaller number may meet and adjourn to some other time or until a quorum is obtained. A minimum of three voting members of the Authority will constitute a quorum to take action on an item providing all three members participate in the vote.

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Section 6. Order of Business. At the Regular Meeting of the Authority the following shall be the order of business:

1. Agenda – distributed and posted
2. Meeting Called to Order
3. Roll Call and Announcement of a Quorum
4. Pledge of Allegiance
5. Resident Public Comment
6. Approval of Prior Meeting Minutes
7. Executive Director Report
8. Action Items
9. Board of Commissioners Notifications (As Needed)
10. Adjournment

All minutes of meetings and resolutions shall be in writing and shall be kept in a journal of the proceedings of the Authority duly maintained at the Authority office. All meetings shall be recorded and recordings shall be duly maintained at the Authority Office.

Section 7. Manner of Voting: The voting on all motions coming before the Authority shall be by voice vote in addition to a show of hands. Votes in the "Affirmative" and "Negative" of each Commissioner on all motions shall be entered in the minutes of every meeting. The minutes shall also reflect the votes by each Commissioner in which no voting action "Abstain" was taken.

Section 8. Resolutions to Require Action: All resolutions adopted by the Authority shall be maintained in a resolution book to be kept at the Authority office. Resolutions will be numbered and dated.

Section 9. Rules of Order: Robert's Rules of Order, Revised, shall govern the conduct of all meetings of the Authority.

ARTICLE IV-USE OF WORDS AND CAPTIONS

Section 1. Use of Words: As used in these By Laws, whenever the context so indicates, the gender of all words shall include the masculine, feminine and neuter and the number of all words shall include the singular and plural.

Section 2. Captions: The captions and headings contained in these By Laws are for convenience and reference only and shall not be construed as limiting, amplifying or modifying in any manner the provisions of these By Laws, and shall not otherwise affect the interpretation of these By Laws.