

MOHAVE COUNTY RESOLUTION NO. 2004-110

WHEREAS, the Quality Housing and Work Responsibility Act of 1998, § 2(b) (42 U.S.C. § 1437(b) requires that public housing authorities shall provide for public housing tenant membership on the public housing authorities' Board of Directors; and

WHEREAS, Arizona's Public Housing Law, Title 36, Ch. 12, Arizona Revised Statutes, was amended by Laws 1999, Ch. 212, as a result of the Quality Housing and Work Responsibility Act of 1998; and

WHEREAS, A.R.S. § 36-1404(A) authorizes Arizona counties to create as an agent of the county a public housing authority to act and exist under the authority of the county; and

WHEREAS, A.R.S. § 36-1404(B) authorizes Arizona counties to appoint five persons as commissioners of the public housing authority created pursuant to A.R.S. § 36-1404(A), with the commission known as the "Board of Directors" and each appointed person known as a "member of the Board of Directors", for the purposes of Mohave County's public housing authority, and further authorizes the county's board of supervisors to provide by a majority vote that each member of the board of supervisors, while rightfully holding that office, shall automatically be and act as a member of the Board of Directors, of the county's public housing authority; and

WHEREAS, 42 U.S.C. § 1437(b) requires that the membership of the board of directors shall contain not less than 1 public housing tenant member; and

WHEREAS, Mohave County's public housing authority, is currently governed by the Mohave County Board of Supervisors pursuant to A.R.S. § 36-1401, but that pursuant to 42 U.S.C. 1437(b)(1)(B)(i) and (ii), tenant membership is requested; and

THEREFORE, IT IS RESOLVED this 15th day of March, 2004, by the Mohave County Board of Supervisors at its regularly scheduled meeting, that:

1. The Mohave County Housing Authority is hereby created as an agent of Mohave County to act and exist under the authority of the County pursuant to A.R.S. § 36-1404(A) and in accordance with the By Laws set forth herein as Exhibit A, which By Laws shall be executed by the Chairman of the Mohave County Board of Supervisors as part of the adoption of this Resolution, and
2. Each member of the Mohave County Board of Supervisors while rightfully holding that office shall automatically be and act as a member of the Board of Directors of the Mohave County Housing Authority as created herein; and

3. That the Chairman and Vice-Chairman of the Board of Supervisors will be designated the Chairman and Vice-Chairmen of the Mohave County Housing Authority Board of Directors pursuant to A.R.S. § 36-1404(C) ; and
4. The following persons are appointed as members of the Board of Directors of the Mohave County Housing Authority as created herein: Patsy Foster and Theresa Dolan, in accordance with the requirements of A.R.S. § 36-1404(B) and 42 U.S.C. § 1437(b); and
5. That Mohave County Community Development Department is authorized and directed to provide any executive, administrative, fiscal, or technical experts and other officers, attorneys, independent contractors, agents and employees as determined by that department necessary and desirable to the purposes of the Mohave County Housing Authority pursuant to A.R.S. § 36-1404(C).

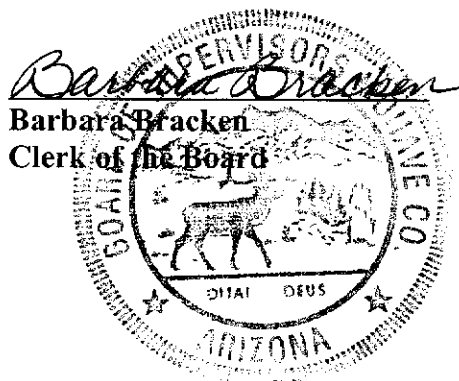
PASSED, APPROVED AND ADOPTED this 15th day of March, 2004.

MOHAVE COUNTY BOARD OF SUPERVISORS

Pete Byers

PETE BYERS, CHAIRMAN

ATTEST:



APPROVED AS TO FORM:

John White
John White
Deputy County Attorney

Mohave County Resolution No. 2004-110
EXHIBIT A
BYLAWS
OF
THE MOHAVE COUNTY HOUSING AUTHORITY
MOHAVE COUNTY, ARIZONA

ARTICLE I THE AUTHORITY

Section 1. Name of the Authority. The name of the Authority shall be "Mohave County Housing Authority."

Section 2. Mission of the Authority. The mission of the Mohave County Housing Authority is to efficiently provide affordable rental housing to low-income households who cannot afford to pay market rents and promote training, educational opportunities and economic self-sufficiency so they can become homeowners.

Section 3. Seal of Authority. The seal of the Authority shall be in the form of a circle and shall bear the name of the Authority and the year of its organization.

Section 4. Office of Authority. The offices of the Authority shall be at such location in Mohave County ("County"), State of Arizona, as the Authority may from time to time designate by resolution. The Authority may hold its meetings at such places and times as it may from time to time designate by resolution.

ARTICLE II BOARD OF DIRECTORS

Section 1. Board; Appointment; Term. The Authority shall be governed by a five member Board of Directors, which shall consist of the three members of the Board of Supervisors and the two additional members, one of whom shall be a tenant member, all appointed and serving their respective terms in accordance with Mohave County Board of Supervisors Resolution No. 2004-110.

Section 2. Vacancies. Any vacancy in the Board of Director's seat held by a Member of the Board of Supervisors created by a vacancy in the Board of Supervisors seat shall be filled by the person elected or appointed to fill the vacant Board of Supervisor's seat. In the case of the two additional members, Mohave County, by and through its Board of Supervisors, shall fill the vacancy. Each vacancy shall be filled for the unexpired term of the vacancy being filled.

Section 5. Removal. Any non-Board of Supervisors' Board of Directors' member may be removed upon a majority vote of the County Board of Supervisors pursuant to A.R.S. § 36-1405, and as it may be amended from time to time. In accordance with this Section, the following shall be deemed inefficiency, neglect of duty or misconduct and cause for removal pursuant to A.R.S. § 36-1405:

- a. a Board of Directors' member's failure to attend twenty percent (20%) or more of the meetings of the Board of Directors during any calendar year;
- b. a Board of Directors' member's failure to act consistent with the mission of the Authority; and
- c. such other acts or omissions as may constitute inefficiency, neglect of duty or misconduct pursuant to A.R.S. § 36-1405, as may be amended.

Section 6. Compensation. The Board of Directors shall receive no compensation for their services, but shall be entitled to reimbursement for necessary expenses, including travel, incurred in the discharge of their duties.

ARTICLE III OFFICERS

Section 1. Officers. The officers of the Authority shall be Chairman, Vice-Chairman and a Secretary. The Chairman and Vice- Chairman are designated by Mohave County Resolution No. 2004-110, the adopting Resolution of these By Laws.

Section 2. Chairman. The Chairman shall preside at all meetings of the Authority. Except as otherwise authorized by resolution of the Authority, the Chairman shall sign all contracts, deeds and other instruments made by the Authority. At each meeting, the Chairman shall submit such recommendations and information as he may consider proper concerning the business, affairs and policies of the Authority.

Section 3. Vice-Chairman. The Vice-Chairman shall perform the duties of the Chairman in the absence or incapacity of the Chairman and in case of the resignation or death of the Chairman, the Vice-Chairman shall perform such duties as are imposed on the Chairman until such time as a new Chairman is designated.

Section 4. Secretary The Mohave County Board of Supervisors may appoint the Clerk of the Board of Supervisors as Secretary. He/She shall keep the records of the Authority, shall act as secretary of the meetings of the Authority and record all votes, and shall keep a record of the proceedings of the Authority in a journal of proceeding to be kept for such purpose in the Office of the Clerk of the Board of Supervisors, and shall perform all duties incident to his/her office. He/She 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

Section 5. Treasurer. The Mohave County Board of Supervisors may appoint the County Finance Director as Treasurer and he/she 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 financial institutions as permitted by law. He/she shall sign all orders and checks for payment of money and shall pay out and disburse such moneys under the direction of the Authority. Except as otherwise authorized by resolution of the Authority, all such orders and checks shall be countersigned by the Chairman. The Treasurer shall keep regular books of accounts showing receipts and expenditures and shall render to the Authority, at each regular meeting (or more often when requested) an account of his/her transactions and also of the financial condition of the Authority.

He/she shall give such bond for the faithful performance of his/her duties as the Authority may determine.

Section 6. Executive Director: The Executive Director of the Housing Authority shall be the Mohave County Community Development Department Director and, as Executive Director, shall have general supervision over the administration of its business and affairs, subject to the direction of the Authority. The Executive Director shall have charged to him/her the management of the housing projects of the Authority. As Executive Director he/she shall keep the records of the Authority, shall coordinate with the Clerk of the Board the preparation of agendas and notices for meetings of the Authority.

Section 7. Additional Duties. The officers of the Authority shall perform such other duties and functions as may from time to time be required by the Authority or the bylaws or rules and regulations of the Authority.

Section 7. Vacancies. Vacancies under this Article shall be filed by the Mohave County Board of Supervisors.

Section 8. Additional Personnel. The Mohave County Community Development Department is authorized by Mohave County Resolution No.2004-110, the adopting Resolution of these By Laws to employ such additional personnel as determined by that department necessary and desirable to the purposes of the Mohave County Housing Authority.

Section 9. Conflict of Interest. The Board of Directors, officers of the Authority and all employees of the Authority shall be subject to A.R.S. § 38-501 *et seq.*

ARTICLE IV MEETINGS

Section 1. Annual Meeting. The meeting of the Authority shall be held on the first Monday of April at the regular meeting place of the Authority at the time set by the Authority. In the event such date shall fall on a legal holiday, the annual meeting shall be held on the next succeeding business day at a time set by the Authority.

Section 2. Other Meetings. Other meetings shall be held, as may be necessary, at any scheduled regular or special meeting of the Mohave County Board of Supervisors at the time and place for such meetings.

Section 3. Special Meetings. The Chairman of the Authority may, when he/she deems it expedient, and shall, upon the written request of three members of the Authority, call a special meeting of the Authority for the purpose of transacting any business designated in the call. The call for a special meeting may be delivered to each member of the Authority at any time prior to the meeting, or may be mailed to the business or home address of each member of the Authority at least two days prior to the date of such special meeting, or may be waived by written waiver signed by all the members of the Authority prior to the meeting. At such special

meeting no business shall be considered other than as designated in the call, but only to the extent permitted under the Arizona Open Meeting Law (A.R.S. § 39-431 *et seq.*).

Section 4. Quorum. The powers of the Authority shall be vested in the Board of Directors thereof in office from time to time. Three Board of Directors' members shall constitute a quorum for the purposes of conducting its business and exercising its powers and for all other purposes, but a smaller number may adjourn from time to time until a quorum is obtained. Board of Directors' members may attend meetings by means of conference telephone or other similar communication equipment by means of which all persons participating in the meeting can hear each other. Participation in a meeting pursuant to such communication shall constitute presence in person at such meeting. When a quorum is in attendance (either in person or via conference telephone or other similar communications equipment), action may be taken by the Authority upon a vote of a majority of the members of the Board of Directors present.

Section 5. Order of Business. At the meetings of the Authority the following shall be the general form of the order of business after the Pledge of Allegiance, and as may be required, and shall be as nearly consistent with the general format for meetings of the Mohave County Board of Supervisors:

1. Roll call by Clerk of the Board.
2. Approval of the minutes of the previous meeting.
3. Agenda matters
4. Report of the Executive Director.
5. Reports of Any Committees.
6. Adjournment

All resolutions shall be in writing and shall be entered in a journal of the proceedings of the Authority.

Section 6. Manner of Voting. The voting on all questions coming before the Authority shall be by roll call, and the ayes and nays shall be entered upon the minutes of such meetings.

Section 7. Open Meeting Law. All meetings of Board of Directors of the Authority shall be subject to the Arizona Open Meeting Law.

ARTICLE V NOTICES

Section 1. Notices. Except as otherwise provided herein, notices to the Commissioners may be by telephone, telecopy or telegram, or in writing and delivered personally or mailed to the Board of Directors at their addresses appearing on the books of the

Authority. Notice by mail shall be deemed effective when the same shall be mailed postage prepaid to such addressed.

Section 2. Waiver. Any individual notice required to be given under the provisions of applicable law or these Bylaws may be waived in writing either before or after the event requiring such notice, provided such waiver is signed by the person or persons entitled to such notice.

ARTICLE VI AMENDMENTS

Section 1. Amendments to Bylaws. The bylaws of the Authority shall be amended only with the approval of Mohave County, by and through the Mohave County Board of Supervisors, at a regular or a special meeting, but no such amendment shall be adopted unless at least two days' written notice thereof has been previously given to all of the members of the Board of Directors.

Date: 3-15-04

MOHAVE COUNTY BOARD OF SUPERVISORS

Pete Byers

Pete Byers, Chairman

ATTEST:

Barbara Bracken

Barbara Bracken

Clerk of the Board of Supervisors

