

# BYLAWS OF THE HOUSING AUTHORITY OF THE CITY OF SAN BENITO, TEXAS

## ARTICLE I – THE AUTHORITY

**Section 1: Name of Authority.** The name of the Authority shall be “The Housing Authority of the City of San Benito”, Texas.

**Section 2: Seal of 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 offices of the Authority shall be at such place or places in the City of San Benito, Texas, as the Authority may from time to time designate by resolution.

## ARTICLE II – OFFICERS

**Section 1: Officers.** The officers of the Authority shall be a Chairperson, a Vice-Chairperson and a Secretary (who shall be the Executive Director).

**Section 2: Chairperson.** The Chairperson shall preside at 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. The Chairperson or any two (2) members of the Authority may place items for discussion or consideration on a regular or special or emergency meeting agenda which shall be posted in accordance with Article III of these By- Laws.

**Section 3: Vice-Chairperson.** The Vice-Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson; and in case of the resignation 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.

**Section 4: Secretary.** The Executive Director shall serve as the Secretary to the Authority. The Secretary shall keep the records of the Authority, shall act as secretary of the meeting of the Authority and record all votes, and shall keep a record of the proceedings of the Authority in a journal of 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 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 Chairperson, Vice-Chairperson or other authorized commissioners. The Secretary shall keep the regular books of accounts showing receipts and expenditures and shall render to the Authority, at each regular meeting (or oftener when requested), an account of his/her transactions and also of the financial condition of the Authority. The Secretary shall give such bond for the faithful performance of his duties as the Authority may determine. The compensation of the Secretary shall be determined by the Authority.

**Section 5: Executive Director.** The Executive Director shall have general supervision over the administration of the business and affairs of the Authority subject to the direction of the Authority. The Executive Director shall be charged with the management of the housing projects and any other housing programs of the Authority.

**Section 6: 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 By-Laws or rules and regulations of the Authority.

**Section 7. Election or Appointment.** The Chairperson and Vice-Chairperson shall be elected at the annual meeting of the Authority from among the Commissioners of the Authority and shall hold office of one year or until their successors are elected and qualified. In case of the absence or incapacity of both the Chairperson and 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.

The Secretary shall be appointed by the Authority. Any person appointed to fill the office of Secretary, or any vacancy therein, shall have such term as the Authority fixes, but no commissioner of the Authority shall be eligible to hold this office.

**Section 8. Vacancies.** Should the offices of 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 becomes vacant, the Authority shall appoint a successor, as aforesaid.

**Section 9. Additional Personnel.** The Authority may from time to time employ such personnel as it deems necessary to exercise its powers, duties and functions as prescribed by the Housing Authorities law of the State of Texas and all other laws of the State of Texas applicable thereto. The selection and compensation for such personnel (including the Secretary), shall be determined by the Authority subject to the laws of the State of Texas and the funding sources.

## ARTICLE III – MEETINGS

**Section 1: Annual Meeting.** The Annual Meeting of the Authority shall be held each November at such date and time a majority of the members may set at the regular meeting place of the Authority or place designated by the Authority. In the event such date and time shall not be available to the Authority, another date and time shall be set by the Authority at a Regular or Special Meeting of the Authority.

**Section 2: Regular Meetings.** Regular Meetings will be held monthly on the third Wednesday of each month at 11:00 o'clock a.m. or at such other date and time a majority of the numbers may set at the Central Office of the Authority, Palmville Community Center, 1400 North Reagan, San Benito, Texas, and may be a lunch meeting. The Commissioners will be advised by written notice at least seventy-two (72) hours prior to the meeting. All meetings shall be held in accordance with TEX. REV. CIV. STAT. ANN. Art. 6252-17, as amended and notices and agendas of said regular meetings shall be posted at least seventy-two (72) hours in a public place readily accessible to the public at all times. Any public meeting of the Authority to consider or discuss a proposed housing project shall be preceded by a notice posted no less than thirty (30) days in advance on the bulletin board at San Benito City Hall in accordance with Texas Local Government Code, Section 392.054.

**Section 3: Special Meetings.** The Chairperson of the Authority or any two members of the Authority may call a special meeting of the Authority for the purpose of transacting any business designated in the call. The call shall be mailed to the business or home address of each member of the Authority at least seventy-two (72) hours prior to the date of such special meeting.

**Section 4: Emergency/Urgent Public Necessity Meetings.** When the Chairperson or any two Members of the Authority determine that an emergency or urgent public necessity so requires, action may be taken on matters described in a notice posted no less than two (2) hours before a meeting of the Authority commences.

Cases of emergency and urgent public necessity are limited to imminent threats to public health and safety or reasonable unforeseeable situations requiring immediate action by members of the Authority, as provided by TEX. REV. CIV. STAT. ANN. Art. 6252-17, Section 3A. (h).

**Section 5: Quorum.** At all meetings of the Authority, three (3) members of the Authority shall constitute a quorum for the purpose of transacting business.

**Section 6: Order of Business.** At the regular meetings of the Authority, the following items among others shall be the order of business placed on the agenda:

1. ROLL CALL
2. READING AND APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING.
3. APPROVAL OF MONTHLY FINANCIAL REPORT.
4. APPROVAL OF MONTHLY BILLS.
5. EXECUTIVE DIRECTOR'S REPORT.

All Resolutions shall be in writing and shall be copied or attached in a journal of the proceedings of the Authority.

**Section 7: Manner of Voting.** The voting on all questions and coming before the Authority shall be by roll call, and the AYES AND NAYES, shall be entered upon the minutes of such meeting.

**Section 8: 1. Request for information-Current information.** Any Individual Commissioner who desires a copy of existing written information prepared by the Executive Director will make such request to the Board Chairperson. A copy of the material may be distributed to each member of the board within a reasonable amount of time not to exceed 72 hours. Should the Board Chairperson deny the request for information, he/she must notify each Commissioner of the request and the reason for denial.

In response to the denial, any two Commissioners may choose to add the "information request" to a future Commission agenda in accordance with the Bylaws.

**2. Request for Information-Additional information or research.** Any individual Commissioner, who desires additional information or research to be prepared by the Executive Director, will make such request to Board Chair. The information may be distributed to each member of the board within a reasonable amount of time not to exceed 72 hours. Should the Board Chairperson deny the request for information, he/she must notify each Commissioner of the request and reason for denial.

In response to the denial, any two Commissioners may choose to add the "information request" to a future Board agenda in accordance with the Bylaws.

**3. Commissioners Policy as to Request for Legal Opinion.** Legal counsel is responsible to the Board. Any Commissioner may request a legal opinion as per Board Policy.

All requests by Commissioners for legal opinion must be presented by any Commissioner to the Board Chairperson. The Chairperson may present the question to legal counsel or deny said request. In case of the Chairperson's denial of said request, any two Commissioners may

request the issue to be presented on the agenda to the full Commission during any regular meeting, in accordance with the Bylaws.

**4. Request for Information Regarding Executive Director.** If the information sought involves the Executive Director, employment or performance, the request shall be made to Board Chairperson. The Chairperson may request such information from the Executive Director or deny said request. In case of the Chairperson's denial of said request, any two Commissioners may request the issue to be presented on the agenda to the full Commission during any regular meeting, in accordance with the Bylaws.

#### **ARTICLE IV – AMENDMENTS**

**Section 1: Amendments to By-Laws.** The By-Laws of the Authority shall be amended only with the approval of at least three of the members of the Authority at a regular meeting or a special meeting which has been duly called and held pursuant to Article III, Section 3 of the By-Laws, but no such amendment shall be adopted unless seven (7) days' notice thereof has been previously given to all of the members of the Authority. Any amendment(s) shall become effective immediately upon such approval.

**Section 2: Manner of Voting.** The voting on all questions and coming before the Authority shall be by roll call, and the AYES AND NAYES, shall be entered upon the minutes of such meeting.

#### **ARTICLE V – REFERENCE TO STATE LAW-SEVERABILITY**

These By-Laws are adopted pursuant to Texas Local Government Code Chapter 392, Section 392.064. In the event any article, paragraph, or provisions of the By-Laws conflicts with any provision of Texas Local Government Code Chapter 392, as amended, the provisions of said state law shall control.

In the event any provisions of these By-Laws are declared illegal, unconstitutional or unenforceable under any law of the State of Texas or of the United States of America, the remaining provisions hereof shall nonetheless be enforceable, and to such extent the provisions hereof are hereby declared to be severable.