

BYLAWS OF THE GREAT PLAINS HOUSING AUTHORITY (Formerly Stutsman County Housing Authority)

ARTICLE I – THE AUTHORITY

Section 1. Name of Authority

The name of the Authority will be Great Plains Housing Authority.

Section 2. Office of Authority

The offices of the Authority will be 300 2nd Ave NE – Suite 200, Jamestown, North Dakota. Satellite offices will be open as designated by the Authority.

Section 3. Commissioners

The Great Plains Housing Authority Board of Commissioners will consist of five (5) Commissioners, one (1) Commissioner from Wells County, and one (1) Commissioner from Foster County to be appointed by their respective County Commission subject to the laws of the State of North Dakota. GPHA will add commissioners based on HUD contracts and jurisdiction changes.

ARTICLE II – OFFICERS

Section 1. Officers

The Officers of the Authority will be a Chairperson, a Vice-Chairperson and a Secretary.

Section 2. Chairperson

The Chairperson will preside at all meetings of the Authority. At each meeting, the Chairperson will submit such recommendations and information as he/she may consider proper concerning the business, affairs and policies of the Authority. The Chairperson shall be a voting member of the Board.

Section 3. Vice-Chairperson

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

Section 4. Secretary

The Secretary will be the Executive Director and as such, will have general supervision over the administration of the Authority's business and affairs, subject to the direction of the Authority. He/she will be charged with the administration of the housing programs of the Authority.

The Secretary will keep the records of the Authority, will act as Secretary of the meetings of the Authority and records all votes, and will keep a record of the proceedings of the Authority in a journal of proceedings to be kept for such purposes and will perform all duties incident to his/her office. The Secretary will keep in safe custody the Seal of the Authority and will have the power to affix the Seal to all contracts and instruments authorized to be executed by the Authority.

The Secretary will act as Treasurer of the Authority. He/she will have the care and custody of all funds of the Authority and will deposit the same in the name of the Authority in such bank or banks as the Authority selects. The Secretary will sign all orders and checks for payment of monies and will pay out and disburse such monies under the direction of the Authority. The Secretary will keep regular books of accounts showing receipts and expenditures and will render to the Authority, at each regular meeting, an account of all transactions and of the financial condition of the Authority.

The compensation of the Secretary will be determined by the Authority, but that a temporary appointee selected from among the Commissioners of the Authority will serve without compensation (other than the payment of necessary expenses).

Section 5. Additional Duties

The Officers of the Authority will perform such other duties and functions as may from time to time be required by the Authority, the Bylaws or rules and regulations of the Authority.

Section 6. Election or Appointment

The Chairperson and Vice-Chairperson will be elected at the first meeting of the Authority, following the appointment of a Commissioner, from among the Commissioners of the Authority and will hold office for one year or until their successors are elected and qualified.

The Authority will appoint the Secretary. Any person appointed to fill the office of Secretary or any vacancy therein, will have such terms as the Authority fixes, but no Commissioner of the Authority will be eligible for this office except as a temporary appointee.

Section 7. Officer Vacancies

Should the offices of Chairperson or Vice-Chairperson become vacant, the Authority will elect a successor from its membership at the next regular meeting, and such election will be for the unexpired term of the said office. When the office of Secretary becomes vacant, the Authority will appoint a successor as prescribed.

Section 8. Addition 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 North Dakota and all other laws of the State of North Dakota applicable thereto. The selection and compensation of such personnel (including Secretary) will be determined by the Authority subject to the laws of the State of North Dakota.

Section 9. Commissioner vacancies

Should a commissioner vacant the seat, the housing authority will notify the County Auditor of such vacancy. The County will assist in finding a replacement member. A replacement commissioner will complete the original commissioner's term. North Dakota Century Code requires the County to appointment commission members and track terms.

Section 10. Conflicts of Interest

- Board of commissioners must be free of conflicts of interest under HUD requirements. "Covered individual" means a person or entity who is a member of any of the following classes:
- Any present or former member or officer of the PHA (except a PHA commissioner who is a

- participant in the program);
- Any employee of the PHA, or any contractor, sub-contractor or agent of the PHA, who formulates policy or who influences decisions with respect to the program;
- Any public official, member of a governing body, or State or local legislator, who exercises functions or responsibilities with respect to the program; or
 - Any member of the Congress of the United States.
 - A covered individual may not have any direct or indirect interest in the HAP contract or in any benefits or payments under the contract (including the interest of an immediate family member of such covered individual) while such person is a covered individual or during one year thereafter.
 - “Immediate family member” means the spouse, parent (including a stepparent), child (including a stepchild), grandparent, grandchild, sister or brother (including a stepsister or stepbrother) of any covered individual.
 - The owner certifies and is responsible for assuring that no person or entity has or will have a prohibited interest, at execution of the HAP contract, or at any time during the HAP contract term.
 - If a prohibited interest occurs, the owner shall promptly and fully disclose such interest to the PHA and HUD.
 - The conflict of interest prohibition under this section may be waived by the HUD field office for good cause.
 - No member of or delegate to the Congress of the United States or resident commissioner shall be admitted to any share or part of the HAP contract or to any benefits which may arise from it.

Board of commissioners must also obey North Dakota Century Code 23-11-09 regarding conflicts of interest.

- ND 23-11-09 No commissioner or employee of an authority may acquire any direct or indirect interest in any housing project or in any property included or planned to be included in any project, nor may such a person have any direct or indirect interest in any contract or proposed contract for materials or services to be furnished or used in connection with any housing project. If any commissioner or employee of an authority owns or controls a direct or indirect interest in any property included or planned to be included in any housing project, that person immediately shall disclose the same in writing to the authority, and such disclosure must be entered upon the minutes of the authority. Failure to disclose such interest constitutes misconduct in office.

Section 11. Removal of commissioner

Commissioners can be removed because of conflicts of interest and violation of HUD and/or housing authority policies. A commissioner of an authority may be removed by the governing body of the county for inefficiency, neglect of duty, or misconduct in office. A commissioner may be removed, however, only after having had an opportunity to be heard upon the charges in person or by counsel. A copy of the charges must be served upon the commissioner at least ten days before the date fixed for the hearing. In the even of the removal of any commissioner, a record of the proceedings, together with the charges and findings thereon, must be filed in the office of the county auditor.

Section 912. Bonding

All persons with access to the financial affairs of the Authority will be bonded.

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ARTICLE III – MEETINGS

Section 1. Meetings

The Authority may hold its meetings at other such places and via conference call, or online as with location and public access being available.

Section 2. Annual Meeting

The Annual Meeting of the Authority will be held in September or October of each year, coinciding with a pre-scheduled Authority meeting. Meeting notice must be published and advertised 45 days prior to the annual meeting.

Section 3. Regular Meeting

The official meeting date of the Commissioners of the Authority will be held on the third Tuesday of the month, starting in January, and alternate months thereafter.

Section 4. Special Meetings

The Chairperson of the Authority may, when he/she deems it expedient, and will, upon the written request of the Authority, call a special meeting of the Authority for transacting any business designed in the call. The call for a special meeting may be delivered to each member of the Authority at least two days prior to the date of such special meeting. At such special meeting, no business will be considered other than as designed in the call, but if all the members of the Authority are present at such a special meeting, all business may be transacted at such special meetings.

Section 5. Quorum

The powers of the Authority will be vested in the Commissioners thereof in office from time to time. A simple majority of Commissioners will constitute a quorum for 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. When a quorum is in attendance, action may be taken by the Authority upon a vote a majority of Commissioners present.

Section 6. Order of Business

At regular meetings of the Authority, the following will be the order of business”

1. Roll Call
2. Reading of the Minutes of the previous meeting and their approval
3. Bills and Communications
4. Unfinished Business
5. New Business
- ~~6. Report of the Executive Director~~
- ~~7.6. Reports of Committees~~Reports
- ~~8.7.~~Adjournment

All resolutions will be in writing and be kept in a journal of the proceedings of the Authority.

Section 7. Manner of Voting

The voting of all questions coming before the Authority will be by roll call, and the yeas and nays will be entered upon the Minutes of such meeting.

ARTICLE IV – AMENDMENTS

Section 1. Amendments to the Bylaws

The Bylaws of the Authority will be amended only with the approval of at least a simple majority of the Authority commissioners at a regular or special meeting.