

BY LAWS
OF
THE HOUSING AUTHORITY
OF
THE CITY OF
MONTGOMERY
ALABAMA

Amendments Proposed: 12/20/2005
Resolution #5370 passed 12/20/2005 accepting Notice of Change dated 12/13/2005
ADOPTED ON 01/17/2006 BY RESOLUTION NO.5377

Amendments Proposed: 02/17/2009
Notice of Change advising of the Amendments Proposed to the Bylaws accepted on 02/17/2009
ADOPTED ON March 24, 2009 BY RESOLUTION NO. 5656

Amendments Proposed: 09/20/2011
Notice of Change advising of the Amendments Proposed to the Bylaws accepted on 09/20/2011
ADOPTED ON _____, 2011 BY RESOLUTION NO. _____



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BY-LAWS
OF THE
HOUSING AUTHORITY
OF THE CITY OF
MONTGOMERY, ALABAMA
ARTICLE I - THE AUTHORITY

- Section 1.** Name of Authority: The name of the Authority shall be: **THE HOUSING AUTHORITY OF THE CITY OF MONTGOMERY, ALABAMA.**
- 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 and the year of its organization and the place of business.
- Section 3.** Office of Authority: The offices of the Authority shall be located at 1020 Bell Street, Montgomery, Alabama. The meetings of the Commissioners shall be held at a place to be designated by Resolution of the Authority, but the Authority may hold its meetings at other locations as designated.
- Section 4.** Board of Commissioners: The Authority shall have nine (9) Commissioners, one of whom shall be a resident of the Authority, who shall be appointed by the Montgomery City Council. Commissioners are appointed for a five (5) year term and the terms shall be staggered so that at least one vacancy occurs each year. Commissioners may be reappointed for successive terms. Commissioners shall serve until his/her successor is nominated, qualified, and installed into office pursuant to law. If the resident commissioner's assistance under an authority program is terminated, this shall be deemed a resignation. In the event of a vacancy, the Montgomery City Council shall appoint a qualified person to fill the unexpired term.
- Section 5.** Duties of Commissioners: The primary duty of the Board shall be to adopt policies and resolutions consistent with federal and state law. The Board will provide clear and concise policy and guidelines to the Executive Director. The Board of Commissioners shall hire the Executive Director to provide the management of the Authority. The Board should observe the chain of command and act collectively to avoid situations where they appear to be managers instead of policy makers. The

Executive Director is charged with the day-to-day responsibility of making the housing authority operate and the execution of policies.

ARTICLE II - OFFICERS

- Section 1.** Officers: The officers of the Authority shall be a Chairperson, and a Vice-Chairperson and a Secretary-Treasurer, who shall be the Executive Director.
- Section 2.** 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.
- 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 shall perform such duties as are imposed on the Chairperson until such time as the Authority shall select a new Chairperson.
- Section 4.** Secretary-Treasurer. The Secretary-Treasurer shall be responsible for the records of the Authority. The Secretary-Treasurer and/or person so designated shall act as recording 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 purposes.

The Secretary-Treasurer shall keep in safe custody the seal of the Authority and shall have power to affix the seal to all contracts and instruments authorized to be executed by the Authority. The Secretary-Treasurer shall have the care and custody of all funds of the Authority and shall be responsible over the staff that deposit the same in the name of the Authority in a bank or banks as the Authority may select. The Secretary-Treasurer and other Authority staff, as designated by the Board of Commissioners, shall sign all orders and checks for the payment of money and shall pay out and disburse such monies under the direction of the Board of Commissioners and as approved in annual operating budgets, except as otherwise authorized by resolution of the Board of Commissioners. (Note: For control purposes all checks/money orders require two signatures of authorized Authority staff). The Secretary-Treasurer shall be responsible for the regular books of accounts indicating receipts and expenditures and render to the Board of Commissioners, at each regular meeting (or more often, if requested), an account of transactions and also of the financial condition of the Authority.

The Secretary-Treasurer shall be the Executive Director of the Authority and, as such, shall be responsible for the administration of its business and affairs. He/she shall give such Bond for the faithful performance of his/her duties as the Authority may designate.

Section 5. Additional Duties: The officers of the Authority shall perform 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 6. Election or Appointment: The Chairperson and Vice-Chairperson shall be elected at the annual meeting of the Board of Commissioners from among the commissioners, and shall hold office for one year or until their successors are elected and qualified.

Section 7. Vacancies: Should the office of Chairperson or Vice-Chairperson become vacant, the Board of Commissioners 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 the Executive Director becomes vacant, the Board of Commissioners shall appoint a successor.

Section 8. Executive Director: The Executive Director shall be hired by the Board of Commissioners subject to the Personnel Policy of the Authority and the Personnel Board for the City and County of Montgomery, Alabama.. The compensation of the Executive Director shall be determined by the Board of Commissioners subject to the guidelines and procedures of the Personnel Board for the City and County of Montgomery, Alabama. The Executive Director shall be the chief executive officer of the Authority, shall be charged with the day to day management of the housing programs of the Authority, and shall execute the policies adopted by the Commissioners. The Executive Director shall inform and advise the Board on recommended policy changes and required regulatory changes in policy. The Executive Director shall perform all duties incident to the Executive Director's office. In case of a vacancy in the position of Executive Director, no Commissioner of the Authority shall be eligible for this office except on a temporary basis, provided that a temporary appointee selected from among the commissioners of the Authority shall serve without compensation (other than the payment of necessary expenses).

Section 9. Additional Personnel: The Authority may from time to time employ personnel as it deems necessary to exercise its powers, duties and functions as prescribed by the Housing Authority Law of Alabama and all other applicable laws of the State of Alabama and Federal laws and regulations.

ARTICLE III - MEETINGS

- Section 1.** Annual Meeting: The annual meeting of the Authority shall be held on the third Tuesday of May at 5:00 p.m. at the regular meeting place or another location designated by the Board. In the event the date falls on a legal holiday, the annual meeting shall be held on the next succeeding secular day.
- Section 2.** Regular Meeting: Monthly meetings and regularly scheduled subcommittee meetings shall be held at the regular meeting place of the Authority or another location designated by the Board on the third Tuesday of each month at 5:00 p.m., **unless changed by a majority vote of the Board.** In the event the date falls on a legal holiday, the meeting shall be held on the next succeeding secular day. Notice of the regular monthly and subcommittee meetings shall be made by placing a notice on the bulletin board of the Authority main office at least seven (7) calendar days prior to the date of such meeting. No further notice shall be necessary unless required by law.
- Section 3.** Special Meetings: The Chairperson of the Authority may, when he/she deems it appropriate, or shall, upon written request of four members of the Board of Commissioners or written request from the Executive Director 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 or may be mailed, faxed or emailed to the business or home address of each member of the Board of Commissioners at least one (1) calendar day prior to the date of such special meeting. Notice of the meeting shall be posted at the time of mailing at the office of the Authority. At such meeting no business shall be considered other than as designated in the call; however, if all of the Board of Commissioners of the Authority are present at a special meeting, any and all business may be transacted at such special meeting.
- Section 4.** Executive Session Meetings: The Chairperson of the Board of Commissioners shall, upon motion of any Board member recess a regular or special meeting to go into executive session to discuss only those matters permitted by law. As required by law, the Board's counsel shall certify that the executive session called for meets the requirements of and is in accordance with applicable law. These meetings are not open to the public. No minutes will be taken during the executive session and no member shall disclose the content of the discussions. The Board may make a report upon returning to the regular or special meeting. No deliberation and no voting shall take place during an executive session. The minutes of the regular or special meeting shall reflect the time the Board recessed and returned to the regular or special session.

Section 5. Quorum: Five Commissioners (a majority of the Board) shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, but a smaller number may adjourn until a quorum is obtained. Whenever, during the meeting, a quorum is not present, the only thing to be done is to adjourn.

Section 6. Order of Business: At the regular and special meetings of the Authority, Robert=s Rules of Order shall be followed, unless these By-Laws specify otherwise, and the following shall be the business conducted, the order of such determined by the Agenda:

- < Call to Order
- < Approval of Agenda
- < Approval of Minutes
- < Director=s Report
- < Unfinished Business
- < New Business
- < Committee Reports
- < Authority Reports
- < Public Comments
- < Adjournment

Section 7. The Agenda may be amended by a two/third (2/3) majority vote of the Board members present at a regular or special meeting.

Section 8. Manner of Voting: The manner of voting on all questions coming before the Authority shall be by ayes and nays and shall be recorded in the minutes of the meeting. Provided, however, upon request of any member, voting shall be by roll call and the ayes and nays shall be entered upon the minutes of the meeting.

Section 9. Public Comments: The following rules will apply to all Public Comments at Board of Commissioners meetings:

- < Requests to appear on the Board of Commissioners agenda must be received by the Executive Director five (5) working days preceding the regular monthly Board meeting.
- < A person may sign-up and request to appear during the Public Comment(s) period of a regular meeting, but must do so not later than thirty (30) minutes prior to the meeting.
- < Remarks shall be limited to five (5) minutes.

- < All requests must specify subject matter to be discussed at the meeting, when requesting to be on the agenda or appearing for Public Comment.
- < The Board Chairperson or his/her representative may refer items brought before the Board to the Executive Director for resolution.

Section 10. Notice of Meetings: In addition to that provided herein, a public notice may be distributed to the local media regarding regular monthly, subcommittee, special and annual meetings of the Board of Commissioners.

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 five (5) of the members of the Authority at a regular meeting, but no such amendments shall be adopted unless notice of the amendment(s) has been submitted in writing at the previous regular meeting of the Authority.