

OTTUMWA HOUSING AUTHORITY BY-LAWS AND GUIDNACE FOR OHA COMMISSIONERS

INTRODUCTION

The Ottumwa Housing Authority was created in 1964 by a Referendum Vote of the citizens of Ottumwa. A contract was signed with the United States Government to fund the construction of two hi-rise towers, Westgate which consists of 97 units and South-oak which consists of 103 units; these buildings were completed in 1968.

The Low-Rent Housing Statute of the State of Iowa of 1965 mandates how the Housing Authority will be formed. The Mayor appoints Commissioners for the City Council to approve a five-member Board of Commissioners. This Board of Commissioners hires the Executive Director and formulates local policy within the guidelines of the U.S. Department of Housing and Urban Development.

The U.S. Department of Housing and Urban Development (HUD) executed a second contract with Ottumwa in 1969 to construct Camelot Towers; this tower was completed in 1972 housing ninety-nine apartments.

The Ottumwa Housing Authority was originally called the Low-Rent Housing Agency of Ottumwa. The name was officially changed in 1979 to the Ottumwa Housing Authority.

In 1982, a third public housing project was completed. This is a scattered site public housing project for non-elderly families. This includes 25 two-bedroom and 35 three-bedroom apartments

THE MISSION STATEMENT

To promote adequate and affordable housing, economic opportunity and a suitable living environment free from discrimination

Composition of Authority

The Authority is consisted of five (5) Commissioners and an Executive Director. The powers of the Authority shall be vested in the Commissioners in office from time to time.

Section I. Appointment

The Commissioners shall be appointed by the Ottumwa City Mayor.

Section II. Term

The term of each Commissioner shall be five (5) years, except that initially four of the five Commissioners shall be appointed for terms of one (1), two (2), three (3), and four (4) years, so that the term of one Commissioner will expire each year. One Commissioner shall be a resident/participant in a Housing Authority program and if the Housing Authority is unable to produce resident/participant the Mayor will appoint the Commissioner.

Section II. Duties

- Provide leadership and advocating for public housing.
- .Q} Setting policies governing the operation of the public housing authority and charting the direction of current and future programs.
- £.} Ensuring, through independent reviews and audits that the public housing authority operates within the law and according to HUD regulations, taking into consideration the economy and efficiency of operations.
- .QI Hiring a qualified Executive Director to manage day-to-day operations.
Adopting operating budgets and establishing polices to prevent fraud, abuse, mismanagement and discrimination and to ensure that the public housing authority acts legally and with integrity in its daily operations.
- f} Regularly Attending meetings of commissioners and participating in board discussion and decisions.
- g} Reviewing and approving contracts, endorse program policies, buy or dispose of property,
- !:tI Establishing polices on personnel grievances procedures, procurement, admissions and evictions and questions which residents must meet to remain in public housing (subject to federal requirements).
- II Working with Ottumwa Housing Authority Executive Director to ensure that board approved program polices are applied in daily operations.
- iI Reviewing and approving budgets to ensure compliance with federal and local laws and requirements.
- k} Interacting with local, state and federal governments to assure that residents are well served.
- II Nurturing positive community relations and developing a positive relations with media.

Section 1. 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 2. Election or Appointment. The Chairperson, Vice-Chairperson, and Secretary/Treasurer shall be elected at the annual meeting of the Authority from among the Commissioners of the Authority, and shall hold office for one year or until their successors are elected and qualified.

Section 3. Vacancies. Should the office of Chairperson, Vice-Chairperson or Secretary/Treasurer become vacant, the Mayor of the City of Ottumwa shall appoint a successor and such appointee shall serve for the remainder of the term of said office.

Section 4. Commissioners Compensation. There is no compensation for the position of Commissioner (unless directed by the Common Council of the City of Ottumwa). Each Commissioner shall be entitled to receive necessary expenses, including traveling expenses, incurred in performance of his/her duties.

Section IV.

Regular Meetings

Regular meetings shall be held monthly at such time and place as may be designated by the OHA Authority for the transaction of the business of the Ottumwa Housing Authority.

Section 1. Special Meetings

The Chairperson may, when he/she deems it expedient, and shall, upon the written request of two Commissioners, 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 either be delivered in hand to any Commissioner, or be mailed to the Commissioner's home or business address at least three days prior to the date set forth in the call for such meeting. The place and time of such special meeting shall be set forth in the call.

Section 2. Executive session.

The Board may meet in executive session, closed to the public, only in accordance with applicable law. Minutes of the executive session shall be prepared and approved separately from the minutes of the board meeting.

Section 3. Minutes: resolutions

Minutes of the board meetings, including the minutes of any executive session, shall be prepared and adopted by the Board by the next board meeting, or as soon as practicable. The minutes should provide a concise summary of the business which was conducted at the meeting, including the vote on any item and an accurate description of the substantive testimony on any item.

Section 4. Notice of Meetings The Executive Director shall give public notice of all Board meetings, in compliance with the Iowa Open Meetings Law (Ch. 21.4). Within ten days of the first Board meeting each calendar year, a schedule of the regular Board meetings, stating the dates, times, and places of such meetings, shall be posted at the Ottumwa City Hall. Any changes in the schedule of regular meetings shall be posted within three days of the meeting at which the change was made. Public notice of a rescheduled regular meeting or a special meeting, stating the date, time, and place of the meeting, shall be posted at least eighteen hours before the meeting. The notice for a special meeting or a rescheduled regular meeting shall also be personally delivered to each commissioner or sent by facsimile, electronic mail or overnight mail to the business or home address designated by each commissioner, not less than 24 hours prior to the time of such meeting.

Section 4. PUBLIC PARTICIPATION

Members of the public shall be afforded the opportunity to speak on any agenda item of substantive nature after they are first recognized by the Ottumwa Housing Authority Board Chair. Prior to speaking, each member of the public shall state his or her name in a clear and audible tone of voice. All remarks shall be addressed to the Board as a whole.

Section 5. Time Limit Individuals will have three minutes to address the Board. Designated spokespersons for groups or organizations will have five minutes to address the Board. Additional time may be requested by any speaker and will be granted only with the permission of the Chairman, subject to the consent of the Board.

Section 6. Quorum

Three Commissioners shall constitute a quorum for the purpose of conducting the business of the Authority and exercising its powers, and for all other purposes, but a smaller number may meet and adjourn from time to time until a quorum is obtained.

Section 7. Manner of Voting

All questions coming before any meeting of the Commissioners shall be presented in the form of motions or resolutions. Questions of substance shall be determined by resolutions, the vote on such resolutions to be by roll call. All resolutions shall be

submitted in written form and shall be entered in full in the Minute Book, with the vote of each Commissioner indicated therein. All resolutions shall be chronologically numbered on entry.

Section 8. Telephonic Meetings

Instead of being held in the physical presence of all Commissioners participating in any regular or special meeting of the Commissioners, a regular or special meeting may be held by telephone or by any other audio-visual means. All such meetings shall be conducted in accordance with these requirements:

1. During any such meeting, each Commissioner participating in the meeting must be able to hear every other Commissioner participating in the meeting.
2. During any such meeting, a speaker phone or other similar device shall be available at a noticed location which shall be open to the public during the entire time of the meeting, so that members of the public can listen to the discussion of the Commissioners participating in the meeting.
3. The notice and agenda for any such meeting must satisfy the notice and agenda requirements for regular and special meetings of the Commissioners as described in these Bylaws.
4. The quorum and voting requirements for any such meeting must satisfy the quorum and voting requirements for regular and special meetings of the Commissioners as described in these Bylaws.
5. All aspects of any such meeting shall satisfy all other requirements for meetings of public agencies contained in Iowa State Open meeting Laws and with all other applicable requirements of the "State Freedom of Information Act".

Section V.

Section 1. Conduct of meetings.

The Chairperson shall conduct the meetings consistent with the procedure contained in the most recent edition of Robert's Rules of Order.

Section 2. Commissioners and Officer Indemnified

Except for malfeasance or gross negligence, the Commissioners and the officers of the Authority shall be indemnified to the fullest extent permitted by law. This indemnity shall continue to apply to any Commissioner or officer during and after his term or service or employment with the Authority, and the benefit of this indemnity shall extend to the heirs and survivors of each indemnitee.

Any indemnitee shall give notice of any claim or proceeding, or any threat of any claim or proceeding, asserting liability of the indemnitee by reason of his acts, omissions, or position as a Commissioner or officer of the Authority. From the date of such notice, the indemnitee shall be entitled to be represented by counsel to the Authority or, if either the Authority or the indemnitee determines that there might be a conflict of interest in such representation, then by counsel selected by such indemnitee, and, in either case, the Authority shall pay the reasonable legal fees and other expenses of such representation, including reimbursement for payments made by such indemnitee and such retainers and periodic payments of fees and expenses as shall be reasonable and customary in relation to the proceeding in question.

In the event of any judgment or settlement to which, in the case of a settlement, the Authority has consented, the Authority shall pay directly the amount or portion of damages, expenses, fines or other amounts assessed against an indemnitee which are within the indemnity provided herein. However, if a judicial determination has been made and becomes final that one or more indemnitees are not entitled to indemnification, then the indemnitee or indemnitees, as the case may be, shall reimburse the Authority for any payments made.

If the Authority directs and assumes full financial responsibility for expenses, bonds and resulting liability, the indemnitee shall file and pursue an appeal against any judgment, fine or liability. If required by law or by resolution of the Board, the payment of any expenses, damages or other sums indemnified shall be made subject to the undertaking of the claiming indemnitee to reimburse the Authority in full (but without interest) for any sums paid as to which a judicial determination has been made and become final that the indemnitee is not entitled or the Authority is not permitted under law to pay such indemnified expenses.

If any Commissioner shall knowingly fail to comply with the policy of the Authority on conflicts of interest set forth in Section 5.02, then such Commissioner shall not be entitled to indemnification under this Section 5.01 with respect to claims or proceeding asserting liability of such Commissioner for acts, profits or benefits in relation to the conflict of interest which existed in violation of such policy.

Section 3. Conflicts of Interest

In the event that any matter comes before the Board as to which any Commissioner has a conflict of interest, that Commissioner shall disclose such conflict of interest and shall recuse himself from consideration or voting with respect to such matter. A conflict of interest shall mean any transaction of the Authority, including any acquisition of property, employment of any individual, engagement of any company or individual,

in relation to which a Commissioner or any member of the family of a Commissioner (including parents, siblings, spouse or former spouse or children or persons married to such relatives or the children of such relatives) shall be a direct beneficiary. A direct beneficiary shall mean a person who shall be the subject of employment or contracting party in the transaction in question or shall be an officer, director or principal owner of a company which shall be the contracting party in the transaction in question with the Authority. A shareholder not active in a company and not having direct or indirect control of such company shall not be considered a principal owner. If a Commissioner shall disclose a potential conflict of interest, and the remaining Commissioners, following consideration in which the disclosing Commissioner is not present, shall determine by majority vote that a conflict of interest does not exist or shall be waived, then the disclosing Commissioner may participate fully in further consideration and voting on the matter in question.

Section 4. Confidentiality

Department of Housing and Urban Development confidentiality requirements to protect tenant information and Housing Authority records. In all cases, the release of Housing Authority records requires the prior approval of the Housing Authority's Executive Director.

Section 5. Amendments to By-Laws

The By-laws of the Authority shall be amended only by resolution adopted by the affirmative vote of at least three Commissioners of the Authority at a regular or special meeting, held after seven days' notice in writing of the substance of the proposed amendment shall have been sent to each Commissioner.

Section 2. Severability.

If any provision in the By-Laws is deemed to be illegal or in violation of any statute, rule or regulation, then that provision shall be deemed to be null and void without affecting any other provision in these By-Laws.

Section VI.

Section 1. Executive Director; duties, generally.

The Executive Director shall be employed by the Board and shall be responsible for the daily management of the Authority. The Executive Director shall have general supervision over the administration and business affairs of the Authority, pursuant to the direction of the Board. Except for the inaugural meeting, at each annual meeting the Executive Director shall

submit an annual report to the Board which shall include an account of the financial condition of the Authority and the status of any other matter which was brought to the Authority. The Executive Director may submit such status reports to the Board at any other time or when so requested by the Board. The Executive Director, together with the Secretary, shall sign and execute all notes to which the Authority is a signatory. The Executive Director is empowered to execute any and all documents to which the Authority is a signatory, except as specifically limited by the Board.

Section 2. Delegation of duties; disability of Executive Director.

The Executive Director may delegate any of the duties described herein, to any qualified employee of the Authority for the efficient administration of the Authority's business; provided that, the Executive Director shall nevertheless be responsible for the proper performance of all such duties and responsibilities so delegated.

Section 3. Employment of personnel.

The Executive Director, on behalf of the Authority, may employ such personnel as are necessary to carry out the business of the Authority, without ratification or approval of the Board. The employment and compensation of such personnel shall be pursuant to all applicable laws.

Section 4. Executive Compensation

The Board of Commissioners shall determine the compensation of the Executive Director.