

**AMENDED AND RESTATED  
BYLAWS OF THE HOUSING AUTHORITY  
OF THE CITY OF YUMA**

**ARTICLE I - THE AUTHORITY**

*Section 1. Name of the Authority.* The name of the Authority shall be Housing Authority of the City of Yuma.

*Section 2. Seal of the 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 3. Office of the Authority.* The offices of the Authority shall be at 420 S. Madison Avenue, Yuma, Arizona, or at such place or places in the City of Yuma, Arizona, as the Authority may from time to time designate by resolution.

**ARTICLE II - COMMISSIONERS**

*Section 1. Appointment.* The Board of Commissioners shall be comprised of seven members. Appointment of Commissioners shall be for a term of office of five years. A Commissioner shall hold office until the Commissioners successor has been appointed. A Commissioner shall not hold any other office or employment of the city. A Commissioner shall receive no compensation for the Commissioners services, but shall be entitled to reimbursement for necessary expenses, including travel, incurred in the discharge of the Commissioners duties.

*Section 2. Vacancies.* Vacancies on the Commission will be filled by appointment by City Council. Vacancies from causes other than expiration of term shall be filled for the unexpired term only.

*Section 3. Absenteeism.* If a Commissioner is absent unexcused from three meetings at which business is conducted within a calendar year, the Chairman shall request the resignation of the Commissioner and request City Council to remove the commissioner and appoint a new Commissioner.

*Section 4. Removal.* The City Council may remove a Commissioner for cause at any time, including but not limited to, absenteeism.

*Section 5. Conflict of Interest.* All Commissioners, Officers, and staff of the Authority are subject to the Conflict of Interest requirements of the State of Arizona law '38-500-510. Any Commissioner with a substantial interest in any contract, sale, purchase, or service to HACY shall make known that interest in the official records and shall refrain from voting upon or otherwise participating in any manner as a board member in such contract, sale, or purchase.

*Section 6. Indemnity of Board Members.* The Authority shall indemnify and hold a Commissioner harmless against any lawsuit or threat of lawsuit arising out of or resulting from acts of said Commissioner which are performed within the scope of his or her duties as a

Commissioner, including attorneys fees of a counsel selected by the Authority, and judgments incurred in connection with such litigation or threat of litigation.

**Section 7. Insurance for Board Members.** The Authority shall procure Directors and Officers liability coverage naming the Authority and the individual Commissioners as beneficiaries of said coverage.

### ARTICLE III - OFFICERS

**Section 1. Officers.** The officers of the Authority shall be a Chairman, a Vice-Chairman, and a Secretary-Treasurer.

**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 pursuant to the Authority granted thereto. At each meeting, the Chairman shall submit an agenda containing recommendations and information as he/she may consider proper concerning the conduct of business and policies of the Authority. Commissioners may recommend agenda items and if said recommendations are not placed on the agenda by the Chairman after three consecutive meetings documenting said recommendations, the item will automatically be placed on the agenda.

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

**Section 4. Vacancies.** Should the office of Chairman or Vice Chairman become vacant, the Authority shall elect a successor by nomination and majority vote from its membership at the next regular meeting. Said successor shall be recommended to City Council for designation for the unexpired term.

**Section 5. Secretary/Treasurer.** The Secretary/Treasurer shall be the Executive Director of the Authority.

The Secretary/Treasurer shall also keep the records of the Authority, shall act as recorder of the meetings of the Authority and record all votes, shall keep a record of the proceedings kept for such purpose, 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 by the Authority.

The Secretary/Treasurer 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 according to policies and regulations.

**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 bylaws or rules and regulations of the Authority.

**Section 7. Appointment.** The Authority shall select by majority vote at the Annual Meeting of the Authority commissioners to serve as Chairman and Vice-Chairman and shall forward these recommendations to the City of Yuma City Council. The City Council will consider the

recommendations of the Authority but shall appoint a Chairman and Vice Chairman of its own selection. The appointees shall hold office for one year or until their successors are designated by the City Council.

#### ARTICLE IV - EXECUTIVE DIRECTOR

**Section 1. Duties.** The Authority shall appoint an Executive Director. The Authority shall enter into an employment contract with the Executive Director setting forth the terms and conditions of the employment. A Commissioner of the Authority shall not be eligible for this office. The Executive Director shall perform duties under the terms of a contract with the Authority.

**Section 2. Finances.** The Executive Director shall supervise the administration and management of its business and affairs, in accordance with the policies and direction of the Authority. The Executive Director shall pay out and disburse moneys approved by the Authority, shall keep regular books of accounts showing receipts and expenditures; and shall give such bond for the faithful performance of his/her duties as the Authority may determine. The Executive Director shall render a monthly account of the financial condition of the Authority at each regular meeting of the Authority and provide a detailed account of expenditures and any other financial details to the Finance Committee authorized by the Authority to review the finances of the Authority. Except as otherwise authorized by resolution of the Authority, checks shall be sign-stamped by the Executive Director.

#### ARTICLE V MEETINGS

**Section 1. Annual Meeting.** The annual meeting of the Board of Commissioners shall be held at the regular monthly meeting scheduled for February at the regular meeting place of the Authority.

**Section 2. Regular Meeting.** Regular meetings will be held on the third Tuesday of each month at the office of the Authority. The time of the meeting will be determined by resolution of the Authority. The Regular Meeting date may be changed by resolution of the Authority.

**Section 3. Special Meeting.** Work sessions, special meetings, and retreat/training meetings will be called by the Chairman, or the Executive Director with the approval of the Chairman. The Chairman will call, at the written request of three (3) Commissioners, a Special Meeting of the authority for the purpose of transacting any business designated in the call. The Chairman shall provide at least two (2) days written notice for any Special Meeting. The notice and agenda for a Special Meeting will be posted in accordance with local and state requirements and the business conducted at the meeting will be limited to the items listed on the agenda.

**Section 4. Quorum.** A majority of Commissioners shall constitute a quorum for all purposes including conducting the business of the Authority and exercising its powers. If a meeting is duly noticed and a quorum is present, action may be taken by the Authority upon a vote of a majority of the Commissioners present.

**Section 5. Order of Business.** The Order of Business shall be determined by the Chairman in compliance with local and state requirements regarding Open Meeting Law.

**Section 6. Waiver of Notice.** Attendance of a Commissioner at a meeting shall constitute waiver of notice of such meeting, except when the person attends the meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Any Commissioner may waive notice of any annual, regular, or special meeting of Commissioners by executing a written notice of waiver before or after the time of the meeting.

## ARTICLE VI COMMITTEES

**Section 1. Finance Committee.** The Authority shall have a standing Finance Committee. The Committee shall consist of two Commissioners, a Chairman and member, selected by majority vote of the Authority. The Committee shall meet at a time and location designated by the Committee Chairman. The Finance Committee shall review the finances of the Authority and any project or activity, which may have a significant financial impact on the Authority. The Committee Chairman shall determine at his/her discretion the items reviewed by the Committee. The Committee Chairman shall report on the Committee's activities and recommendations to the Authority at the Regular meeting and will notify the Authority of any financial concerns.

**Section 2. Other Committees.** The Authority, by resolution adopted by a majority of the whole Board, may constitute other Committees, standing or ad hoc, which shall in each case consist of one or more of the Commissioners. Each such committee shall have and may exercise such powers as the Board may determine and specify in the respective resolutions appointing them.

## ARTICLE VII AMENDMENTS

**Section 1. Amendments to By-laws.** These By-laws may be altered or repealed at any regular meeting of the Board or at any special meeting of the Board if notice of such alteration or repeal is contained in the notice of such meeting by a majority vote of the Board of Commissioners.

ADOPTED as of this 17<sup>th</sup> day of February, 2004



William S. Masland, Chairman

RESOLUTION NO. 660

APPROVAL TO AMEND  
THE HOUSING AUTHORITY OF THE CITY OF YUMA  
BY-LAWS

WHEREAS, the Housing Authority of the City of Yuma ("HACY"), an Arizona public housing authority, created by the City Council of the City of Yuma under Resolution No. 1908, passed and adopted on October 10, 1975, and

WHEREAS, the HACY Board Members unanimously agreed, during a discussion at the January 22, Regular Board Meeting, to consider a resolution to amend the By-Laws, Article III, Section 7, Appointment, which currently states:

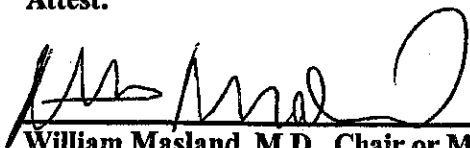
*Section 7. Appointment.* The Authority shall elect by majority vote at the Annual Meeting of the Authority commissioners to serve as Chairman and Vice-Chairman and shall forward these recommendations to the City of Yuma City Council. The City Council will consider the recommendations of the Authority but appoint a Chairman and Vice-Chairman of its own selection. The appointees shall hold office for one year or until their successors are designated by the City Council. *The Chairman or Vice Chairman, or both, may serve up to two consecutive one-year terms if appointed by the City Council, and*

WHEREAS, the HACY request that the following sentence regarding the term limits be removed: *The Chairman or Vice Chairman, or both, may serve up to two consecutive one-year terms if appointed by the City Council, and*

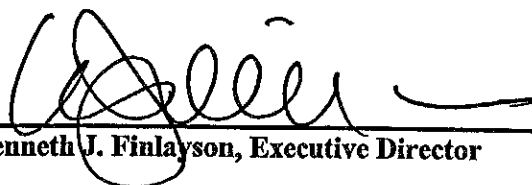
NOW, THEREFORE, BE IT RESOLVED, that the attached revised and restated By-Laws of the HACY be made part of Resolution No. 660, and be duly adopted by the HACY Board of Commissioners to become effective immediately.

Dated this 17<sup>th</sup> Day of February, 2004

Attest:



William Masland, M.D., Chair or Michael Higgins, Vice-Chair



Kenneth J. Finlayson, Executive Director

**Housing Authority of the City of Yuma**

**Resolution No. 796**

Approval to Amend the Housing Authority of the City of Yuma (HACY) By-Laws to Include the U.S. Department of Housing and Urban Development (HUD) Approved Conflict of Interest Provisions, specifically Federal Regulations 24 CFR 982.161

WHEREAS, Article II Commissioners; Section 5 Conflict of Interest of the Amended and Restated By-Laws of the Housing Authority of the City of Yuma states that "All Commissioners, Officers, and Staff of the Authority are subject to the Conflict of Interest requirements of the State of Arizona law '38-500-510. Any Commissioner with a substantial interest in any contract, sale, purchase, or service to HACY shall make known that interest in the official records and shall refrain from voting upon or otherwise participating in any manner as a Board Member in such contract, sale, or purchase,"

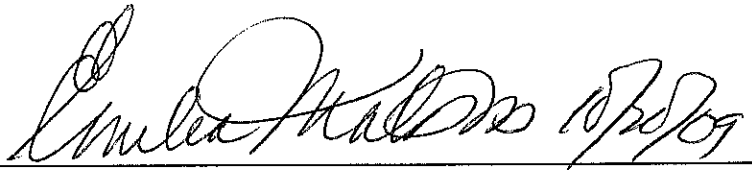
WHEREAS, HUD recommended that HACY revise its Board of Commissioner By-Laws to include Federal Regulations 24 CFR 982.161 as they relate to Conflict of Interest provisions,

WHEREAS, Article VII Amendments; Section 1 Amendment to By-Laws states that "By-Laws may be altered or repealed at any Regular Board Meeting or at any Special Meeting of the Board if notice of such alteration or repeal is contained in the notice of such meeting by a majority vote of the Board of Commissioners,"

NOW, THEREFORE BE IT RESOLVED that the HACY Board of Commissioners agrees to amend Article II Commissioners; Section 5 Conflict of Interest requirements to include Federal Regulations 24 CFR 982.161 as required by HUD, effective immediately.

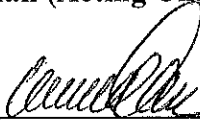
**Dated this 20<sup>th</sup> day of October, 2009**

**Attest:**



**Emilia Matos, M.D., Vice Chairman (Acting Chairman)**

**Date:**



**Michael Morrissey, Executive Director**

**Date:**

10/20/09



**RESOLUTION NO. R2009-89**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, CONFIRMING AND AMENDING THE POWERS OF THE HOUSING AUTHORITY OF THE CITY OF YUMA ("HACY") AND REPEALING RESOLUTION NO. 1908**

WHEREAS, on October 10, 1975, the City Council of the City of Yuma, Arizona (the "City") passed and adopted Resolution No. 1908 whereby the City created HACY to act as agent for the City to construct, maintain, operate and manage housing projects and delegated to HACY certain powers, authority and responsibilities, including any and all of the powers conferred on the City by Title 36 of the Arizona Revised Statutes, except the power to borrow money, issue bonds, and acquire real property (the "Powers"); and,

WHEREAS, Title 36 of the Arizona Revised Statutes has been amended to allow for additional powers for HACY since Resolution No. 1908 was adopted, including the power to acquire, own, maintain and dispose of certain real property; and,

WHEREAS, in order for the City and HACY to better facilitate public housing within the City, the City desires to repeal Resolution No. 1908 and to amend, restate and expand the Powers.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Yuma, Arizona, as follows:

**SECTION 1:** That Resolution 1908 is hereby repealed in its entirety.

**SECTION 2:** That the City authorizes HACY to:

**SECTION 2.1:** Act as agent for the City to construct, maintain, operate and manage housing projects of the City, and the City delegates to HACY all powers, authority and responsibilities authorized by law, including any or all of the powers authorized by Title 36 of the Arizona Revised Statutes except the power to borrow money, issue bonds, and acquire, own and dispose of real property. However, HACY may acquire the assets and real property of the Arizona Housing Development Corporation, and real property located at 433 S. 1st Avenue, Yuma, Arizona.

**SECTION 2.2:** Employ a secretary, who shall also be executive director, and technical experts and such other officers, attorneys, agents and employees, permanent and temporary, as HACY requires, to determine their qualifications, duties and compensation, and to delegate to one or more of them such powers or duties as HACY deems proper.

**SECTION 3:** That HACY shall make available its books and records for examination by the City and shall provide a financial audit on an annual basis.



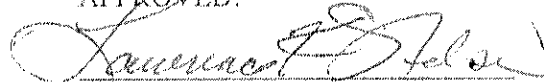
**SECTION 4:** That HACY shall provide to or give notice to the City of:

- 4.1 Quarterly reports on all projects both under management and in the planning stages.
- 4.2 Intent to enter into any partnerships or create any ownership interest in a business entity.
- 4.3 Intent to form a corporation or subsidiary of HACY.

**SECTION 5:** That the City Administrator shall determine within 30 days of notification of any action performed in accordance with Section 4 any requirement to obtain City Council approval. Should the City Administrator determine that City Council approval is required, the City Administrator shall schedule said City Council action. The City Council shall have final authority to decide any matter under Section 4.2 or 4.3.

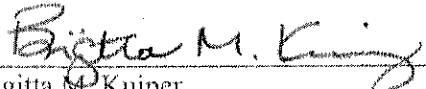
Adopted this 2nd day of December, 2009.

APPROVED:

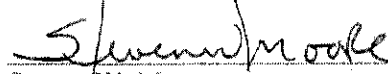


Lawrence K. Nelson  
Mayor

ATTESTED:

  
\_\_\_\_\_  
Brigitta M. Kuiper  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Steven W. Moore  
City Attorney

RESOLUTION NO. 1908

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, FORMING A CITY OF YUMA HOUSING AUTHORITY PURSUANT TO ARIZONA REVISED STATUTES.

WHEREAS, the Arizona Revised Statutes 36-1404 authorizes a municipality to create a Housing Authority to act as its agent, giving said Housing Authority certain designated powers; and

WHEREAS, the City Council of the City of Yuma has determined that it is in the best interest of the City of Yuma to create a City Housing Authority.

NOW, THEREFORE, the City Council of the City of Yuma do resolve as follows:

To create the City of Yuma Housing Authority, to act as agent for the City of Yuma to construct, maintain, operate and manage a Housing project or projects of the City and delegating to it all powers, authority and responsibilities authorized by law, including any or all of the powers conferred on the City by Title 36 of the Arizona Revised Statutes, except the power to borrow money, issue bonds, and acquire real property.

In addition, the City of Yuma authorized the Housing Authority pursuant to statute, the authority to employ a secretary, who shall also be executive director, and technical experts, and such other officers, attorneys, agents and employees, permanent and temporary, as the Authority requires, to determine their qualifications, duties and compensation, and to delegate to one or more of them such powers or duties as the Authority deems proper.

PASSED AND ADOPTED this 10<sup>th</sup> day of October, 1975.

ATTEST:

Margie Oliver  
City Recorder

APPROVED:

Israel E. Syed  
Mayor

APPROVED AS TO FORM:

[Signature]  
City Attorney

REVIEWED BY:

[Signature]  
City Administrator

STATE OF ARIZONA )  
COUNTY OF YUMA ) ss:  
CITY OF YUMA )

I, Marjorie Oliver, City Recorder, do hereby certify that the foregoing  
RESOLUTION NO. 1908 was duly passed and adopted by the City Council  
of the City of Yuma at a special meeting held on the 10th day of October  
1975, and I further certify that a quorum was present thereat voting as  
follows to-wit:

AYES: Councilman James Deyo  
Councilman Gail Beefer  
Councilman Kenyon Hong  
Councilman Goldie Giss  
Councilman James Jefferson  
Councilman James Pender  
Mayor Ersel Byrd

NAYES: NONE

ABSENT: NONE

Marjorie Oliver  
City Recorder

RESOLUTION NO. 1914

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING THE CITY OF YUMA TO ENTER INTO A JOINT CITY OF YUMA/COUNTY OF YUMA HOUSING AUTHORITY AGREEMENT; AND DECLARING AN EMERGENCY.

The City Council of the City of Yuma do resolve as follows:

SECTION 1. That the City of Yuma enter into a Joint City of Yuma/County of Yuma Housing Authority Agreement, said Agreement attached hereto and by reference hereby incorporated.

SECTION 2. That the City Administrator and City Recorder be, and they are hereby, authorized and directed to execute said Agreement for and on behalf of said City.

SECTION 3. That to preserve the public health, peace and safety within the City of Yuma, it is necessary that this resolution shall become immediately operative. It is, therefore, declared to be an emergency measure and shall be exempt from the provisions of the referendum and shall take effect and become operative from and after its passage by the City Council and approval by the Mayor as required by the charter of the City of Yuma.

PASSED AND ADOPTED this 5<sup>th</sup> day of November 1975.

APPROVED:  
Emel C. Boyd  
Mayor

ATTEST:  
Margie Oliver  
City Recorder

APPROVED AS TO FORM:  
[Signature]  
City Attorney

REVIEWED BY:  
[Signature]  
City Administrator

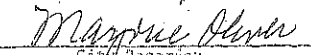
STATE OF ARIZONA )  
COUNTY OF YUMA ) ss:  
CITY OF YUMA )

I, Marjorie Oliver, City Recorder, do hereby certify that the foregoing  
RESOLUTION NO. 1914 was duly passed and adopted by the City Council  
of the City of Yuma at a regular meeting held on the 5th day of November  
1975, and I further certify that a quorum was present thereat voting as  
follows to-wit:

AYES: Councilman James Deyo  
Councilman Gail Beeler  
Councilman Kenyon Hong  
Councilman Goldie Giss  
Councilman James Jefferson  
Councilman James Pender  
Mayor Ersel Byrd

NAYES: NONE

ABSENT: NONE

  
\_\_\_\_\_  
City Recorder

JOINT  
CITY OF YUMA/COUNTY OF YUMA  
HOUSING AUTHORITY AGREEMENT

THIS AGREEMENT, made and entered into this 17th  
day of November, 1975, by and between the CITY OF YUMA, a municipal subdivision of the State of Arizona, hereinafter referred to as CITY, and the COUNTY OF YUMA, a political subdivision of the State of Arizona, hereinafter referred to as COUNTY,

WITNESS:

WHEREAS, the City of Yuma, Arizona, established by Resolution No. 1908 on the 10th day of October, 1975, a Municipal Housing Authority, pursuant to Arizona Revised Statutes 36-1404; and

WHEREAS, the County of Yuma, Arizona, established by a resolution on the 2nd day of May, 1955, a County Housing Authority, pursuant to Arizona Revised Statutes 36-1404; and

WHEREAS, both the City and County have agreed that it is in the best interest of the citizens of Yuma County, including the citizens of the City of Yuma, that all City and County housing authority administrative operations should be consolidated and effectuated using the same staff, facilities, equipment and materials; and

WHEREAS, Arizona Revised Statutes 36-1422 provides for "Two or more cities, towns or counties" to join or cooperate in the exercise, jointly or otherwise, of any or all of their powers under Title 36, Arizona Revised Statutes, Chapter 12, Article 1, for the purpose of financing, planning, owning, constructing, operating or contracting with respect to a housing project or projects located within the area of operation of one or more of such cities, towns or counties;

THEREFORE, in consideration of the mutual covenants hereinafter set forth, the parties hereto do agree as follows:

1. To cooperate in the general operation and activities of the respective housing authorities by a mutual sharing of staff employees, facilities and equipment, it being understood and agreed between the parties that:

a) The City and County will retain separate housing commissions and jurisdictions, and

b) The financing of projects and ownership of sites and projects will be reserved to the City and County separately except as otherwise authorized by the respective governing bodies on a project by project basis.

2. To join and cooperate in the exercise of any or all of the powers, duties and responsibilities set forth in A.R.S.

Title 36, Chapter 12, Public Housing, Article 1, Municipal Housing:

a) For the purpose of administration of the respective housing authorities, and

b) For the purpose of financing, planning, owning, constructing, operating or contracting with respect to a housing project or projects located within the area of operation of the City or County.

3. The City and County further agree to jointly fund the housing authority administrative operational costs according to a formula to be developed and agreed upon by the City and County. This formula shall be subject to annual adjustments to meet program needs and the initial funding shall be agreed upon mutually by no later than the 31st day of March, 1976.

4. The term of this agreement shall be yearly for the fiscal year of the City and County, commencing with the date

official signatures are affixed hereon, and shall be automatically renewable on the first day of July in successive years thereafter, upon the City and County budgeting in a manner provided by law, funds for the payment of all expenditures due and payable hereunder.

5. This agreement may be terminated upon 90 days written notice by either party to the other and determination of methods for fulfillment of existing contracts and agreements.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written.



CITY OF YUMA

BY: James W. Cleveland  
City Administrator

ATTEST:

Margie Oliver  
City Recorder

COUNTY OF YUMA

BY: Stanley Gonzalez

ATTEST:

L. E. Brazell  
Clerk