

BY-LAWS OF THE MYTON CITY HOUSING AUTHORITY

ARTICLE 1 - THE AUTHORITY

SECTION 1. NAME OF THE AUTHORITY: The name of the Authority shall be the "Myton City Housing Authority."

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.

SECTION 3. OFFICE OF THE AUTHORITY: The Office of the Authority shall be at such a place in the City of Myton as the Authority may from time to time designate.

SECTION 4. BOARD OF COMMISSIONERS: Pursuant to Utah Code Ann. § 35A-8-404, as amended, the Mayor of Myton City shall appoint seven persons as Commissioners of the Myton City Housing Authority. The commissioners first appointed under this part shall serve for staggered terms from the date of their appointment. After the first commissioners are appointed, the commissioners are appointed for a term of office of four years. A commissioner holds office until the commissioner's successor is appointed and qualified by taking the official oath of office. A commissioner qualifies by taking the official oath of office. A certificate of appointment or reappointment of a commissioner shall be filed with the authority and is conclusive evidence of the appointment of the commissioner.

ARTICLE 2 - OFFICERS

SECTION 1. GOVERNING BODY: The Governing Body of the Authority shall be composed of seven members. They shall be known as the Board of Commissioners of the Myton City Housing Authority. Each Commissioner shall have one vote. A Commissioner shall receive no compensation for this service, but shall be entitled to necessary expenses, including travel expenses, incurred in the discharge of their duties.

SECTION 2. OFFICERS: The Officers of the Authority shall be a Chair, Vice Chair, and Secretary, who shall be elected by the commissioners of the Authority at the January meeting, or as needed. The Chair shall serve for two years, and the Vice Chair shall serve for two years, or until their successors are elected and qualified.. The Authority may employ an Executive Director, Treasurer, legal and technical experts, and other officers, agents, and employees, permanent and temporary, and shall determine their qualifications, duties, and compensation.

SECTION 3. CHAIR: The Chair shall preside at all meetings of the Authority. Except as otherwise authorized by Resolution of the Authority, the Chair shall sign all contracts, excluding Housing Assistance Payment contracts, deeds and other instruments made by the Authority. At each meeting the Chair shall submit such recommendations and information as the Chair may consider proper concerning the business, affairs and policies of the Authority.

SECTION 4. VICE CHAIR: The Vice Chair shall perform the duties of the Chair in the absence or incapacity of the Chair. In the case of the resignation, removal, or death of the Chair, the Vice Chair shall perform such duties as are imposed on the Chair until such time as the Authority elects a new Chair.

SECTION 5. SECRETARY: The Secretary shall be the Executive Director of the Authority. The Secretary shall be responsible for the records of the Authority. The Executive Director shall prepare the public notice, agenda, minutes and recordings of the Authority meetings in compliance with Utah Code Ann. § 52-4-201 et seq. The Secretary shall perform all duties incident to the office of Secretary. The Secretary shall keep in safe custody the Seal of the Authority and shall have power to affix or have affixed the Seal to all contracts and instruments authorized to be executed by the Authority.

SECTION 6. EXECUTIVE DIRECTOR: The Executive Director shall be appointed by the Board of Commissioners of the Authority, and shall also serve as the Secretary to the Board of Commissioners. The Executive Director shall have general supervision over the administration of its daily business and affairs, as defined and subject to the sole direction of the Authority. The Executive Director shall have the care and custody of all property of the Authority, and shall sign orders, disbursements, expenditures, and Housing Assistance Payment Contracts only as budgeted and authorized by the Authority. The Executive Director shall ensure the proper keeping of regular books of accounts, receipts and expenditures and shall render to the Authority, at bi-monthly meetings, an account of the transactions and the financial condition of the Authority. Failure to perform these duties may be grounds for removal.

SECTION 7. ADDITIONAL DUTIES: The Commissioners of the Authority shall perform such other duties and functions as may from time to time be required by the Authority, By-Laws, rules and regulations of the Authority, and in accordance with Utah Code, Title 35A, Chapter 8, Part 4, Housing Authorities.

SECTION 8. ELECTION AND APPOINTMENT: The Chair and Vice Chair shall be elected during the January meeting each year, or as needed. The Chair and Vice Chair shall be elected from among the Board of Commissioners of the Authority, and shall hold office for two years or until their successors are elected and qualified. Should the elected position of Chair or Vice Chair become vacant, the Board of Commissioners will elect a successor from its membership to complete the year term or successive terms.

SECTION 9. TERM OF OFFICE AND VACANCIES:

- a. Vacancies will be filled by appointment by the Mayor of the City of Myton for initial staggered terms. Thereafter, the term of office will be four years. Commissioners may be reappointed.
- b. If in the judgement of the majority of a quorum of the Board of Commissioners, the Secretary, who also serves as the Executive Director, is found to be negligent in those duties due to inaction or actions not consistent with the efficient and legal operation of the Authority, the Secretary/Executive Director may be asked by the

Board of Commissioners to resign; or a recommendation may be made to the Mayor of the City of Myton to remove the Secretary/Executive Director from office and a replacement appointed.

- c. A commissioner may be removed by the mayor for inefficiency, neglect of duty, or misconduct in office. A commissioner may only be removed in compliance with the procedures as provided in Utah Code Ann. § 35A-8-406.

SECTION 10. 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 Utah Code Ann. § 35A-8-401 et seq., and all other laws of the State of Utah applicable thereto. The selection and compensation of such personnel shall be determined by the Board of Commissioners subject to the laws of the State of Utah.

SECTION 11. ANNUAL REPORT – BUDGET- MINUTES: The Authority shall file an annual report with the clerk of the Division of Housing and Community Development, with a copy given to the Mayor of Myton and the governing body, a report containing its activities for the preceding year; its approved annual budget; and recommendations for legislation. The Authority shall post electronically for public review its: annual approved budget and minutes of all open meetings held by its board of commissioners.

SECTION 12. COMPENSATION OF APPOINTED OFFICERS: Compensation of staff appointed by the Board of Commissioners shall be determined by the Board of Commissioners and subject to annual review.

SECTION 13. EXPENDITURES: The Executive Director/Secretary, responsible for all records and orders and disbursements, has the authority to expend funds only as budgeted by the Authority for day to day operating expenses including, but not limited to; supplies, advertising, materials, travel, wages, employee benefits, rents, utility allowances, etc., necessary to conduct the business of the Authority. All expenditures for projects to be conducted within the area of operation of the Authority shall be approved by the Board of Commissioners.

ARTICLE 3 - MEETINGS

SECTION 1. BI-MONTHLY MEETING: The Authority shall hold a bi-monthly meeting (once every two months) at such time and place as determined by the Authority within the area of operation of authority.

SECTION 2. SPECIAL MEETINGS: The Chair of the Authority or any three members of the Board of Commissioners, when deemed expedient, may call a special meeting of the Authority for the purpose of transacting any business designated in the call.

SECTION 3. OPEN MEETINGS: All of the meetings of the Board of Commissioners shall be open to the public, whether regular or special, in compliance with Utah Open and Public

Meetings Act, Title 52, Chapter 4.

SECTION 4. QUORUM: The powers of the Authority shall be vested in the Board of Commissioners. Four Commissioners shall constitute a quorum for the purpose of conducting its business and exercising its powers, and for all other purposes. When a quorum is in attendance, any action may be taken by the Authority upon a vote of a majority of the Commissioners present.

SECTION 5. ORDER OF BUSINESS: At the monthly meeting of the Authority the following shall be the order of business:

- a. Call to Order
- b. Approval of Minutes
- c. Approval of Expenditures
- d. Formal Actions
- e. Other
- f. Adjournment

All Formal Actions of the Board of Commissioners shall be by Resolution. All Resolutions shall be in writing and shall be copied in a journal of the proceedings of the Authority. All other actions or approvals shall be by motion, with a second and a unanimous vote of the Commissioners present.

SECTION 6. MANNER OF VOTING: The voting on all questions coming before the Authority shall be by voice vote, and the yeas and nays shall be entered upon the minutes of such meeting. Election of Chair and Vice Chair may be by voice vote or may be by ballot if requested by one Commissioner.

ARTICLE 4 - AMENDMENTS

AMENDMENTS TO THE BY-LAWS: The By-Laws of the Authority shall be amended only with the approval of at least four of the Commissioners of the Authority, at a regularly scheduled or special meeting.

These revised By-Laws shall be effective on the ____ day of _____, 2024, and shall supersede all previous bylaws of the Authority. These revised By-Laws were adopted at a meeting of the commissioners held on the ____ day of _____, 2024, receiving the required vote of the commissioners as set forth herein.

Signatures on following page

CHAIR

VICE CHAIR

By: _____

By: _____

ATTEST:

By: _____

Interim Clerk

(SEAL)