RESOLUTION NO. R-2013-56

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, CHANGING THE NAME OF THE NORTH MIAMI HOUSING AUTHORITY TO THE "NORTH MIAMI HOUSING AND DEVELOPMENT AUTHORITY", AND FURTHER REVIEWING THE PROPOSED BYLAWS OF THE "NORTH MIAMI HOUSING AND DEVELOPMENT AUTHORITY" PRIOR TO SUBMISSION AND FILING WITH THE STATE OF FLORIDA, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 421, PART I, FLORIDA STATUTES; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, on July 9, 2002, the Mayor and City Council of the City of North Miami ("City"), passed and adopted Resolution No. 2002-49, creating the Housing Authority of the City of North Miami ("Housing Authority"), pursuant to Section 421.04, Florida Statutes; and

WHEREAS, the Housing Authority was created for the purpose of addressing and mitigating the deleterious effect of insanitary, unsafe or overcrowded dwelling accommodations, constituting a menace to the health, safety, morals and welfare of our residents; and

WHEREAS, the Mayor and City Council, as the governing body of the City, desire to change the name of the Housing Authority to the "North Miami Housing and Development Authority", and further review the proposed set of Bylaws prior to submission and filing with the State of Florida, in accordance with the provisions of Chapter 421, Part I, Florida Statutes.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. **Name Change Approval.** The Mayor and City Council of the City of North Miami, Florida, hereby change the name of the North Miami Housing Authority to the "North Miami Housing and Development Authority", and further review the proposed Bylaws of the "North Miami Housing and Development Authority" (attached hereto as, "Exhibit A") prior to submission and filing with the State of Florida, in accordance with the provisions of Chapter 421, Part I, Florida Statutes.

Section 2. **Effective Date.** This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a 3-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 28 day of May, 2013.

ANDRE D. PIERRE, ESQ.
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Councilman Blynn

Seconded by: Councilman Galvin

Vote:

Mayor Andre D. Pierre, Esq.	X (Yes)	(No)
Vice Mayor Marie Erlande Steril	(Yes)	(No) Away
Councilperson Michael R. Blynn, Esq.	X (Yes)	(No)
Councilperson Scott Galvin	X (Yes)	(No)
Councilperson Jean R. Marcellus	(Yes)	(No) Absent

EXHIBIT A

NORTH MIAMI
HOUSING AND DEVELOPMENT AUTHORITY

BYLAWS

I. THE AUTHORITY.

Section 1. NAME OF AUTHORITY. The name of the Authority shall be the North Miami Housing and Development Authority (the "Authority").

Section 2. SEAL OF THE AUTHORITY. The seal of the Authority shall be in the form of a circle and shall have inscribed around the circumference thereof the words "North Miami Housing and Development Authority" and in the center thereof, "Established 2002".

Section 3. PURPOSE OF THE AUTHORITY. The general purpose of the Authority is to maintain, preserve and provide safe, decent, sanitary and affordable housing for low income families, through the reorganizing, alteration, reconstruction and/or redevelopment of areas in which unsanitary and unsafe conditions exist, and all other purposes as are described below, or may hereafter be set forth by the Authority:

a) Create partnerships, maximize resources and find new tools to develop, preserve and provide affordable housing.

b) Encourage investment by private enterprise and the stimulation of construction and redevelopment of housing through the use of public financing and "public-private" partnerships.

Section 4. OFFICE OF THE AUTHORITY. The office of the Authority shall be situated within the administrative offices of the City of North Miami (the "City"), in Miami-Dade County, Florida. However, the Authority may hold meetings at such other place as it may from time to time designate by resolution.

II. BOARD OF COMMISSIONERS.

Section 1. NUMBER OF COMMISSIONERS. The Authority shall consist of no fewer than five (5) Commissioners, and no more than seven (7) Commissioners (collectively referred to as the "Board"), in accordance with Section 421.05, Florida Statutes.

Section 2. POWERS. The powers of the Authority granted under Chapter 421, Part I, Florida Statutes, shall be vested in the Board.

Section 3. APPOINTMENTS AND QUALIFICATIONS. Each Commissioner shall be appointed by the Mayor with the approval of the City Council. No Commissioner may be an elected official or employee of the City.

Section 4. **TENANT COMMISSIONER**. Pursuant to Section 421.05(1), Florida Statutes, at least one (1) of the Commissioners appointed shall be a resident who is directly assisted by the Authority. No tenant-Commissioner shall be appointed until ten (10) percent of the units in the first project of the Authority have been occupied. In the event the tenant-Commissioner's assistance by the Authority ceases during his or her term, the tenant-Commissioner's term shall terminate and another person who is assisted by the Authority shall be appointed for the unexpired portion of the term. If after all reasonable efforts have been made and documented, no person is available to serve as a tenant-Commissioner, the existing vacancy may then be filled as a regular appointment to the Board.

Section 5. **TERM**. Three of the Commissioners who are first appointed shall be designated to serve for terms of one (1), two (2), and three (3) years respectively. The remaining Commissioners shall be designated to serve for terms of four (4) years each, from the date of their appointment. Thereafter, each Commissioner shall be appointed for a term of office of four (4) years, except that a vacancy shall be filled for the unexpired term by an appointment by the Mayor with the approval of the City Council, within sixty (60) days after such vacancy occurs.

Section 6. **UNEXCUSED ABSENCES**. A Commissioner who has four (4) unexcused absences from four (4) regularly scheduled meetings during any fiscal year shall be removed from the Board by the other Commissioners. The vacancy created upon any such a removal shall be treated as a resignation of the Commissioner.

Section 7. **COMPENSATION**. A Commissioner shall receive no compensation for his or her services but shall be entitled to the necessary expenses including travel expenses, incurred in the discharge of his or her duties.

III. OFFICERS.

Section 1. **OFFICERS**. The Board shall include the following officers: Chair, Vice Chair and a Secretary, who shall be the Executive Director (collectively the "Officers"). The Board may also obtain technical experts, and such other officers, agents and employees, permanent and temporary, as it may require and shall determine their qualifications, duties, and compensation.

Section 2. **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, deeds, and other instruments made by the Authority. At each meeting the Chair shall submit such recommendations and information as he or she may consider proper concerning the business, affairs, and policies of the Authority.

Section 3. **VICE CHAIR**. The Vice Chair shall perform the duties of the Chair in the absence or incapacity of the Chair or upon delegation by the Chair. In the event of the removal, resignation or death of the Chair, the Vice Chair shall perform such duties as are imposed on the Chair until such time as the Board selects a new Chair.

Section 4. SECRETARY. The Executive Director of the Authority shall serve as Secretary of the Board. The Secretary shall keep the records of the Authority, shall act as 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 proceedings to be kept for such purpose, and shall perform all duties incident to said office. The Secretary shall keep in safe custody the seal of the Authority and shall have power to affix such seal to all contracts and instruments authorized to be executed by the Authority. The Secretary shall be appointed by the City Manager.

a) The Secretary shall be the Treasurer of the Authority, and as 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 as the Authority may select. The Secretary shall sign all orders and checks for the payment of money and shall pay out and disburse such monies under the direction of the Authority. Except otherwise authorized by Resolution of the Authority, all such orders and checks shall be countersigned by the Chair, or by another designated Commissioner.

b) The Secretary shall keep regular books of accounts, showing receipts and expenditures, and shall render to the Authority, at each regular meeting when requested, an account of the Secretary's transactions and also of the financial condition of the Authority. The Secretary shall issue post bonds for the faithful performance all duties, as the Authority may determine.

c) In the event the position of Secretary is vacant, the City Manager may appoint a temporary appointee. No Commissioner of the Authority shall be eligible.

d) The Secretary shall be a non-voting Officer of the Authority and shall not be counted as part of the quorum requirement.

Section 5. EXECUTIVE DIRECTOR. The Executive Director of the Authority shall have general supervision over the administration of the business and affairs of the Authority, subject to the direction of the Board. The Executive Director shall be charged with the management of the housing Programs of the Authority. The Executive Director shall be appointed by the City Manager and serve as the Secretary of the Authority.

a) Regarding the budgeting and accounting system of the Authority, the Mayor and City Council shall adopt a resolution providing the budgeting and accounting systems of the Authority, as an integral part of the budgeting and accounting systems of the City government.

b) The compensation of the Executive Director shall be determined by the City Manager.

c) The Executive Director shall be a non-voting Officer of the Authority and shall not be counted as part of the quorum requirement.

Section 6. **ADDITIONAL DUTIES**. The Officers 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. **ELECTION OR APPOINTMENT**. The Chair and Vice Chair shall be elected at the Annual Meeting of the Authority from among the members of the Board, and shall hold offices for one (1) year or until their successors are elected and qualified.

Section 8. **VACANCIES**. Should the office of Chair or Vice Chair become vacant, the Board shall elect a successor from its membership at the next regular meeting, and such election shall be for the unexpired term of said office.

Section 9. **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 under applicable laws of the State of Florida, as amended form time to time. The selection and compensation of such personnel shall be determined by the Authority in accordance with the Authority's Personnel Policy and upon recommendation of the Executive Director.

IV. MEETINGS.

Section 1. **ANNUAL MEETING**. The Annual Meeting of the Authority shall be held with notice on the fourth Monday of July at 6:00 p.m., at the designated meeting place of the Authority or at such time and date as established by the Authority. In the event such a date falls on a legal holiday, the annual meeting shall be held on the next succeeding business day. The annual meeting shall be held at the office of the Authority unless another location is designated by the Board.

Section 2. **REGULAR MEETINGS**. Monthly meetings shall be held with notice at the designated meeting place of the Authority, on the fourth Monday of each month, at 6:00 p.m., or at such time and date as established by the Authority. In the event such a date falls on a legal holiday, the meeting shall be held on the next succeeding business day. The regular meetings shall be held at the office of the Authority unless another location is designated by the Board.

Section 3. **SPECIAL MEETINGS**. The Chair or the Executive Director, when deemed necessary shall, upon the written request of two (2) Board members, shall 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 via phone call or electronic mail or may be mailed to the business or home address of each member so that it is received at least two (2) days prior to the date of such special meeting.

Section 4. **QUORUM**. At all meetings of the Authority, a majority of the members of the Authority shall constitute a quorum for the purpose of transacting business. No business of the Authority may be conducted without a quorum. Action may be taken by the Authority upon a vote of a majority of the Commissioners present.

Section 5. **ORDER OF BUSINESS**. At all meetings of the Authority, the following shall be the order of business:

a) Pledge of Allegiance

b) Roll Call

c) Reading and approval of minutes of the previous meeting

d) Modifications to the Agenda

e) Old or unfinished business

f) New business

(1) Items of business shall be specified

(i) Last item under new business shall be recognition of persons wishing to address the Board

g) Written Communications

h) Executive Director's report

i) Reports of Board Committees

j) Announcements by Commissioners

k) Adjournment

Section 6. **RESOLUTIONS**. All resolutions of the Board shall be in writing and shall be copied in a journal of the proceedings of the Authority.

Section 7. **AGENDA**. The Executive Director shall cause an Agenda of items of business, in conformity with this rule, to be prepared and distributed to Commission members no later than the Thursday preceding each meeting of the Authority. The Board, by majority vote, may alter the foregoing order of business pursuant to Modifications to the Agenda during any meeting. However, action by the Board on any item not on the meeting Agenda shall only be taken if a finding can be made that an emergency exists, or if the need to take action arose after the posting of the Agenda.

Section 8. **MANNER OF VOTING**. Voting on all questions coming before the Authority shall be by voice vote or by roll call of the Board members present, and the yeas and nays shall be entered upon the minutes of such meetings, except in the case of elections, or at any time upon request of the Chair, when the vote may be either by hand or ballot.

Section 9. **RATIFICATION**. An action or instrument of the Authority shall not be invalid for lack of authorization if the action is ratified by the Board at a subsequent meeting or by action in accordance with these Bylaws.

Section 10. **PARLIAMENTARY AUTHORITY**. The rules contained in the current edition of Robert's Rules of Order shall govern the Authority in all cases in which they are applicable and in which they are not inconsistent with these Bylaws and any special rules that the Authority may adopt by majority of votes.

Section 11. **PARTICIPATION BY CONFERENCE CALL**. If the Authority holds an official meeting by use of conference telephone or other electronic means, the Authority shall provide a location and means whereby members of the public may listen to the meeting and notice of the meeting required by law shall specify that location.

V. REGISTERED AGENT.

Section 1. **RESIDENT AGENT**. The Authority shall maintain an office in Florida with a Registered Agent on who notice and process may be served. The Registered Agent may be an individual or corporation.

VI. AMENDMENTS.

Section 1. **AMENDMENTS TO BYLAWS**. The Bylaws of the Authority shall be amended only by the affirmative vote of at least four (4) of the Board members of the Authority, at a regular or special meeting. No such amendment shall be adopted without written notice to all Commissioners, at least seven (7) days prior to the meeting.