

HATC RESIDENT COUNCIL BYLAWS

BYLAWS FOR THE RESIDENT COUNCIL OF

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ARTICLE I. – NAME OF ORGANIZATION

The name of the organization is the Housing Authority of Travis County (HATC) Resident Council (hereinafter referred to as the "Council"). It is an organization constituted and established under the laws of the State of Texas.

ARTICLE II. – PURPOSE AND GENERAL RESPONSIBILITIES OF COUNCIL

The purpose of the Council is to improve the quality of life for the HATC residents.

The Council agrees to the following responsibilities:

- 1) Receive official recognition from the HATC and HUD as a Council pursuant to HUD regulations;
- 2) Act as a liaison between HATC and residents of the designated development;
- 3) Cooperate with other Councils under HATC's jurisdiction in representing the interests of all residents in the capacity of liaison; and
- 4) Provide and promote resident participation in training programs that support HATC's community development and housing operations initiatives such as workforce development, dropout prevention, social services, health and wellness and others as applicable.

Memorandum of Understanding: The Council and HATC shall both sign the Resident Council Memorandum of Understanding (MOU). The MOU sets forth cooperative means of determining goals and processes for achieving those goals.

Additionally the MOU outlines financial responsibilities, including resident/tenant participation funds. The MOU shall be reviewed at least every three years (24 CFR 964.18(a) (10)). The term of the MOU is three years.

ARTICLE III. – PARTICIPATION OF MEMBERS

Resident participation is crucial to the success of the Council. The Council Board agrees to actively recruit new members.

Membership: Membership in the Council shall include all residents at least eighteen years of age whose names appear on the lease of a unit in the public housing development(s) represented by the Council.

ARTICLE IV. – RESIDENT COUNCIL BOARD

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The Council Board has the responsibility to manage the day-to-day affairs of the Council, to conduct its business, to execute agreements which have been approved by the Council and by HATC and to consult with and inform the residents.

The Board shall be the liaison between the residents and HATC regarding Council issues. The Board will determine the appropriate agenda for meetings of the Council and provide minutes and the sign in sheet to HATC at least thirty days after the meeting date.

The Board President and Board Vice President shall participate as members and vote on issues of the HATC Citywide Advisory Board. If the Board President and Board Vice President are unavailable to attend the HATC Citywide Advisory Board meeting, another Board member may substitute in their place.

Size and Consistency of the Board: The Board shall consist of a President, Vice President, Secretary, Treasurer and one Board member. Up to four additional members may serve, if deemed necessary by the Board.

Eligibility for the Board: Residents must be:

- 1) at least eighteen years of age;
- 2) on the lease for a unit in the development(s) served by the Council;
- 3) tenant of the development served by the Council for a period of no less than six (6) months;
- 4) must be in good standing with the lease.

Term of Office: Board Members shall be elected every three (3) years. No Board member shall serve more than two (2) consecutive terms for any office. The resident may serve on the Board again after a one (1) year absence from the Board.

Leave of Absence: Board members requiring a leave from Board membership must request a leave of absence in writing which shall be subject to Board approval.

Resignation: Board members may resign at any time after delivering written resignation to the Board President. If the Board President resigns, written notice shall be given to any remaining Board member. If at any time a Board member moves out of the development served by the Council, such action shall amount to a resignation by that Board member.

Vacancies: Whenever the number of Board members shall, for any reason, be less than five (5), a resident will be appointed by the Board to fill the vacancy or vacancies for the remainder of the term of office (not including the President). The Board must vote on each appointment.

To the extent feasible, all appointments to fill vacancies on the Board should be completed before the next Resident Council meeting. The Vice President shall serve the remaining term of the President's term if the President's position is vacated. Vacancies may only be filled by persons eligible under eligibility requirements included in Article IV.

ARTICLE V. – BOARD MEMBER ROLES

Following is a list of Board member titles and qualifications:

President: The Board President shall preside at all meetings of the Council, including special meetings, and shall have such other powers and duties consistent with these Bylaws. The President shall represent the membership at the meetings of the Citywide Advisory Board.

Vice President: The Vice President shall perform all duties in the absence of the President and shall succeed the President and complete the President's term in the event the President is unable to complete the term of office. The Vice President shall represent the membership at the meetings of the Citywide Advisory Board.

Secretary: The Secretary shall be the custodian of all records and documents of the Council and perform all other duties consistent with these Bylaws.

Treasurer: The Treasurer shall have the care of, receive and give receipt for monies due and payable to the Council and deposit all monies received by him/her in the name of the Council to HATC.

ARTICLE VI. – MEETINGS

General Procedures for All Meeting: Meetings are the most important means of conducting the business of the Council. Meetings should provide the members an opportunity to understand the activities of the Council and the basis for decision making.

NOTICES

Scheduled Council Meetings: Notice of all regular Council meetings, shall be posted by the Board and to include an agenda of the meeting. The agenda shall be posted at the Property Manager's office at least three (3) days in advance of meeting.

Special Meetings: Notice of all special meetings, shall be posted by the Board and shall include an agenda. The agenda shall be posted at the Property Manager's office at least twenty four (24) hours prior to the meeting.

Board Meetings: Notice of all Board meetings shall be posted by the Board and include an agenda. The agenda shall be posted at the Property Manager's office at least three (3) days prior to the meeting.

Content for Agendas: Agendas shall state the purpose, the time and the place of the meeting and by whose order it was called. For all meetings, copies of agendas must be given to each Board member at least three (3) days prior to the meeting.

Place and Time of Meetings: Meetings shall be held at such place and time as specified in the agenda. All Council related meetings shall take place at the designated development, unless otherwise approved by the Property Manager.

Quorum: At any Council meeting, the number of residents present must be equal to or greater than 10% of the total number of units at the designated development to have a quorum.

Voting by Council members: Each Council member present shall be entitled to cast one vote on any subject for which a determination is presented for consideration.

Approving Motions: Items shall be approved by the voting body with a simple majority of 51% of the total attendees.

Recording Attendance: Each time a member of the Board appears at a Resident Council meeting, Board meeting or special meeting, a record of the presence of that Board member shall be placed in the minutes of the meeting. The Board must also keep a record of all those attending every Board related meeting on a sign in sheet.

Board Member Absences: Any Board member who misses three (3) consecutive meetings of the Council, without an excuse satisfactory to the remaining Board members, may be removed by the affirmative votes of a majority of the Board members present at a Council meeting.

Written notice shall be given by the Board to such member about the proposed removal within seventy (72) hours prior to the scheduled meeting and shall be posted on the agenda.

RESIDENT COUNCIL MEETINGS:

Frequency: Regular Council meetings shall be held at least once a month and shall be open to all residents.

SPECIAL MEETINGS:

The Board President, or a majority of the Board members, may at any time call a special meeting, provided they follow notification procedures as stated in these Bylaws.

BOARD MEETINGS:

Regular planning meetings of the Council Board shall be held at least once a month. Notice of every Board meeting must follow notification procedures as stated in these Bylaws.

ARTICLE VII. – NOMINATIONS

The HATC Property Manager will recruit for a Nominating Committee. The Nominating Committee shall consist of at least three (3) to no more than five (5) resident volunteers who are not seeking any Council office (no member of the Nominating Committee may be nominated for office).

The volunteers for the Nominating Committee must be eighteen years of age or older and be eligible residents in good standing (not on probation) with HATC. In the event more than five (5) residents volunteer to participate on the Nominating Committee, HATC will appoint residents of the Nominating Committee from the list of volunteers based on length of residency within a HATC public housing development.

TIMELINE FOR NOMINATIONS:

- 1) The HATC Property Manager shall post the notice to recruit volunteers for the Nominating Committee.
- 2) The HATC Property Manager shall post these Bylaws. Copies shall be made available to residents upon request.
- 3) The Nominating Committee shall be selected within ten (10) days of posting.
- 4) The Nominating Committee shall post notice, distribute flyers and distribute nomination forms door-to-door. This shall all be completed within seven (7) days of the Nominating Committee being formed.
- 5) The HATC Property Manager will receive nominations during scheduled business hours.
- 6) The nominations shall be reviewed by the Nominating Committee and the results shall be posted at the Property Manager's office within seven (7) days of the nominations being received.

(Posting shall be placed at the Property Manager's office.)

The Nominating Committee and a witness, who did not take part in the nomination process, will count the nominations.

The HATC Property Manager will ensure that the proposed nominees meet the minimum requirements to be a Board member, as included in Article IV of these Bylaws.

The HATC Property Manager will contact nominees to determine if they will accept the nomination.

ARTICLE VIII. – ELECTIONS

Democratic elections of Council members are an important responsibility. All elections must be conducted in accordance with HUD guidelines (24 CFR, Part 964) and these Bylaws. In order to recognize any Council Board, HATC must certify the election. The following are guidelines for the election of new Council Board members. They incorporate the requirements of 24CFR, Part 964.

Third-Party Oversight: An independent third party may be used to oversee the election procedures.

Frequency: All procedures must assure fair and frequent elections. These elections will be held at least once every three (3) years.

Notice: Sufficient notice, of at least thirty (30) days, shall be provided to the voting residents prior to the date of the election.

TIMELINE FOR ELECTIONS:

- 1) The HATC Property Manager will post information about the elections two business (2) days after the nominations are posted.
- 2) The HATC Property Manager will oversee the Elections. The elections are held thirty (30) days after information about the elections are posted. (Must be on a work day.)
- 3) The HATC Property Manager will count the ballots and will certify the election. Results will be posted at the Property Manager's office within one (1) business day of election.

The right to vote for the Board is limited to residents who are 18 years of age or older and whose name is on the lease of the unit at the designated development.

An additional HATC staff member who does not work at that property will be present to act as a third party to the election.

If a Council wants to pay for a second party who is not a HATC staff member, the Council may vote to expend resident participation and for a second party. If no Council is in place to make this decision, HATC will proceed with conducting the election and may consult with a third party to assist with the election process.

Elections will be conducted by written ballot.

The HATC Property Manager will have a list of development residents 18 years of age or older and will check-off each resident's name as they vote. Identification may be required.

ARTICLE IX – RECALL OF BOARD MEMBERS

A Board member may be recalled because of:

- 1) Irregularities with the election procedures;
- 2) Absenteeism (*according to Article VI., Board Member absences*);
- 3) Resident petition;
- 4) Probationary Standing (*as defined below*); or
- 5) Malfeasance.

The requirements for a recall are:

Resident Council Bylaws

- 1) A report including the reasons the recall must be provided, including proof, to the HATC Property Manager; and
- 2) HATC may consult with a third party to oversee recall procedures.

Additional requirements for resident petitions:

- 1) The petition must have a minimum of 40% of the total resident population at the development that is eligible to vote.

Definition of probationary standing:

- 1) When a resident has been placed on probation, as defined in the resident lease agreement.

Any recall vote shall be conducted according to the provisions of these Bylaws regarding elections.

Any Board member who has been recalled for absenteeism and/or malfeasance shall not be eligible for office again for a period of at least three (3) years.

If the person or committee requesting the recall is not satisfied with HATC's decision, the person or committee shall follow the grievance procedure as outlined in HATC's Policies and Procedures.

If the Board member who is recalled is not satisfied with HATC's decision, they shall follow the grievance procedure as outlined in HATC's Policies and Procedures.

ARTICLE X. – BOARD COMMITTEES

There shall be such Board Committees as the Council Board may from time to time determine to be desirable. Committees shall initially be appointed by the Board President with advice and consent of the Board members. There are two types of committees which typically serve an organization.

Standing Committee: The Standing Committee must be chaired by a voting member of the Council and meet on an ongoing basis. Examples of standing committees are Executive Committee, Resident Watch Committee, Welcome Committee, Laundry Facility Oversight Committee, Beautification/Garden Committee, Recreation Committee, Youth Activities Committee, Elderly and Disabled Activities Committee, Spiritual Uplift Committee, Training and Employment Committee, etc.

Ad Hoc Committee: The Ad Hoc Committee serves a special purpose and meets for a limited period of time. Examples of ad hoc committees may include Graduation Committee, Disaster Victim Assistance Committee, Sick and Shut-In Help Committee, College Scholarship Committee.

ARTICLE XI. – FISCAL AFFAIRS

Deposit of Funds: All funds of the Council, not otherwise expended, shall be promptly forwarded to the HATC Property Manager to be deposited in the Council account held at HATC.

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This account will be in banks, trust companies, credit unions or other reliable and insured depositories as HATC shall determine.

Loans: No loans or advances or promises of payment agreements shall be contracted or accepted on behalf of, or in the name of the Council, except those contracts authorized by HATC.

Contracts: No Council member shall enter into any legal contracts without the signature of the HATC Contracting Officer, the Executive Director of HATC.

The process of requesting Resident Participation funds is as follows:

- 1) Council members must vote with a quorum at a Council meeting and submit a request with a copy of the minutes to the HATC Property Manager. The minutes must be accompanied by a sign-in sheet and must specify:
 - a. the amount and purpose of the expenditure; and
 - b. the number of people who voted for and against the expenditure.
- 2) The Council may vote on a Council budget for the entire year. The minutes and the sign in sheet from that meeting will be acceptable as documentation for each subsequent check request submitted.
- 3) Requests for \$50 or less may be made without vote of the Council and copies of the minutes.
- 4) If there is a reoccurring expense for the same item or event, the Council must vote on that reoccurring item or event even if that item costs \$50 or less for each occurrence.
- 5) According to HUD'S PIH Notice 2001-3, resident/tenant participation funds can be used for such activities as those to inform, acquaint, advise, promote and update residents concerning the issues and/or operations that affect resident households and their living environment.
- 6) Minimal refreshment costs directly related to resident meetings for the activities discussed above are eligible uses of resident participation funds.
- 7) All Council's must follow HATC Procurement Policy.
- 8) The Council Board will permit HATC to inspect and audit the Council's financial records.

ARTICLE XII. – SUPPORTING HATC INITIATIVES

The Council will promote participation by adults and youth in programs for the betterment of the community. These include: workforce development, youth programming, supportive services programs, community revitalization programming, counseling, any applicable HUD-funded grants and other programs that lead to self-sufficiency. HATC will advise all residents on the progress of these activities. The Council Board will provide time during each Resident Council meeting for HATC staff to report.

ARTICLE XIII. – REPORTING AND MONITORING

The Board will provide the HATC Property Manager with copies of all agendas at least two (2) days prior to any Resident Council initiated meeting.

The Board will provide the HATC Property Manager with copies of sign-in sheets and minutes to all Council related meetings and activities.

HATC shall monitor all activities of the Council, including the election process. HATC shall establish a procedure to appeal any adverse decision relating to failure to conform to HUD's minimum standards. Such appeal shall be submitted to a jointly selected third-party arbitrator at the local level, pursuant to 24 CFR 964.130. If costs are incurred by using a third party arbitrator, any costs associated should be covered by HATC's resident/tenant participation funds pursuant to 24 CFR 964.150.

ARTICLE XIV. – USE OF HATC SPACE

As soon as a date and time are established for a meeting or event, the Board must notify the HATC Property Manager. The HATC Property Manager will ensure that the meeting/event is placed on the site calendar. Due to potential scheduling conflicts, notice should be provided at least one (1) week in advance.

The Council Board will sign and follow HATC's Space Use Agreement.

HATC will issue a key for use of the community room to the Council President and the President will sign the HATC Key Agreement.

HATC, if requested and if space is available, will provide the duly elected Council Board office space and meeting space for the entire Council, free of charge. If there is no community or rental space available, a request to approve a vacant unit for this non-dwelling use will be considered.

HATC, if requested, will negotiate on the use of the community space at the development for Council led meetings, recreational activities, social services and other resident participation activities pursuant to HUD guidelines. Such agreements will be put into a written document to be signed by HATC's Executive Director and the Board President. If HATC fails to negotiate with the Council in good faith or, after negotiations, refuses to permit such usage of the community space, the Board may file an informal appeal on behalf of the Council with HUD.

ARTICLE XV. – ADOPTION OF BYLAWS

These Bylaws of the Council shall become effective and the Council shall be established upon the signing of these Bylaws and the Resident Council Memorandum of Understanding by the undersigned Council Board.

It is important to note that all the persons authorized on the Council Board to approve this document should be signers of it.

ARTICLE XVI. – TERMINATION

Resident Council Bylaws

These Bylaws will expire three (3) years from the date the Executive Director signs the document. These Bylaws may be terminated at any time by mutual agreement of the Resident Council and HATC. Termination must be completed in writing.

ARTICLE XVII . – CONSISTENCY WITH HUD REGULATIONS

To the extent that any provision in these Bylaws is held to be contrary, inconsistent with, or in violation of regulations of the Housing and Urban Development, the Housing and Urban Development regulations shall apply.

SIGNATURES:

President Date

Member, Board of Directors Date

Vice President Date

Member, Board of Directors Date

Secretary Date

Member, Board of Directors Date

Treasurer Date

Member, Board of Directors Date

HATC Executive Director Date