

Pike County Housing Authority
By-Lawsⁱ

The by-laws are the rules that govern the operations of the commission and describe the authority given to each officer and commissioner. It is normally broken down into four parts or Articles:

Article I – The Purpose and Administration

Article II – The Officers and Commissioners

Article III – The Meetings

Article IV – Other Provisions necessary for the Commission’s operation

In addition to the by-laws is the addendum. The addendum has been added to the proposed by-laws to cover important rules of the commission concerning ethics. Through the addendum the commission can establish important governing actions that are not normally written in the context of the by-laws. They have been added because of the importance of ethics to the individual commissioner and the operation of the corporation.

The following example of a by-law is provided for the purpose of helping establish clear policy for the operation of the commission. It is important to make sure that every new commissioner is given a copy of the by-laws when they attend their first meeting. The chairperson is responsible for reviewing it with them. The commission will review the by-laws semi-annually, at the June and December meetings, in order to re-familiarize everyone with the rules.

By-laws are the most forgotten document of every commission. Some commissioners, indeed most commissioners, have never read their by-laws. This is because the by-laws are not very well written, or may contradict what the commission is currently doing, or is just considered an unnecessary chore, thus, people tend to ignore it. I propose and challenge each commissioner to make sure that the by-laws are a living and working document that makes sense.

The question is that is usually asked is “How does the commission function?” The simple answer is that the way the commission functions is handed down from one commissioner to another. Everyone thinks they know the rules but they really do not. Please take a few minutes to read and understand them, especially the addendum which talked about ethics.

Pike County
Housing Authority

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Article I – The Purpose and Administration

Section 1 – Purpose

The purpose of the Housing Authority, herein referred to as the corporation, is to promote and protect the health, safety, and welfare of the public within its jurisdiction. The commission has all powers necessary or appropriate in order that it may engage in low-rent housing and slum clearance projects, and provide rental assistance, and undertake land assembly, clearance, rehabilitation, development, and redevelopment projects as will tend to relieve the shortage of decent, safe, affordable, and sanitary dwellings; and that the powers conferred upon the commission include the power to acquire and dispose of improved or unimproved property, to remove unsanitary or substandard conditions, to construct and operate housing accommodations, to regulate the maintenance of housing projects and to borrow, expend, loan, invest, and repay monies for the purpose herein set forth are public objects and governmental functions essential to the public interest. The corporation may take any action or enter into any contract that it deems necessary to enhance and promote this end.

Section 2 – The Office of the Commission

The office of the corporation shall be at 838 Mason St. in Barry, Illinois. All meetings shall be held at the office, unless the commission approves, in advance, at another location.

Article II – The Officers and Commissioners

The commissioners, meeting in an officially authorized session, shall constitute the corporation. All majority votes of the commissioners present, at a commission meeting where there is determined to be a quorum shall be final. The officers of the corporation shall be the Chairperson and Vice-Chairperson and Secretary/Treasurer.

Section 2a – Chairperson – Duties (Position Description)

The chairperson shall preside at all meetings of the commission, except where a commissioner is appointed as chair of a subcommittee, and shall be responsible for assuring these terms and conditions of the by-laws and addenda are carried out. The chairperson shall have the responsibility of working with the Executive Director, herein referred to as the Manager, to ensure that the agenda is established and mailed out on a timely basis to the other commissioners for each regular and special meeting. The chairperson shall enforce the corporation's approved rules of governance in all cases. The chairperson shall see that all actions taken by the commission at meetings adhere to appropriate state laws, specifically, Chapter 310, Act 10 – The Housing Authority Act, 5ILCS 120 Public – Open Meeting Act, 5ILCS 140 – Freedom of Information Act, and 5ILCS 428 – State Gift Ban Act, to the best of their knowledge. The chairperson shall submit all recommendations and information deemed necessary concerning the business affairs and policies of the corporation at each meeting. While these responsibilities may be delegated to staff, the chairperson has oversight responsibility to see that all obligations are met.

Section 2b – Vice-Chairperson

The vice-chairperson performs all duties of the chairperson in his/her absence. All other duties and responsibilities of the vice-chairperson shall, at the discretion of the chairperson, be that of a commissioner on

the commission. In the case of the resignation or death of the chairperson, the vice-chairperson will become the chairperson to fill out the chairperson's term with all the duties stated under Section 2a of this Article. In the case of a long-term absence of vacancy by the chairperson, and with a resolution by the commission, the vice-chairperson may assume the chairperson's duties until the chairperson is able to return to duty or is no longer able to serve.

Section 2c – Secretary/Treasurer/Director

The secretary/treasurer shall be responsible for all reports to the commission by the organization and assure they are timely and complete. The secretary/treasurer shall see that minutes, resolutions, and policies of the commission in bound booklets.

Section 2d – Commissioner – Duties (Position Description)

The commissioner upholds these by-laws and all policies approved by the commission. The commissioner is responsible for attending all meetings. The commissioner acts as a commissioner only during officially sanctioned meetings. All other activities of a commissioner relating to the corporation must be approved by the full commission and be coordinated through the manager. The commissioner shall assure that the policies of the commission are final, implemented and supports the commission's action. The commissioner will receive his/her information from reports issued by the manager to the commissioners at a commission meeting.

Section 2e – The Commission's Responsibility

The commission shall make sure that all scheduled meetings start on time and are fully attended. All commissioners must attend monthly meetings. No more than two consecutive meetings can be missed or said commissioner forfeits their position on the board. The commissioner shall establish, review and amend policies periodically to conform to Federal, State, or local laws that are required to continue the operation to the short and long range planning strategies and shall provide all service to the jurisdiction listed under the by-laws in Article I Section I – Purpose. The commission is responsible for establishing all policy for the corporation. The commission shall modify, amend, or create any new policies that it deems as necessary to assure the most efficient and effective program delivery is made by the corporation.

Section 2f – Other Commission Vacancies

When it appears that there will be a vacancy on the commission it is the responsibility of the Commissioners to seek new members for the commission. They will pass their nominee's name on to the Chairman who will compile a list of recommended names to the appointing official to fill the expired term of a commissioner or fill the vacancy of an expiring commissioner's term.

Section 2g – Term of the Chairperson and Vice-Chairperson

The internal nominated terms of the chairperson and vice-chairperson shall be for two years. The overall terms of all commissioners will be at the Pike County Board's recommendation.

Section 2h – Commissioner Training

Each new commissioner shall receive training within two years of his/her appointment. This may be from any national, statewide or local agency, private organizations, PCHA staff, or other organizations that the

commission may approve to give the training. It will be the chairperson's responsibility to see that the commissioner is formally trained.

Article III – The Meetings

Section 3a – Annual, Regular, or Committee meetings

All meetings shall be conducted as prescribed in these by-laws. The purpose of the meetings is to conduct the business of the corporation in an open forum as prescribed by these by-laws and appropriate State laws, where applicable.

Section 3b – Notice of Meetings

1. Public notice of the schedule of annual, regular, and committee meetings at the beginning of each calendar year or fiscal year and shall state the regular dates, times and places of such meetings. These schedules shall be prominently displayed in the main office.
2. At all special meetings or any rescheduled meeting, or any reconvened meeting, a 48-hour notice shall be given before the meeting that shall include the agenda for the meeting. Reconvened meeting rules do not apply where the meeting was open to the public and it is to be reconvened within 24 hours, or an announcement of the time and place of the reconvened meeting was made at the original meeting and there is no change in the agenda.
3. Notice of an emergency meeting shall be given as soon as practicable, but in any event prior to the holding of such meeting, to any news medium which has filed an annual request for notice.
4. Notification to news media shall be given either by the policy of the commission or at the written request of the new media per 5ILCS120 Public – Open Meeting Act.

Section 3c – Annual Meeting

The purpose of the annual meeting is to review the by-laws and all normal business of the commission, which may be conducted immediately after the review.

Section 3d – Regular Meeting

The purpose of the regular meeting is to conduct the business of the commission. To gather information, conduct business, and pass appropriate policy in an open forum.

Section 3e – Other Meetings

The purpose of other meetings (special, reconvened, or emergency) is to conduct the business of the commission where additional time or an emergency is declared by the chairperson or two or more commissioners shall call for a meeting to conduct informational meetings and pass policy. An agenda shall be made and once notification is made, no other item of business may be conducted.

Section 3f – Call to a Meeting

The annual and all regularly scheduled meetings of the commission shall be on the 3rd Thursday of every month at 3:00p.m., at the office or at such other place approved by the commission. A notice shall be made and displayed in all prominent places as required by State law giving the dates and times of such meetings. Should this time be affected by a holiday, a new date shall be established before the schedule is finalized.

Section 3g – Call to a Meeting – Other

The chairperson may call for a special, reconvened, rescheduled or emergency meeting at any time. Any two members of the commission may call for a meeting at any time. They will pass along their call for a meeting and an agenda to the chairperson who will schedule and notify the other commissioners and all appropriate persons of the meeting.

Section 3h – Quorum

The power of the commission shall be vested in the commissioners in a duly authorized call to a meeting. A quorum shall require at least three voting members of the commission to be present at the meeting. The chairperson shall determine a quorum for a subcommittee. All recommendations to the commission shall be by a majority of the persons present at the subcommittee meeting.

Section 3i – Operating Rules for Meetings

Robert’s Rules of Order shall be the guide for conduction of all meetings of the commission and its official subcommittees.

Section 3j – Voting

The voting on all questions coming before the commission shall be by roll call with the yeas and nays entered upon the minutes of the meeting.

Section 3k – Minutes

1. The recording of all open and closed meetings of the commission and its subcommittees shall be kept in accordance with applicable requirements. The minutes shall be written so as to minimally include:
 - A. The date, time, and place of the meeting.
 - B. The members of the public body recorded as either present or absent.
 - C. A general description of all matters proposed, discussed or decided.
 - D. A record of any votes taken.
2. The minutes of meetings open to the public shall be available for public inspection, upon 5ILCS 140 – Freedom of Information Act request, within seven days of the approval of such minutes by the commission.
3. Minutes of the meetings closed to the public shall be available only after the commission determines that it is no longer necessary to protect the public’s interest or the privacy of an individual by keeping them confidential.

4. The commission shall, semi-annually, at the annual meeting in June and regular meeting in December, meet to review the minutes of all closed sessions. At such meetings, a determination shall be made and reported in an open session that the need for confidentiality still exists as to all or part of those minutes or that the minutes or portions thereof no longer require confidential treatment and are available for public inspection, upon 5ILCS 140 – Freedom of Information Act request.
5. All meetings are recorded electronically.
6. A consent agenda consisting of the previous month’s minutes, occupancy reports, and financial reports shall be in place so as to speed up the meetings time frame. Any questions, concerns, recommendations, or changes of these items shall be noted in the monthly minutes.

Section 3I – Attendance

1. The commission shall be able to attend the meetings either in person or electronically.

Article IV – Other Provisions necessary for the Commission’s operation

Section 4a – Amending the by-laws

Amendments to the by-laws shall be made in a fully authorized meeting with a quorum present and voting to approve the amendment. All commissioners shall be given a copy of the amendment prior to the day they are to meet to discuss and/or pass the amendment.

Section 4b – Addenda to the by-laws

An addendum is attached to the by-laws and holds the full force and intent of the by-laws. All commission members, staff, and public are subject to these provisions.

Section 4c – Posting of the by-laws

These by-laws and addenda shall be available for inspection upon 5ILCS 140 – Freedom of Information Act request. They shall be included in all personnel or other staff and commission booklets in whole.

Section 4d – Semi-Annual review of the by-laws

The by-laws and addenda will be part of the commissioner’s package for the annual meeting in June and regular meeting in December. The review of such will be an agenda item for discussion at these meetings of the commissioners. The commission shall review the requirements of the by-laws and addenda.

Section 4e – Contracts for services and construction

All individuals or corporations doing business with the Housing Authority shall have a written contract signed and dated by the appropriate individual, pursuant to the approved procurement policy.

Addenda to the By-Laws

Section 1a – Conflict of Interest – The Commissioner

The purpose of this section is to eliminate the appearance of a conflict of interest by a commissioner or an employee.

1. No employee of the corporation shall be a family member of a commissioner or the appointing official. The exception to this will be if the family member is an employee before the commissioner or appointing official takes office. In this case the commissioner shall abstain from taking any action relating to the family member concerning personnel decisions of the employee.
2. No commissioner, appointing official, staff or their immediate family members will have any interest either financially or otherwise in any contract, programs or work with the corporation.
3. No commissioner, appointing official, or staff may ask any employee to perform work or other activities unless it is directly related to his/her duties during official work time, including overtime and compensatory time and has been approved by the manager.
4. No commissioner, appointing official, or staff may use vehicles, materials, tools, equipment or other items owned, leased, or rented by the corporation.
5. No commissioner may accept any gifts or other gratuities, in connection with his/her position, that would have a value of more than \$50 per year as described under 5ILCS428 – State Gift Ban Act.

Section 1b – Conduct of a Commissioner

The purpose of this section is to establish rules of conduct for the commissioner.

1. All commissioners are expected to attend every annual, special, emergency, and regularly scheduled commission meetings. The times and places of these commission meetings are published well in advance and the commissioner is expected to clear his/her calendar to attend these meetings.
2. If a commissioner misses more than two consecutive meetings or three meetings within a 12-month period without good cause, as approved by the commission, the commissioner is expected to take the action noted in Section 1d of this addendum.
3. No commissioner may discuss issues with the staff or residents without first advising the manager and getting permission from the commission, during a commission meeting, or with the approval of the commission by resolution. Failure to do this will result in the commissioner to take the action noted in Section 1d of this addendum.
4. The chairperson is the official spokesperson for the commission unless otherwise approved by the commission. No commissioner may, on his/her own, approach any outside organization without the chairperson or full commission's approval, by resolution. Failure to do this will result in the commissioner to take the action noted in Section 1d of this addendum.

Section 1c – Conflict of Interest – The Staff

The purpose of this section is to eliminate a conflict of interest, or the appearance of a conflict of interest, by a member of the staff or commission of the corporation.

1. A staff person cannot direct an employee to perform work that is NOT organizationally related. The individual giving such direction will be subject to those sanctions noted in section 1d of this addendum.
2. There shall be no more than two family members employed by the corporation at the same time. This would include, but not limited to, immediate family members as well as uncles, aunts, and cousins. If there are more than two at the time of the adoption of this addendum, those employees may be grandfathered in their position.
3. No employee will have any interest either financially, or otherwise, in any contracts or work with the corporation.
4. No employee of the corporation may perform work for anyone else while being paid by the corporation, during official time, including compensatory time and overtime.
5. Materials, tools, equipment or other items owned, leased, or rented by the corporation may only be used by an appropriately trained employee as required by his/her duties.
6. No employee may use materials, tools, equipment, or other items owned, leased, or rented by the corporation for personal use.

Section 1d – Sanctions

1. Commissioner – Any violation of the provisions of this addendum by a commissioner as found by the commission will require the commissioner to take the following action.
 - A. Resign his/her position immediately.
 - B. Notify in writing the appointing official that a replacement will be required immediately.
 - C. If the commissioner does not write the letter, or refuses, the commission chairman is authorized to write the letter to the appointing official asking for termination under the provisions of these by-laws, after a two thirds vote by the commission by resolution.
2. Employee – Any violation of the provisions of these by-laws by an employee will require a minimum three day suspension, without pay, for the first infraction, and termination for a second infraction.

ⁱ 12/20/18 Version