

ORDINANCE NO. 2020-103

A JOINT ORDINANCE OF THE CITY OF FALLS CITY, NEBRASKA AND THE CITY OF PAWNEE CITY, NEBRASKA, ESTABLISHING THE SOUTHEAST NEBRASKA HOUSING PARTNERSHIP, A REGIONAL HOUSING AGENCY PURSUANT TO SECTION 71-1581 NEB. REV. STAT.; ESTABLISHING PROCEDURES FOR THE APPOINTMENT AND REMOVAL OF THE COMMISSIONERS OF SUCH HOUSING AGENCY BY EACH MUNICIPALITY; SETTING CERTAIN PROCEDURES OF THE REGIONAL HOUSING AGENCY; PROVIDING FOR THE DISSOLUTION OF THE LOCAL HOUSING AGENCIES AND PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FALLS CITY, NEBRASKA AND THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, NEBRASKA:

Section 1. That there is a need for a regional housing agency to provide decent, safe and sanitary housing that is affordable to persons of low and moderate income residing in a mal-jurisdictional area and that this need will be more efficiently served by the establishment of a regional housing agency.

Section 2. Upon adoption of this Ordinance by both the City of Falls City, Nebraska and the City of Pawnee City, Nebraska, the regional housing agency shall be established and shall have perpetual existence unless dissolved in accordance with law.

Section 3. That the name of the Regional Housing Agency shall be the Southeast Nebraska Housing Partnership.

Section 4. The Southeast Nebraska Housing Partnership shall be governed by a Board of Commissioners. The initial board shall consist of 6 members. The Mayor of each City with the consent of the city council shall appoint three members to the commission. Two of each City's appointments shall be at large members and one appointment shall be a resident of a facility managed by the agency within the Municipality.

Section 5. Each Commissioner shall serve a 5-year term or until their successor is appointed except the initial commissioners shall be designated at the time of appointment to serve a 2,4- & 5-year term. If during any term a vacancy exists, the appointment shall be by the Mayor with approval of the City Council of the city who appointed the original commissioner and shall be for the unexpired term. The Mayor may appoint one (1) of members of the City Council to serve as one of the members of the commission. No person shall serve as a Commissioner unless he/she resides within the Municipality, appointing them. A certificate of the appointment or reappointment of any Commissioner shall be filed with the City Clerk, and such certificate shall be conclusive evidence of the proper appointment of such Commissioner. The Commissioner shall receive no compensation of his/her services, but he/she shall be entitled to the necessary expenses including travel expense, incurred discharge of his/ her duties as provided by Section 81-1174 thru 81-1177, R.R.S. A majority of Commissioners shall constitute a quorum of the

Agency for the purpose of conducting its business, exercising its powers, and for all other purposes. Action may be taken by the Agency upon the vote of the majority of the Commissioners present and voting. The Commissioners shall elect a Chairperson and Vice-Chairperson from among the Commissioners and shall have the power to employ an executive director who shall serve as ex-official secretary of the Agency. The Agency may also employ legal counsel for such services as it may require. It may employ accountants, appraisers, technical experts and such other officers, agents and employees as it may require and shall determine their qualifications, duties, compensations and terms of office. The Agency may delegate such other powers and duties to its agents or employees, as it may deem proper. During his/her tenure and for one year thereafter, no Commissioner, officer or employee of the Housing agency shall voluntarily acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project, or in any contract or proposed contract related to any housing project. If any such commissioner, officer or employee involuntarily acquires any such interest, or voluntarily or involuntarily acquired any such interest prior to appointment or employment as commissioner, officer or employee, he/she shall immediately disclose his/her interest in writing to the Agency, and such disclosure shall be entered upon the minutes of the Agency, and he/she shall not participate in any action by the Agency relating to the property or contract in which he/she has any such interest. Any violation of the provisions of this section shall constitute misconduct in office. This prohibition shall not apply to the acquisition of any interest in notes or bonds of the Agency issued in connection with any housing project or to the execution of the agreements by banking institutions for deposit or handling of funds in connection with a project or to act as Trustee under any Trust indenture, or utility services, the rates for which are fixed or controlled by a governmental agency. This section shall not be constructed to preclude, regulate or restrict the participation of any tenant of the Agency from serving, if appointed, as a commissioner of such authority, but he/she may not participate in any decision solely affecting his/her individual interest.

Section 6. One Commissioner appointed by each Municipality to be known as the Resident Commissioner, shall be appointed to the Commission by the Mayor subject to confirmation or denial by the council. To select the initial Resident Commissioner, or to fill subsequent vacancies in the position, the Housing Agency shall notify any Resident Advisory Board or other Resident Organization and all adult persons directly assisted by such Agency, to the effect that the position of Resident Commissioner is open and that if any such person is interested in being considered as a candidate for the position, such person should notify the Housing Agency, in writing, within 30 days of the person's willingness to be considered and to serve as Resident Commissioner. The names of all persons interested who have notified the Housing Agency of their interest in so serving shall be forwarded to the Mayor and the Resident Commissioner shall be appointed from the list of names, subject to confirmation by the council. Upon the appointment of a Resident Commissioner, the Certificate of Appointment shall state the term is for five (5) years or when no longer an eligible resident whichever occurs first. In the event that no qualified person has submitted his or her name to the Housing Agency as being interested as a candidate for the position, the Housing Agency has received no notifications of interest in serving as a Resident Commissioner by any person, no Resident Commissioner shall be required to be selected. In the event a Resident Commissioner is appointed and resigns from the position

prior to completion of the appointed term, or is no longer an eligible resident, or is otherwise disqualified or removed from the Board, and a vacancy is create, the Housing Agency shall solicit new candidate(s) for the position following the same procedure set forth above, In the event that no Resident Commissioner is selected and the position is unfilled, the Agency shall renotify all adult persons directly assisted by the Agency that the position of Resident Commissioner is open and solicit these persons for candidates for the position not lets than once annually.

Section 7. The Mayor of each City may remove a Commissioner which they have appointed for neglect of duty, misconduct in office, or conviction of any felony, in the manner prescribed hereinafter. The Mayor shall send a notice of removal to such Commissioner, which shall set forth the charges against him/her. Unless within the ten (10) days from the receipt of such notice, the Commissioner files with the Clerk a request for a hearing before the Council, the Commissioner shall be deemed removed from office. If a request for a hearing is filed with the clerk, the Council shall hold a hearing not sooner than ten (10) days after the date a hearing is requested, at which time the Commissioner shall have the right to appear in person or by counsel and the council shall determine whether the removal shall be upheld. If the removal is not upheld, the Commissioner shall continue to hold his/her office.

Section 8. The Southeast Nebraska Housing Partnership political subdivision, independent from the City of Falls City and the City of Pawnee City. The Southeast Nebraska Housing Partnership shall constitute a public body, corporate and politic and shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of the Nebraska Housing Agency Act.

Section 9. Except as otherwise herein specifically provided, the definitions, terms, provisions and conditions set forth in the Nebraska Statues under the Nebraska Housing Agency Act are hereby adopted by reference, as they now exist, or may hereafter be amended, for the operation and management of the Southeast Nebraska Housing Partnership and the Southeast Nebraska Housing Partnership shall fully comply with and be governed by the terms of the Nebraska Housing Agency Act.

Section 10. The Southeast Nebraska Housing Partnership shall adopt and promulgate fair and equitable policies establishing a plan for selection of applicants. The plan shall include standards for eligibility, procedures for prompt notification of eligibility or disqualification, and procedures for maintaining a waiting list of eligible applicants for whom vacancies are not immediately available. Eligible applicants shall be offered available vacancies as provided in such policies.

Section 11. The Southeast Nebraska Housing Partnership may adopt, promulgate, and enforce rules and regulations related to carrying out the purposes of the regional housing agency and exercising its powers and to amend or repeal such rules and regulations from time to time.

Section 12. Within six months after the end of the Housing Agency's fiscal year, the Housing Agency shall prepare an annual report. This report shall contain financial statement and the results of the operations. The report shall be approved by the Board of Commissioners and signed by the Chairperson. The annual report of the Housing Agency shall be a public record and

available for inspection and copying by members of the general public at the Southeast Nebraska Housing Partnership. The Annual report shall be placed on file with the City Clerk of each City upon completion thereof.

Section 13. All of the real and personal property and assets owned, managed and controlled by the Falls City Housing Agency and the Pawnee City Housing Agency shall be transferred to the Southeast Nebraska Housing Partnership.

This transfer shall include but not limited to all property rights and land, buildings, records and equipment and any funds, money, revenue receipts of assets of each local housing authority. In consideration of the receipt of such assets the Southeast Nebraska Housing Partnership shall be assigned and shall assume all obligations, debts, commitments and liabilities of the Falls City Hosing Authority and the Pawnee City Housing Authority.

Section 14. The City Council of the City of Falls City, Nebraska and the City Council of the City of Pawnee City, Nebraska hereby each consent to the Dissolution of their local Housing Agency following the transfer of all assets and liabilities of the Falls City Housing Agency and the Pawnee City Housing Agency to Southeast Nebraska Housing Partnership. Each local Housing Agency shall hold a final meeting adopting a written resolution to dissolve setting forth in such Resolution that the transfer of all assets and liabilities to the Southeast Nebraska Housing Partnership has been completed and winding up of the affairs of local housing authority and dissolving the local housing authority in compliance with §21-15,108 Neb. Rev. Stat. Such resolution shall be delivered to the City Clerk and an Ordinance prepared to repeal the sections of each municipal code relate to the local housing agency.

Section 15. Following the establishment of the Southeast Nebraska Housing Partnership additional cities or counties may elect to participate if the requirements of §71-1585 Neb. Rev Stat. or its successor are met.

Section 16. That all Ordinances passed and approved prior to the passing and approval of publication or posting of this Ordinance and in conflict with its provisions are hereby repealed.

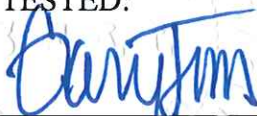
Section 17. That this Ordinance shall take effect and be in full force from and after its passage approval and publication or posting as required by law.

Passed and approved this 16 day of November, 2020.



MAYOR

ATTESTED:



CITY CLERK