

BY-LAWS

THE HOUSING AUTHORITY OF THE TOWNSHIP OF BRICK

ARTICLE ONE – THE AUTHORITY

Section 1. Name of Authority: The name of the Authority shall be “The Housing Authority of the Township of Brick”.

Section 2. Seal of Authority. The seal of the Authority shall be in the form of a circle and shall bear the name of the Authority and the year of its organization.

Section 3. Office of Authority. The offices of the Authority shall be at 165 Chambers Bridge Road, Brick, New Jersey, but the Authority may hold its Regular meetings at such other places as it may designate by Resolution.

ARTICLE TWO –BOARD OF COMMISSIONERS

Preamble as per NJ statute 40A:12A.17: The Authority shall consist of seven (7) members of whom five (5) shall be appointed by the governing body of the county or municipality, one (1) shall be appointed by the commissioners of the Division of Community Affairs and one (1) shall be appointed by the Mayor.

All members shall serve for a term of five (5) years and/or until their respective successors have been appointed and certified.

All Commissioners are required to satisfactorily complete courses of study as prescribed by the Department of Community Affairs (DCA) within 18 months of appointment date or shall be deemed to have resigned their position effective immediately, as per N.J.S.A. 40A:12A-46 ET SEQ.

The Commissioner’s role in the administration of the PHA is essential. Commissioners can make a difference by taking an interest in the management of operations, setting personal examples of integrity, and taking appropriate action when fraud is suspected or management problems are apparent. The Commissioner’s job is not to manage the day-to-day operations of the PHA; however, it is the Commissioner’s job to be knowledgeable of the programs being administered to establish policies and goals and to monitor the operations of the PHA.

A member of any authority shall receive no compensation for their services, but shall be entitled to reimbursement for actual expenses necessarily incurred in the discharge of the duties of membership including travel expenses (40A:12A:17(d) -Local Redevelopment and Housing Law).

ARTICLE THREE – OFFICERS

Section 1. Ethics. The members of the Board of Commissioners shall comply with the applicable ethics requirements enacted by the State of New Jersey and by the United States Department of Housing and Urban Development.

Section 2. Officers/Commissioners. The officers/commissioners of the Authority shall be a Chairman, a Vice-Chairman and a Secretary-Treasurer.

Section 3. Chairman. The Chairman shall preside at all meetings of the Authority, except as otherwise authorized by resolution of the Authority. The Chairman shall sign all contracts, deeds, vouchers and other instruments made by the Authority. At each meeting, the Chairman shall submit such recommendations and information as he may consider proper concerning the business affairs and policies of the Authority.

Section 4. Vice-Chairman. The Vice-Chairman shall perform the duties of the Chairman in the absence or incapacity of the Chairman; and in case of the resignation or death of the Chairman, the Vice-Chairman shall perform such duties as are imposed on the Chairman, until such time as the Authority shall select a new Chairman.

Section 5. Executive Director. The Executive Director is hired by the Board of Commissioners and is delegated the authority and day-to-day responsibility for overall PHA operations. Most information and documentation from PHA staff, residents, etc., goes to the Executive Director. The Executive Director should provide information and documentation to the Board of Commissioners as necessary. The Executive Director's responsibilities usually include and are not limited to:

- Hiring, training and terminating PHA staff
- Administering/managing the day-to-day operations of the Housing Authority, Public Housing and Section 8 Assisted Housing Programs
- Preparing PHA operating budgets, modernization programs (CGP/CIAP) applications and budgets, contract and procurement documents
- Maintaining the units in decent, safe, and sanitary condition
- Collecting rents and enforcing lease terms
- Supervising cash management, bank reconciliation, resident selection, and maintenance
- Monitoring operations for fraud and abuse
- Maintaining overall compliance with Federal, State and Local laws, as well as PHA policy and procedures.
- Keeping the PHA Commissioners informed of any problems such as audit concerns, major resident issues, financial status, and changes to laws.

Notwithstanding any of the enumerated powers of the Executive Director as set forth above, in no event shall the Executive Director, in his capacity as Executive Director, in his capacity as Secretary-Treasurer, or in any other capacity, be authorized to hire and/or compensate any permanent, temporary or part-time employee at a rate of compensation in excess of \$15,000 per annum, but rather all such hires shall require the approval of the Personnel Committee of the Board of Commissioners, and thereafter the majority vote of the full membership of the Board of Commissioners of the Housing Authority of the Township of Brick.

Section 5A. Secretary-Treasurer. The Secretary shall be the Executive Director of the Authority; and, as such, shall have general supervision over the administration of its business and affairs, subject to the direction of the Authority. They shall be charged with the management of the housing projects of the Authority.

The Secretary-Treasurer 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 his office. He shall keep in safe custody, the seal of the Authority and shall have the power to affix such seal to all contracts and instruments authorized to be executed by the Authority. The Secretary-Treasurer may designate an Assistant Secretary to serve on a meeting-to-meeting basis to assist at Regular and/or Special meetings of the Authority, in the proceedings thereof, in assisting in preparation of the minutes, and in other work related to the Regular and/or Special Meetings, as directed by the Secretary-Treasurer. The Assistant Secretary shall be a member of the staff of the Authority. The Board of Commissioners, upon recommendation of the Secretary-Treasurer, shall determine the compensation for such extra duties, and such compensation shall be above and beyond the salary paid to said employee for regular services.

He 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-Treasurer 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 as otherwise authorized by resolution of the authority, all such orders and checks shall be countersigned by the Chairman or authorized Commissioner(s).

He shall keep regular books of accounts showing receipts and expenditures and shall render to the Authority, at each regular meeting (or more often when requested) an account of his transactions, and also of the financial condition of the Authority. He shall give such bond for the faithful performance of his duties as the Authority may determine.

The compensation of the Secretary-Treasurer shall be determined by the Authority, provided that a temporary appointee, selected from among the Commissioners shall serve without compensation (other than the payment of necessary expenses).

Section 5. Additional Duties. The officers of the Authority shall perform such other duties and functions as may from time to time be required by the Authority or the by-laws, or rules and regulations of the Authority.

Section 6. Election or Appointment. The Chairman and Vice-Chairman shall be elected at the Annual Meeting of the Authority, from among the Commissioners of the Authority, and shall hold offices for one year or until their successors are elected. The Chair or Vice-Chair may be removed from their positions by a majority vote of the full membership of the Board of Commissioners, for actions detrimental to the Housing Authority of the Township of Brick as determined by the members voting in favor of removal, at any regular or special meeting of the Board, at which time a successor may be elected by the Board in the same manner for the remainder of the term.

Section 7. Vacancies. Should the office of Chairman or Vice-Chairman become vacant, the Authority shall elect a successor from the membership at the next regular meeting and such elections shall be for the unexpired term of said office. When the office of Secretary-Treasurer becomes vacant, the Authority shall appoint a successor, as aforesaid.

Section 8. Additional Personnel. The Authority may from time to time employ such personnel as it deems necessary to exercise its powers, duties and other laws of the State of New Jersey, applicable thereto. The selection and compensation of such personnel (including the Secretary-Treasurer) shall be determined by the Authority, subject to the laws of the State of New Jersey.

ARTICLE FOUR – MEETINGS

Section 1. Annual Meeting. The Annual Re-Organizational Meeting of the Authority shall be held on the last Monday of June at 6:30 p.m. at the regular meeting place(s) of the Authority. The Annual Meeting shall be deemed the Re-Organizational Meeting to be held at 7:00 p.m.

All Meetings, Regular and Special, shall be noticed and conducted in compliance with the requirements of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.

Section 2. Regular Meetings. Monthly meeting shall be held without notice at the regular meeting places of the Authority on the last Monday of each month unless the same shall be a legal holiday, in which event said meeting shall be held on the next succeeding secular day.

The Regular Meetings shall begin at 6:30 p.m. unless the Authority determines by majority vote that a specific Regular Meeting begin at another hour.

Section 3. Executive Session. From time to time it may be required to move the regular meeting into executive session. Executive sessions are used for further discussion of personnel issues, litigation, collective bargaining, appointments & employment matters, and any other matters requiring confidentiality as provided by statute and case law.

Section 4. Special Meetings. The Chairman of the Authority may, when he deems it expedient, and shall upon the written request of two members of the Authority, 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, or may be mailed to the business or home address of each member of the Authority at least two business days prior to the date of such special meeting. At such special meeting, no business shall be considered other than as designated in the call, but if all of the members of the Authority are present at a special meeting, any and all business may be transacted at such special meeting. All Special Meetings shall be noticed and conducted in compliance with the Requirements of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-6 ET SEQ.

Section 5. Committee Assignments- the Chairperson shall appoint committee assignments on or before the next regular scheduled meeting following the Re-Organizational Meeting. There shall be five (5) separate committees, and all committees may consist of three (3) members. Committees shall be:

- Personnel
- Finance
- Resident/Security
- Building/Grounds
- By-laws

At any time it is deemed necessary or advisable for the Board of Commissioners to do so, the Chairperson shall establish an ad hoc committee. The Chairperson shall appoint no more than three (3) Board members to serve upon an ad hoc committee and shall designate a Chairperson from among them.

Section 6. Emergency Meetings. In accordance with N.J.S.A. 10:4-9, Upon the affirmative vote of three quarters of the members present, the Board of Commissioners may hold a meeting notwithstanding the failure to provide adequate notice if:

- (1) Such meeting is required in order to deal with matters of such urgency and importance that a delay for the purpose of providing adequate notice would be likely to result in substantial harm to the public interest; and
- (2) The meeting is limited to discussion of and acting with respect to such matters of urgency and importance; and
- (3) Notice of such meeting is provided as soon as possible following the calling of such meeting by posting written notice of the same in the Authority's Public Bulletin Boards, and also by notifying the 2 official newspapers of the Authority by telephone, telegram, or by delivering a written notice of same to such newspapers; and
- (4) Either (A) the Board of Commissioners could not reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided; or (B) although the Board of Commissioners could reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided, it nevertheless failed to do so.

Section 7. Quorum. The powers of the Authority shall be vested in the commissioners thereof in office, from time to time. Four commissioners shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, but a small number may adjourn from time to time until a quorum is in attendance, action may be taken by the Authority upon a vote of a majority of the commissioners present.

Members of the Board shall make every reasonable effort to personally attend each meeting. However, members of the Board may "appear" at a meeting via electronic attendance (conference call, webcam, etc.) A Board member who is appearing at a meeting electronically shall not be permitted to participate in executive session since there is no true way to ensure the privacy of the executive session.

Section 8. Order of Business. At the Regular Meeting of the Authority, the following shall be the order of business:

1. Roll Call
2. Reading and approval of the minutes of the previous meeting
3. Bills and communications
4. Report of the Secretary-Treasurer
5. Reports of committees
6. Unfinished business
7. New business
8. Public Input
9. Adjournment

All resolutions shall be in writing and there shall be copies in a journal of the proceedings of the Authority.

Section 9. Manner of Voting. The voting on all questions coming before the Authority shall be by roll call, and the yeas and nays shall be entered upon the minutes of such meeting.

Section 10. Procedures at Meetings. Roberts Rules of Order shall govern the procedures of all meetings of the Housing Authority of the Township of Brick.

ARTICLE FIVE – AMENDMENTS

AMENDMENTS TO THE BYLAWS. The By-laws of the Authority shall be amended only with the approval of at least four (4) of the members of the Authority, at a Regular Meeting or a Special Meeting, but no such amendment shall be adopted unless at least seven (7) days' written notice thereof has been previously given to all members of the Authority.

REVISED:

Several Sections amended June, 2016