

CITY OF MOORHEAD

ENABLING RESOLUTION
ESTABLISHING
THE MOORHEAD PUBLIC HOUSING AGENCY

RESOLUTION NO. 86-679

ADOPTED: June 26, 1986

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RESOLUTION NO. 86-679

WHEREAS, Laws of Minnesota, 1986, Chapter 341 (the "Enabling Act") authorizes the City of Moorhead to establish, by resolution, a "public housing agency" as an independent corporation and political subdivision with such powers as are necessary or convenient to carry out the purposes of Minnesota Statutes, Section 462.415 to 462.581, with respect to public housing and to provide and manage housing facilities and services for persons of low and moderate income (collectively, the "Public Housing Program"), all upon adoption of a resolution (the "Prior Resolution") under Section 4 of the Enabling Act granting certain powers to the Moorhead Housing and Redevelopment Authority; and

WHEREAS, the City Council has adopted the Prior Resolution; and

WHEREAS, the City wishes to establish such a public housing agency to be known as the "Moorhead Public Housing Agency" (the "Agency"); and

WHEREAS, it is the desire of the Mayor and City Council that adoption of this resolution and the creation of the Agency will maintain the integrity of and improve the efficiency and effectiveness of the City's Public Housing Program so as to promote the health, safety and welfare of City residents;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead as follows:

Section I. Definitions.

"Agency" means the Moorhead Public Housing Agency created under the Enabling Act and this Enabling Resolution.

"City" means the City of Moorhead, Minnesota.

"Council" means the duly elected governing body of the City.

"Enabling Act" means Laws of Minnesota, 1986, Chapter 341, authorizing the City to create a public housing agency.

"Enabling Resolution" means this resolution of the Council establishing the Moorhead Public Housing Agency pursuant to the Enabling Act.

"Housing Act" means the Municipal Housing and Redevelopment Act, Minnesota Statutes, Chapter 462.

"Moorhead Economic Development Authority" means the Moorhead Economic Development Authority previously known as the Moorhead Housing and Redevelopment Authority under the Prior Resolution.

"Public Housing Program" means the housing program the Agency is granted power under the Enabling Act and this Enabling Resolution to carry out within the City of Moorhead.

"Prior Resolution" means the enabling resolution adopted by the Council pursuant to Section 4 of the Enabling Act, granting certain powers to the Moorhead Economic Development Authority.

Section II. Establishment.

There is hereby created an authority hereby designated as the "Moorhead Public Housing Agency". The Agency shall constitute a "public housing agency" within the meaning of the Enabling Act and shall, subject to the provisions of the Enabling Act and this Enabling Resolution, have all of the powers, duties and responsibilities granted to a public housing

agency pursuant to the Enabling Act to carry out the purposes of the Housing Act with respect to public housing and to provide and manage housing facilities and services for persons of low and moderate income, including modernization of existing public housing facilities under the Federally funded comprehensive improvement assistance program. It shall be the role and responsibility of the Agency to carry out the City's Public Housing Program.

Section III. Limitations.

As provided in the Enabling Act, notwithstanding the provisions of any other law, the Agency may not: (1) levy and collect taxes or special assessments with respect to any existing or future public housing; (2) make a final determination, by rule or otherwise, or extend funds or incur an obligation with respect of or for the purpose of any construction, reconstruction, purchase, site selection, site acquisition, clearance and preparation, or determination of need for public housing without approval by the Council; or (3) enact a rule or regulation, perform an act, expend funds or incur an obligation inconsistent with law or City ordinance; provided that the Agency is hereby authorized to extend funds and incur obligations in order to modernize existing public housing facilities under the Federally funded comprehensive improvement assistance program and nothing herein shall be construed as requiring any further approval of the Council for the Agency to undertake such program.

Section IV. Legal Status.

The Agency shall be a municipal corporation and a political subdivision of the State of Minnesota. It shall not be considered a department

of the City nor shall the City be liable for its obligations, unless assumed by the City in writing. Approval of any obligations of the Agency by the Council shall not in itself be deemed an assumption of such obligations by the City. The Agency's relationship to the Mayor and Council shall be governed by the Enabling Act and this Enabling Resolution; provided that in the event there is a conflict between the terms of this Enabling Act and the Enabling Resolution, the Enabling Act shall control.

Section V. Governing Body.

The powers of the Agency shall be vested in the commissioners thereof in office at any time, a majority of whom shall constitute a quorum for all purposes. Such Commissioners shall be five (5) in number, shall be residents of the City, and shall be appointed by the Mayor with the approval and consent of the Council. Those initially appointed shall be appointed for terms of one, two, three, four, and five years, respectively. Thereafter all commissioners shall be appointed for five-year terms. Each vacancy in an unexpired term shall be filled in the same manner in which the original appointment was made. Any member of the Council may be appointed and may serve as a commissioner of the Agency. The Council may set the terms of office of any member of the City Council appointed as a commissioner to coincide with his or her term of office as a Council member. Commissioners shall hold office until their successors have been appointed and qualified. A certificate of appointment of each commissioner shall be filed with the City Clerk and a certified copy thereof shall be transmitted to the commissioner of the Department of Energy and Economic Development of the State of Minnesota.

Whenever the membership of the Agency is changed by reason of a new appointment, a certificate of that appointment and a certified copy thereof shall be promptly so filed. A certificate so filed with the City Clerk shall be conclusive evidence of appointment or change of membership.

Section VI. Executive Director.

The chief administrative officer of the Agency shall be the executive director of the Agency. The City Manager shall appoint and may suspend or remove the executive director in accordance with City personnel rules applicable to City department heads. Appointment and removal of the executive director shall require approval by a majority vote of the Council and the Agency board of commissioners. The Executive director of the Agency shall have such powers and duties as may be prescribed by the Agency's board of commissioners and as are consistent with the powers granted to the Agency pursuant to the Enabling Act. The executive director may be appointed as an employee of the Agency or as an employee of the City, as determined by the City Manager.

Section VII. Limitation of Public Housing Responsibilities.

Upon establishment of the Agency as provided herein, the Agency shall have all the rights, duties, titles and obligations relating to the provision for and administration of the Public Housing Program undertaken, acquired or incurred by the Moorhead Economic Development Authority before the establishment of the Agency, all as provided in the Enabling Act; and, accordingly, the Moorhead Economic Development Authority shall

from and after the establishment of the Agency no longer perform or exercise any of the duties and powers accorded to the Moorhead Economic Development Authority with respect to the Public Housing Program except and to the extent, if any, that the performance or exercise thereof by the Moorhead Economic Development Authority is required by law on account of any existing contracts, debts, obligations, collective bargaining agreements which the Agency is required to assume and perform upon its establishment as provided herein and in the Enabling Act; provided that nothing in the Enabling Resolution shall be construed as including in the Public Housing Program the public financing of either owner occupied or rental housing facilities which may be subject to controls imposed by the Moorhead Economic Development Authority but which are neither owned nor managed by either the Agency or the Moorhead Economic Development Authority. Upon establishment of the Agency, the Moorhead Economic

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Development Authority and the Agency shall promptly provide for the transfer of such assets and employees and the assumption of such obligations and for the execution of such instruments of transfer and assumption, as are required to implement the provisions of this Section VII.

Section VIII. Effective Date.

This resolution and, accordingly, the establishment of the Agency, shall become effective only upon initial appointment of the Agency's commissioners after adoption of this Enabling Resolution as provided herein and in the Enabling Act.

PASSED by the City Council of the City of Moorhead this 26th day of June, 1986.

APPROVED BY:

MORRIS L. LANNING, Mayor

ATTEST:

KAYE E. BUCHHOLZ, City Clerk

(SEAL)