

# Boyne City Housing Commission

## Bylaws of the Board of Commissioners

Adopted by the BCHC Board of Commissioners 10/22/2025

These Bylaws are adopted pursuant to the authority granted under the Michigan Housing Facilities Act (Act 18 of 1933, Ex. Sess.), the Michigan Open Meetings Act (MCL 15.261 et seq.), the Michigan Freedom of Information Act (MCL 15.231 et seq.), and applicable federal regulations of the U.S. Department of Housing and Urban Development (HUD). They establish the structure, governance, and operations of the Boyne City Housing Commission (the “Commission”).

### 1. Name, Purpose & Authority

- A. Name: The name of this body is the Boyne City Housing Commission (BCHC).
- B. Purpose: The purpose of the Commission is to provide, maintain, and oversee decent, safe, and sanitary housing for low- and moderate-income residents, eliminate substandard housing, and carry out activities necessary to fulfill these objectives within the City of Boyne City.
- C. Authority: The Commission derives its authority from Act 18 of 1933 (Ex. Sess.), as amended, any applicable city ordinances, and HUD regulations, and it exercises powers granted by law to acquire, operate, and manage housing developments, enter into contracts, employ staff, and oversee compliance with federal and state requirements.

### 2. Board of Commissioners

- A. Composition and Appointment: The Commission shall consist of five (5) Commissioners appointed by the City Manager of Boyne City, consistent with the Michigan Housing Facilities Act I.e. Act 18 of 1933, Ex. Sess. and the ordinances of the City of Boyne City. Commissioners shall serve staggered five-year terms.
- B. Resident Commissioner: At least one (1) Commissioner shall be a resident directly assisted by the Commission, as required by 24 CFR 964.405(b) and 964.425, unless an exemption is approved by HUD.
- C. Qualifications and Oath: Each Commissioner shall meet legal eligibility requirements, take the required oath of office, and file any required disclosures.
  - a. Each commissioner, before entering upon the duties of office, shall take and subscribe to the constitutional oath of office, which shall be filed with the clerk of the city, village, or township.
  - b. Each Commissioner shall be a resident of the City of Boyne City and shall remain a resident throughout their term of office, as required by the Michigan Housing Facilities Act (MCL 125.654(2)). *Note*: Although the Commission administers housing programs that may serve all of Charlevoix County through HUD authorization, its governing jurisdiction and membership eligibility are defined by the City of Boyne City pursuant to state law.
- D. Incompatible Offices: In accordance with the Michigan Housing Facilities Act (MCL 125.654(2)), no Commissioner shall hold any other elected or appointed office within the government of the City of Boyne City during their term of service. This restriction is intended to prevent conflicts of interest and maintain the independence of the Housing Commission. For purposes of this section, “office” means any position on a City board, commission, authority, or council created under state law or city ordinance, whether compensated or not. *Note*: This restriction applies only to offices within the City of Boyne City government. It does not prohibit service on nonprofit, regional, or advisory bodies unrelated to city government.
- E. Vacancies: Vacancies shall be filled by the City Manager in the same manner as the original appointment, for the remainder of the unexpired term.
- F. Removal of Commissioners: In accordance with the Michigan Housing Facilities Act, Act 18 of 1933, Section 3 (MCL 125.653), any Commissioner of the Boyne City Housing Commission may be removed from office by the appointing authority for inefficiency, neglect of duty, misconduct in office, or

violation of applicable laws or regulations. The Housing Commission itself does not have removal authority but shall cooperate fully with the appointing authority in the hearing process.

a. *Notice and Charges:*

Prior to removal, the Commissioner shall be served with a written statement of the specific charges at least ten (10) calendar days before the hearing date. The notice shall include the date, time, and location of the hearing and shall inform the Commissioner of the right to be represented by legal counsel.

b. *Hearing Procedure:*

The hearing shall be conducted by the appointing authority and shall comply with the Michigan Open Meetings Act (MCL 15.261 et seq.). The hearing shall be public unless the Commissioner requests, in writing, that the matter be discussed in closed session as permitted by MCL 15.268(a). The appointing authority may receive evidence, testimony, and other information relevant to the charges. The Commissioner shall have the opportunity to respond to the charges and present evidence or witnesses.

c. *Decision and Record:*

After the hearing, the appointing authority shall render a decision by majority vote in open session. The decision shall be final and filed in writing with the Boyne City Clerk and the Housing Commission's official records. The Commission shall promptly notify HUD of any removal action, as required under the Annual Contributions Contract.

d. *Grounds for Removal:*

Grounds for removal may include, but are not limited to:

- 1) Inefficiency or neglect of duty.
- 2) Misconduct in office.
- 3) Violation of applicable federal, state, or local ethics or conflict-of-interest laws.
- 4) Failure to attend three (3) or more consecutive regular meetings without good cause.
- 5) Breach of confidentiality or violation of the Open Meetings Act or Freedom of Information Act.
- 6) Actions that adversely affect the reputation or functioning of the Housing Commission.

e. *Vacancy:*

Upon removal, resignation, or vacancy for any reason, the appointing authority shall appoint a successor in the same manner as the original appointment to serve the unexpired term.

G. Compensation: Commissioners shall serve without compensation but may be reimbursed for actual and necessary expenses incurred in official duties.

### 3. Officers & Executive Director

- A. Officers: The officers shall include a President and Vice President, elected annually from among the Commissioners.
- B. Secretary / Recording Secretary: The Executive Director shall serve as Secretary / Recording Secretary, responsible for meeting minutes, records, and official correspondence unless otherwise designated by the Board.
- C. Duties of Officers: The President presides over meetings; signs authorized documents and performs customary duties. The Vice President acts in the President's absence. The Secretary maintains minutes and records in accordance with law.
- D. Executive Director: The Board appoints and evaluates the Executive Director, who manages day-to-day operations, implements policies, supervises personnel, administers budgets, and ensures compliance with the ACC, HUD rules, and applicable law.

### 4. Meetings, Agenda & Minutes

- A. Regular Meetings: The Board shall hold regular meetings at dates, times, and locations determined annually by resolution and posted in compliance with the Michigan Open Meetings Act (MCL 15.265).

- B. Special Meeting: Special meetings may be called by the President or by any two (2) Commissioners, with notice provided as required by the OMA.
- C. Quorum and Voting: A quorum shall consist of a minimum of three (3) Commissioners. Vacancies shall not reduce the number required for a quorum. No action is valid without the affirmative vote of the majority of those present at a meeting with a quorum.
- D. Remote Participation: Commissioners may participate remotely only as permitted by the OMA. Unless otherwise authorized by law, a quorum must be physically present.
- E. Minutes: Draft minutes shall be available for public inspection within eight (8) business days after a meeting. Approved minutes shall be available within five (5) business days after approval. Minutes shall include the date, time, place, members present and absent, motions, votes, and adjournment time. These minutes shall be retained permanently.
- F. Closed Session Minutes: Separate minutes shall be kept for any closed session and retained in accordance with MCL 15.267 and 15.269(2). They are not public and may be destroyed one (1) year and one (1) day after approval of the minutes of the regular meeting at which the closed session was approved.
- G. Public Comment: Every meeting shall include time for public comment consistent with the OMA and Commission policy.

## 5. Ethics & Conflicts of Interest

- A. Conflicts of Interest: Commissioners, officers, and employees shall comply with all applicable conflict-of-interest statutes, HUD regulations, and Commission policies. Any person with a conflict must disclose it publicly and abstain from participation.
- B. Incompatible Offices: Commissioners shall comply with the Incompatible Public Offices Act and other relevant ethics laws.

## 6. Policies, Procurement & Financial Controls

- A. Required Policies: The Board shall adopt and maintain policies required by HUD and state law, including but not limited to: Admissions and Continued Occupancy Policy (24 CFR Part 960), Grievance Procedure (24 CFR Part 966), Resident Participation (24 CFR Part 964), Procurement Policy (2 CFR 200.317–.327, HUD Handbook 7460.8 REV-2), Personnel Policy, and Records Retention Policy.
- B. Procurement: All procurements shall comply with the Commission's written Procurement Policy, HUD requirements, Uniform Guidance (2 CFR Part 200), and applicable state and local law.
- C. Financial Oversight: The Board shall approve the annual budget, receive regular financial reports, ensure compliance with HUD requirements, and commission independent audits.

## 7. Committees

- A. Committees: The Board may establish standing or ad hoc committees by resolution. Committees may make recommendations but shall not take final action unless authorized by law.

## 8. Resident Participation & Grievance

- A. Resident Participation: The Commission shall promote resident involvement consistent with HUD regulations (24 CFR Part 964).
- B. Grievance Procedures: The Commission shall maintain procedures consistent with 24 CFR Part 966 to ensure fair and timely resolution of resident complaints.

## **9. Records, FOIA & Retention**

- A. Public Records: The Commission is subject to the Michigan Freedom of Information Act (FOIA). It shall adopt and maintain FOIA Procedures & Guidelines and a Public Summary as required by law.
- B. Records Retention: Records shall be retained and disposed of according to the Commission's Records Retention Policy, applicable state schedules, and HUD recordkeeping requirements.

## **10. Indemnification & Insurance**

- A. Indemnification: To the extent permitted by law, the Commission shall defend and indemnify Commissioners, officers, and employees for acts performed within the scope of their duties.
- B. Insurance: The Commission shall maintain adequate insurance coverage, including liability and fidelity coverage, consistent with sound risk management and HUD requirements.

## **11. Adoption, Amendment & Severability**

- A. Adoption: These Bylaws take effect upon approval by a majority vote of the Board.
- B. Amendment: These Bylaws may be amended by a majority vote at any regular or special meeting, provided the proposed amendment is included in the agenda and distributed in advance.
- C. Severability: If any section of these Bylaws is found invalid, the remainder shall remain in effect.

## **12. Transparency, Accountability & Board Conduct**

- A. Commitment to Open Government: The Commission affirms its commitment to transparency in all operations. All meetings, deliberations, and records shall comply with the Michigan Open Meetings Act (MCL 15.261 et seq.) and the Freedom of Information Act (MCL 15.231 et seq.).
- B. Attendance and Participation: Commissioners are expected to attend and actively participate in all meetings. Repeated unexcused absences, as per policy, may be reported to the appointing authority for review under Section 5 (Removal of Commissioners).
- C. Ethical Conduct: Commissioners shall uphold the highest standards of integrity, impartiality, and respect toward fellow members, staff, and the public, in accordance with state ethics laws, HUD regulations, and the Commission's adopted Code of Conduct.
- D. Public Communication: Official statements on behalf of the Commission shall be made only by the President or Executive Director unless otherwise authorized by the Board.
- E. Annual Training: Commissioners are encouraged to participate in annual training on ethics, Open Meetings Act compliance, Freedom of Information Act (FOIA), and HUD governance best practices.