

RESOLUTION NO. R17-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, REGARDING THE STRUCTURE, ORGANIZATION, MEMBERSHIP, PROGRAMS AND ACTIVITIES OF THE HOUSING FINANCE AUTHORITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 10, 1980, the Board adopted Ordinance No. 80-39, creating the Housing Finance Authority pursuant to Chapter 159, Part IV, Florida Statutes (the Florida Housing Finance Authority Law); and

WHEREAS, the provisions pertaining to the Housing Finance Authority are codified at Chapter 2, Article III, Division 3 of the Code of Laws of Leon County, Florida; and

WHEREAS, on February 7, 2017, the Board approved an ordinance amending Chapter 2, Article III, Division 3 of the Code of Laws of Leon County, regarding the Housing Finance Authority; and

WHEREAS, the ordinance amending Chapter 2, Article III, Division 3 of the Code of Laws of Leon County provides that the Board may, by resolution, provide for the structure, organization, membership, programs or activities of the Housing Finance Authority;

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR LEON COUNTY, FLORIDA, that:

Section 1. Declaration of need.

The Board of County Commissioners hereby reasserts and declares the need for a housing finance authority to function to alleviate the shortage of housing and capital for investment in housing in the county.

Section 2. Membership; terms; compensation; quorum.

(a) The Housing Finance Authority (the "Authority") shall be composed of seven members appointed by the Board of County Commissioners (the "Board"), one of whom shall be designated chairperson. Not less than a majority of the members shall be knowledgeable in one of the following fields: labor, finance, or commerce.

(b) The terms of the members shall be four years each. Members shall hold office until a successor has been appointed and qualified. Each vacancy shall be filled for the remainder of the unexpired term. A certificate of the appointment or reappointment of any member shall be filed with the clerk of the circuit court, and the certificate shall be conclusive evidence of the due and proper appointment of the member.

(c) A member shall receive no compensation for his or her services, but shall be entitled to necessary expenses, including traveling expenses, incurred in the discharge of duties.

(d) A majority of the members constitutes a quorum, and action may be taken by the Authority upon a vote of a majority of the members present.

Section 3. Conflicts of interest prohibited; disclosure.

Members and employees of the Authority shall comply with the conflict of interest prohibitions and disclosure requirements set forth in Section 159.606, Florida Statutes, as amended.

Section 4. Removal of members; amendment; termination.

A member of the Authority may be removed by the Board without cause by a three-fifths vote of the Board, or for neglect of duty or misconduct in office by a majority vote of the Board. In addition, the Board may, at its sole discretion, and at any time, alter or change the structure, organization, programs or activities of the Authority, and has the power to terminate the Authority, subject to any limitation on the impairment of contracts entered into by the Authority and subject to the limitations or requirements of the Florida Housing Finance Authority Law.

Section 5. Powers; authority.

(a) The powers of the Authority granted by Chapter 159, Part IV, Florida Statutes (the Florida Housing Finance Authority Law), are vested in the members of the Authority in office.

(b) The Authority is authorized to transact business, perform duties, and exercise those public and essential governmental functions set forth in Chapter 159, Part IV, Florida Statutes.

(c) The Authority is authorized to exercise those functions and activities provided by and consistent with Section 159.608, Florida Statutes, which includes the following:

1. To sue and be sued;
2. To have a seal;
3. To make and execute contracts and other instruments necessary or convenient to the exercise of its powers;
4. To make, and from time to time amend and repeal bylaws, rules and regulations;
5. To own real and personal property;
6. To purchase or make commitments to purchase loans;
7. To borrow money through the issuance of bonds;
8. To make loans;
9. To deposit funds into an account with a lending institution; and
10. To invest funds.

Section 6. Agents and employees; legal counsel; create or assist in creating not-for-profit corporations.

The Authority may:

(a) Employ such agents and employees, permanent or temporary, as it requires and may determine the qualifications, duties, and compensation of those agents and employees. The Authority may delegate to an agent or employee such powers or duties as the Authority may deem proper.

(b) Employ its own legal counsel.

(c) Create or assist in creating corporations that qualify as not-for-profit corporations under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, and under the laws of this state, and that are engaged in acquiring, constructing, reconstructing, or rehabilitation qualifying housing developments.

Section 7. Budgets; Audits; Financial Reporting; Bond Issuance.

(a) The Authority's budgets, audits, and financial reports shall be prepared, adopted, and reported in compliance with Chapter 189, Florida Statutes (the Uniform Special District Accountability Act).

(b) Prior to and as of the date of this Resolution, the Authority's annual budget, in accordance with Section 189.016(5), Florida Statutes, has been contained within the general budget of the Board, and clearly stated as the budget of the Authority. The Authority's annual budget shall continue to be contained within the Board's budget. Notwithstanding that however, the Board, as provided for in Section 189.016(5), Florida States, hereby gives its concurrence for the Authority, at the Authority's option, to be budgeted separately; provided that such option shall not be available to the Authority until after the end of the Board's Fiscal Year 2016-2017 on September 30, 2017.

(c) The Authority shall provide any budget or financial information requested by the Board at the time and place designated by the Board.

(d) Pursuant to Section 189.016(9), Florida Statutes, as amended, the Authority shall provide its annual financial audit reports in accordance with Section 218.39, Florida Statutes, as amended.

(e) Any bonds to be issued and sold by the Authority as authorized by Chapter 159, Part IV, Florida Statutes, shall first be approved by resolution of the Board both as to the documents and the method of sale by the Authority.

Section 8. Annual Report to the Board.

The Authority shall provide an annual written report to the Board of its programs, activities, and accomplishments.

Section 9. Limitations.

(a) The Authority shall not finance the acquisition, construction, reconstruction, or rehabilitation of any “qualifying housing development,” as defined by Section 159.603, Florida Statutes, for its own profit or as a source of revenue to the state or any local governmental unit, except when it is for the Authority’s offices and affordable housing.

(b) The Authority shall have no power to acquire property by eminent domain.

(c) Each “qualifying housing development,” as defined by Section 159.603, Florida Statutes, of the Authority shall be subject to the applicable planning, zoning, health, and building laws, ordinances, and regulations.

(d) The Authority shall not exercise any power otherwise prohibited by Chapter 159, Part IV, Florida Statutes.

Section 10. Effective Date. This resolution shall have effect upon adoption.

PROPOSED, PRESENTED AND PASSED by the Board of County Commissioners of Leon County, Florida this 7th day of February, 2017.

LEON COUNTY, FLORIDA

By: _____
John E. Dailey, Chairman
Board of County Commissioners

ATTESTED BY:
Gwendolyn Marshall, Clerk of Court
& Comptroller, Leon County, Florida

By: _____

APPROVED AS TO FORM:
Leon County Attorney’s Office

By: _____
Herbert W. A. Thiele, Esq.
County Attorney