

ORDINANCE NO. 4250

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REPEALING ORDINANCE NO. 1470 AND ADOPTING A NEW ORDINANCE REGARDING THE ORGANIZATIONAL STRUCTURE AND OPERATING RULES FOR THE MESQUITE HOUSING BOARD; AND PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, the City Council of the City of Mesquite, Texas (the "City"), has authorized participation in the Housing Choice Voucher ("HCV"), of the U. S. Housing Act of 1937, as amended; and

WHEREAS, in accordance with CFR 982.555, the City must give a participant family in the HCV program an opportunity for an informal hearing before the City terminates housing assistance payments for the family under an outstanding Housing Assistance Payment contract; and

WHEREAS, in accordance with CFR 982.555, the informal hearing must be conducted by a person or persons other than the person who made or approved the decision under review or a subordinate of this person; and

WHEREAS, a Housing Board is considered necessary to conduct informal hearings for participant families in the HCV Program.

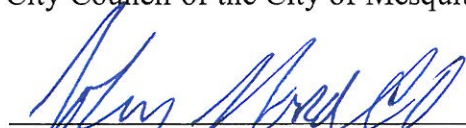
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

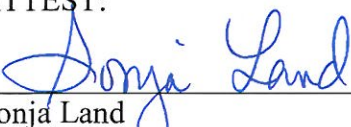
SECTION 1. That Ordinance No. 1470, which recreated the organizational structure and operating rules for the Mesquite Housing Board, is hereby repealed in its entirety.

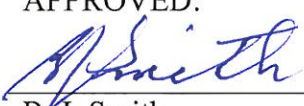
SECTION 2. That the City Council hereby adopts the revised Organizational Structure and Operating Rules for the Mesquite Housing Board attached hereto as Exhibit "A."

SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 22nd day of January, 2013.

  
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John Monaco  
Mayor

ATTEST:  
  
\_\_\_\_\_  
Sonja Land  
City Secretary

APPROVED:  
  
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B. J. Smith  
City Attorney

**MESQUITE HOUSING BOARD**

**Organizational Structure and Operating Rules**

In addition to the procedures outlined in 24 C.F.R. Section 982.555, the following procedures apply to the Mesquite Housing Board:

1. That the Mesquite Housing Board ("Board") shall consist of five members and two alternates.
2. That the members shall be appointed to serve staggered two-year terms and may be reappointed.
3. That three members shall constitute a quorum and that a motion shall be passed by the affirmative vote of a simple majority of the members present. Alternate members are not eligible to vote unless needed to serve on the Board in the absence of a member.
4. That the Board shall elect its own Chairman, Vice-Chairman and Secretary from among its members. Officers shall serve for one year and may be re-elected but may not serve more than two consecutive terms.
5. That the meetings shall be held at the call of the Chairman as needed.
6. That the minutes of each meeting shall be recorded.
7. That the Board shall perform the following duties:
  - a. Serve as the hearing officer(s) by conducting an informal hearing and regulating the conduct of the informal hearing in accordance with the hearing procedures outlined in the City of Mesquite ("City") Housing Choice Voucher ("HCV") Administrative Plan.
  - b. Review evidence provided by the City and the participant family and question any witnesses during the informal hearing, without regard to admissibility under the rules of evidence applicable in judicial proceedings.
  - c. Issue a written decision and an explanation for the decision to the participant family, based on a preponderance of the evidence presented at the hearing.
8. That the functions of the Board shall relate solely to the HCV Program.
9. That the City is not bound by a hearing decision issued by the Mesquite Housing Board that is contrary to U. S. Department of Housing and Urban Development regulations or requirements, or otherwise contrary to federal, State or local law. The City shall also not incur any liability for continuation of the HCV Program if federal funding has been terminated or reduced.