

S T A T E O F M I C H I G A N

CLARE COUNTY BOARD OF COMMISSIONERS

ORDINANCE NO. 15

AN ORDINANCE TO AUTHORIZE THE PURCHASE, ACQUISITION, CONSTRUCTION, MAINTENANCE, OPERATION, IMPROVEMENT, EXTENSION, AND REPAIR OF HOUSING FACILITIES; ELIMINATE HOUSING CONDITIONS WHICH ARE DETRIMENTAL TO THE PUBLIC PEACE, HEALTH, SAFETY, MORALS, AND/OR WELFARE; TO CREATE A COMMISSION WITH POWER TO EFFECTUATE SAID PURPOSES, AND TO PRESCRIBE THE POWERS AND DUTIES OF SUCH COMMISSION AND THE COUNTY TO AUTHORIZE ISSUANCE OF NOTES AND REVENUE BONDS; TO REGULATE THE ISSUANCE, SALE, RETIREMENT AND REFUNDING OF SUCH NOTES AND BONDS; TO REGULATE THE RENTALS OF SUCH PROJECTS AND THE USE OF THE REVENUES OF THE PROJECTS; TO PRESCRIBE THE MANNER OF SELECTING TENANTS FOR SUCH PROJECTS; TO PROVIDE FOR CODEMNATION OF PRIVATE PROPERTY FOR SUCH PROJECTS; TO CONFER CERTAIN POWERS IN RELATION TO SUCH PROJECTS, INCLUDING THE POWER TO RECEIVE AID AND COOPERATION OF THE FEDERAL GOVERNMENT; AND FOR OTHER PURPOSES.

THE COUNTY OF CLARE ORDAINS:

Section 1. Pursuant to Public Act 18 of the Extra Session of 1933, as amended, there is hereby created in and for the County of Clare, Michigan a commission to be known as the Clare County Housing Commission.

Section 2. Membership; appointment of members; term of office; compensation; vacancies in office. The housing commission shall consist of five members to be appointed by the Chairman of the Board of Commissioners. The term of office of members of the housing commission shall be five years. Members of the first housing commission existing under this ordinance shall be appointed for the terms of one year, two years, three years, four years, and five years, respectively, and annually thereafter one member shall be appointed for the term of five years. Members of the housing commission shall serve without compensation and may be removed from office by the Chairman of the Board of Commissioners for cause. Any vacancy in office shall be filled by the Chairman of the Board of Commissioners for the remainder of the unexpired term.

Section 3. Meetings; rules of procedure; records; quorum; officers and employees. The housing commission shall meet at regular intervals, such meetings to be public. It shall adopt its own rules of procedure, and shall keep a record of the proceedings. Three members shall constitute a quorum for the transaction of business. A president and vice-president shall be elected by the housing commission. The housing commission may

appoint a director, who may also serve as secretary, and, in accordance with the provisions approved by the Board of Commissioners, such other employees as it may deem necessary. The housing commission shall prescribe the duties of all of its officers and employees and may fix their compensation.

Section 4. Operating funds. Funds for the operation of the housing commission may be provided by the Board of Commissioners, but the housing commission shall, 'as soon as possible, reimburse the county for all money expended by it for the housing commission, from revenues received.

Section 5. Powers and duties generally. The housing commission shall have the following enumerated powers and duties.

(a) To determine in what unincorporated areas of the county it is necessary to provide proper sanitary housing facilities for families of low income and for the elimination of housing conditions which are detrimental to the public peace, health, safety, morals or welfare.

(b) To purchase, lease, sell, exchange, transfer, assign and mortgage any property, real or personal, or any interest therein, or acquire the same by gift, bequest or under the power of eminent domain; to own, hold, clear and improve property; to engage in or to contract for the design and construction, reconstruction, alteration, improvement, extension or repair of any housing project or part thereof; to lease or operate any housing project.

(c) To control and supervise all parks and playgrounds forming a part of such housing development, but may contract with existing departments or commissions of the county for operation or maintenance of either or both.

(d) To establish and revise rents of any housing project, but shall rent all property for such sums as will make them self-supporting, include all charges for maintenance and operation, for principal and interest on loans and bonds and for taxes.

(e) To rent only to such tenants as are unable to pay for more expensive housing accommodations.

(f) To call upon other departments for assistance in performance of its duties, but such departments shall be reimbursed for any added expense incurred therefor.

(g) It shall have such other powers relating to such housing facilities project as may be prescribed by ordinance or resolution of the Board of Commissioners or as may be necessary to carry out the purposes of this ordinance.

✓ Section 6. Conflicts of interest by members. No member of the housing commission or any of its officers or employees shall have any interest directly or indirectly in any contract for property, materials or services to be acquired by the housing commission.

Section 7. Annual reports to Board of Commissioners. The housing commission shall make an annual report of its activities to the Board of Commissioners and shall make such other reports as the Board of Commissioners may from time to time require.

✓ Section 8. Eminent domain; projects declared for public purposes. The housing commission may recommend to the Board of Commissioners the institution and prosecution of proceedings under the power of eminent domain in accordance with the state law relative to condemnation. Housing projects contemplated by this ordinance are hereby declared to be for public purposes within the meaning of the Constitution and state laws relative to the power of eminent domain.

Section 9. Slum clearance and housing projects declared to be for public purposes. Slum clearance and housing projects contemplated by this ordinance are hereby declared to be for public purposes within the meaning of the Constitution and state laws relative to the powers of the county.

Section 10. Deeds, contracts, leases and purchases. All deeds, contracts; leases or purchases entered into by the housing commission shall be in the name of the county and shall be approved by the Board of Commissioners. Contracts for the purchase of necessary materials, leases with tenants and options need not be so approved.

Section 11. Commission to have control of housing projects; purchases not required to be made through purchasing department. The housing commission shall have complete control of the entire housing project, including the construction, maintenance and operation as fully and completely as if the housing commission represented private owners. Contracts for construction or purchase of materials entered into by the housing commission shall not be required to be made through the County Board of Commissioners.

① Section 12. Claims. All claims that may arise in connection with the housing projects shall be presented as are ordinary claims against the county provided, that written notice of all claims based upon injury to persons or property must be served upon the county clerk within sixty days from the happening of the injury, but the disposition thereof shall rest in the discretion of the housing commission, and the cost of investigation, attorneys' fees, all claims that may be allowed and final judgments obtained from such claims shall be paid only from the operating revenue of the housing projects.

Section 13. Notes, bonds and other obligations or claims not debts or charges against county or members of commission. The notes, bonds, or other obligations or any claims of whatever nature against the housing project shall not be debts or charges against the county nor against any member of the housing commission, and no individual liability shall attach for any official act done by any member of such housing commission.

Section 14. Estimate of costs prior to purchase, improvements, operation, etc. Whenever the housing commission shall determine to purchase, acquire, construct, improve, enlarge, extend, operate or repair any housing facility, it shall first cause an estimate to be made and the amount thereof shall appear in the ordinance authorizing and providing for the issuance of the bonds.

Section 15. Free services, etc., prohibited. No free services or rental shall be furnished by any such project to the county, any state agency or to any agency, instrumentality or person.

Section 16. Management of projects generally; minimum revenue to be produced by rentals. The housing commission shall manage and operate its housing projects in an efficient manner so as to enable it to fix the rental for dwelling accommodations at the lowest possible rates consistent with its providing decent, safe and sanitary dwelling accommodations. The housing commission shall not construct or operate any such project for profit. To this end, the commission shall fix the rentals for dwellings in projects at no higher rates than it shall find to be necessary in order to produce revenues which, from whatever sources derived available for such purposes, will be sufficient (a) to pay, as the same becomes due, the principal and interest on the bonds issued for such projects; (b) to meet the cost of, and to provide for, administration, operation and maintenance of the projects, including the cost of any insurance on the projects or on bonds issued therefor; (c) to create, during not less than the six years immediately succeeding its issuance of any bonds, a reserve sufficient to meet the largest principal and interest payments which will be due on such bonds in any one year thereafter and to maintain such reserve; and (d) (1) by setting up a reserve for taxation for any one year, which sum shall be paid to the county and other taxing units in proportion to the amount of taxes received for such unit in the year previous to the acquiring of the site for any housing project or (2) to pay to the county and other taxing units a sum annually in taxes equal to the amount of taxes received, prior to the acquiring of any such project site, from the assessment previously levied against such site.

Section 17. Records and accounts. The housing commission shall install, maintain and keep proper books of record and account, separate entirely from other records and accounts of the county, in which full and accurate entries shall be made of all dealings or transactions of, or in relation to the properties, business and affairs of the project. The housing commission, not later than three months after the close of any fiscal year, shall cause to be prepared a balance sheet and an income and surplus account, showing respectively, in reasonable detail, the financial condition of the project at the close of such preceding calendar year and the financial operations thereof during such year. Such balance sheets and income and surplus accounts shall, at all reasonable times during usual business hours, be open to examination and inspection by any taxpayer, renter of the property of the project or any holder or owner of bonds issued under the provisions of this ordinance and Act No. 18 of the Public Acts of 1933, First Special Session, or anyone acting for or on behalf of such taxpayer, renter or bondholder.

Section 18. Regulations as to rentals and tenant selection. In the operation or management of housing commission shall at all times observe the following duties with respect to rentals and tenant selection:

(a) It may rent or lease the dwelling accommodations therein only to persons of low income.

(b) It may rent or lease the dwelling accommodations therein only at rentals within the financial reach of such persons of low income.

(c) It may rent or lease to a tenant dwelling accommodations consisting of the number of rooms, but no greater number, which it deems necessary to provide safe and sanitary accommodations to the proposed occupants thereof without overcrowding.

(d) It shall not accept any person as a tenant in any housing project if the persons who would occupy the dwelling accommodations have an aggregate annual income in excess of any maximum allowed by the federal government pursuant to federal law or regulation in any contract for financial assistance.

(e) It shall prohibit subletting by tenants.

Section 19. Commission may designate certain persons to execute tenant leases for commission. The Clare County Housing Commission may designate their housing managers, assistant housing managers, the superintendent and assistant superintendent of housing operations to execute tenant leases for the commission.

Section 20. The Clare County Housing Committee shall, in addition to those powers and duties set forth in this ordinance, have all the powers and duties vested or permitted to be vested in housing commissions by Public Act 18 of the Extra Session of 1933, as heretofore or hereafter amended, and any laws heretofore or hereafter enacted which are supplemental thereto, it being the intention of this ordinance to vest in the Clare County Housing Commission all powers and duties permitted or required by law.

Section 21. Liberal construction of division. This Ordinance, being necessary for and to secure the public peace, health, safety, convenience and welfare of the county and the people of the county, shall be liberally construed to effect the purposes thereof.

Section 22. Should any provision or section of this ordinance be held to be invalid for any reason, such holding shall not be construed as affecting the validity of any remaining portion of such section of this ordinance, it being the legislative intent that this ordinance shall stand notwithstanding invalidity of any provision or section.

Section 23. This ordinance shall take effect fifteen (15) days after it has been published in a newspaper of general circulation and posted in a public place in the cities of Clare, Harrison and the Village of Farwell.

Yeas:

Nays:

Absent:

I, Ruth Stanley, Clare County Clerk and Clerk of the Clare County Board of Commissioners, State of Michigan, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the affirmative vote of all of the members of the Board of Commissioners as elected at a regular meeting of the Board of Commissioners held

Ruth Stanley
County Clerk