



FRUITA COLORADO

HOUSING AUTHORITY MEETING

Fruita Civic Center

Tuesday, January 17, 2023 at 6:30 PM

AGENDA

AGENDA ITEMS

1. Call to Order and Roll Call
2. Adoption of Bylaws for Fruita Housing Authority
3. Certificate of Fruita Housing Authority Commissioners for filing with the Colorado Department of Local Affairs
4. Other Business



FRUITA

COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA HOUSING AUTHORITY

FROM: MICHAEL BENNETT, CITY MANAGER

DATE: JANUARY 17, 2023

AGENDA TEXT: ADOPTION OF BYLAWS FOR FRUITA HOUSING AUTHORITY

BACKGROUND

Attached is a copy of the proposed bylaws for the Fruita Housing Authority. The purpose of bylaws is to establish the basic rules and regulations for the operations of the Authority. The Fruita City Council reviewed the bylaws at their November 22, 2022 workshop. City Attorney Mary Elizabeth Geiger has since worked with staff to update the bylaws per the direction of the city Council and will be at this meeting to present the bylaws.

Two overarching goals in the updates include first, adjusting the bylaws to reflect the sole purpose of the establishment of the Fruita Housing Authority “to assist the City of Fruita in meeting its goals of housing for all those who want to live in Fruita and to maintain various types of housing within the City, in the following ways: By fostering and coordinating cooperation with partners within and outside of the City of Fruita to create affordable housing through tax abatement programming (for instance through low-income housing tax credit financing (“LIHTC”) projects).” Second the bylaws have been adjusted so that the Housing Authority Board is comprised of the City Council, with the Mayor as Chair and the Mayor Pro-Tem as Vice Chair. Additional officers and employees of the Housing Authority include the City Finance Director as Treasurer, the City Clerk or Deputy City Clerk as Secretary, and the City Manager as Housing Authority Director.

RECOMMENDATION

It is the recommendation of staff that the Board of Commissioners of the Fruita Housing Authority by motion:

ADOPT THE FRUITA HOUSING AUTHORITY BYLAWS AS PRESENTED OR WITH AMENDMENTS.

CITY OF FRUITA HOUSING AUTHORITY
BYLAWS

ARTICLE I
GENERAL

Section 1. Establishment. Pursuant to Resolution 2022-02, as corrected by Resolution 2022-02A and amended by Resolution 2022-41, the City of Fruita, Colorado established a Housing Authority known as the “Fruita, Colorado Housing Authority” (hereinafter the “Authority”) pursuant to the Colorado Housing Authorities Law, presently codified at C.R.S. §§ 29-4-201, *et seq.*, as it may be subsequently amended from time to time.

Section 2. Purpose. The Authority is established to assist the City of Fruita in meeting its goals of housing for all those who want to live in Fruita and to maintain various types of housing within the City, in the following ways:

- By fostering and coordinating cooperation with partners within and outside of the City of Fruita to create affordable housing through tax abatement programming (for instance through low-income housing tax credit financing (“LIHTC”) projects).

Section 3. Offices. The Authority shall maintain an office within the boundaries of the City of Fruita, Colorado.

ARTICLE II
POWERS OF THE BOARD OF COMMISSIONERS

The Board of Commissioners of the Fruita, Colorado Housing Authority (the “Board”) shall have all of the powers now or hereafter authorized by the Colorado Housing Authorities Law, C.R.S. §§ 29-4-201, *et seq.*, specifically as set forth in C.R.S. § 29-4-209, and any other lawful powers authorized by the City of Fruita City Council (“City Council”). All powers of the Authority shall be exercised by or under the authority of, and the business and affairs of the Authority managed under the direction of, the Board of Commissioners. The Commissioners are under a statutory duty to comply or to cause strict compliance with all provisions of the Housing Authorities Law and all other laws of the State of Colorado and with any contract on the part of the Authority to be kept or performed by the Authority.

ARTICLE III
THE BOARD, OFFICERS, AND EMPLOYEES

Section 1. Board of Commissioners. Pursuant to C.R.S. § 29-4-205(2), all members of City Council and the Mayor shall ex officio be appointed the Commissioners of the Board.

Section 2. Terms. The terms of office of the Commissioners shall be coterminous with their terms of office on City Council and the term of the Mayor.

Section 3. Resignation. If a City Council member resigns from City Council, they shall be considered as having resigned from the Board. Such resignation shall take effect at the time specified in the letter of resignation from City Council. The acceptance of such resignation shall not be necessary to make it effective. Once a new City Council member is appointed to fill that position, they shall immediately become a member of the Board.

Section 4. Compensation. Commissioners shall serve without compensation, but they may be reimbursed for actual and necessary expenses incurred in the performance of their official duties pursuant to C.R.S. § 29-4-205(4).

Section 5. Employees. The City Manager or his designee shall serve as the Director of the Authority. The Housing Authority Director shall submit the Authority's budget to City Council. The Board may, at its discretion, hire other employees who may also be employees of the City of Fruita.

ARTICLE IV OFFICERS

Section 1. Officers. The officers of the Authority shall be a Chair, a Vice Chair, a Secretary and a Treasurer. Pursuant to C.R.S. § 29-4-205(2), the Mayor shall ex officio be Chair of the Board. The Mayor Pro Tem shall ex officio be Vice Chair of the Board. The Chair shall preside at all meetings of the Authority, sign contracts if authorized by Resolution, deeds, and other instruments of the Authority, with attestation by the Secretary. The City Clerk or Deputy City Clerk, as available, shall serve as Secretary. The Secretary shall sign the Minutes for every meeting of the Board. The Treasurer shall be the City Finance Director. The Vice Chair shall perform the duties of the Chair in the absence or incapacity of the Chair.

Section 2. Power to Bind the Authority. The name or position of the persons authorized to execute contract, real estate transactional documents, instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the Authority are both (two signatures being required) of (a) either the Chair or the Vice Chair and (b) the Secretary. The Board may authorize the Housing Authority Director to sign such documents on behalf of the Authority.

Despite anything to the contrary stated in the preceding paragraph, either the Chair or the Vice-Chair, acting alone, may execute contracts, real estate transactional documents, instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the Authority if so authorized as to one or more specific properties, instruments or transactions by Resolution of the Board of Commissioners of the Authority.

Section 3. Additional Duties. The officers of the Authority shall perform such other duties or functions as may from time to time be required by the Commissioners or the Bylaws or rules and regulations of the Authority.

ARTICLE V
CONFLICT OF INTEREST

No Board Member nor any employee of the Board shall vote or otherwise participate in any matter in which they have a specific financial interest, which is defined as a matter in which the member or employee would receive a benefit or incur a cost. When such interest appears, it is the duty of the Board Member or employee to make such interest known, and they shall thenceforth refrain from voting on or otherwise participating in the particular transaction involving such interest. The Board Members shall abide by the Code of Ethics set forth in the Chapter 2.70 of the Fruita Municipal Code.

ARTICLE VI
MEETINGS

Section 1. Meetings of the Board. The Board shall meet at least once per calendar year. Other meetings of the Board shall be at such time and place as determined by the Board. Meetings may be recessed and continued to another date.

Section 2. Notice. Notice of all Meetings shall comply with the provisions of the Colorado Open Meetings Law found at Sections 24-6-401 through -402, Colorado Revised Statutes. Notice shall be posted at least 24 hours prior to any Board meeting on the Authority's website hosted by the City of Fruita found at the City's website. At the first regular meeting of the Commissioners in each calendar year, the Commissioners shall designate the additional posting place of its notices of meetings for that year, if any.

Section 3. Open Meetings. All meetings of the Board shall be open to the public except those dealing with land acquisition or sales, personnel matters, negotiations, or legal matters of which the Board is receiving advice from its attorney or any other matter that may be discussed in executive session pursuant to the Colorado Open Meetings Law. The Minutes of the meeting shall reflect the executive session's topic of discussion.

Section 4. Quorum. A majority of the members of the Board, exclusive of the Chair, shall constitute a quorum for the transaction of business at any meeting, and if less than a quorum is present, a majority of those present may continue the meeting to a date certain without further notice.

Section 5. Voting. All resolutions or motions for the transaction of business shall require the affirmative vote of a majority of the members of the Board, exclusive of the Chair, present at any meeting where a quorum is present. The Chair shall only vote to break a tie vote of the Board members.

Section 6. Location of Meetings. Unless specified otherwise in a notice given as set forth herein, all meetings of the Commissioners, whether regular or special, shall be held at the principal office of the Authority or such other location designated the Board and set forth in a notice.

Section 7. Meetings by Electronic Means. Meetings may be conducted wholly or partially through the use of electronic devices, including but not limited to, telephone conference, electronic meetings, videoconferencing technology or similar communication technology, by which all Commissioners participating, and all members of the public may hear or read the comments of other Commissioners and participants in the meeting (“Virtual Communication”). A Commissioner participating in a meeting by Virtual Communication shall be deemed to be present in person at the meeting for all purposes of these Bylaws. Further, if a meeting is conducted wholly through Virtual Communication, then such virtual location as described in the meeting notice will be deemed the location of the meeting for the purpose of these Bylaws and the public notice requirements.

Section 8. Resolutions. All resolutions shall be in writing and shall be copied in the official minute book or journal of the proceedings of the Authority.

Section 9. Manner of Voting. The voting on all resolutions coming before the Board of Commissioners shall be by roll call or voice vote. The vote on all resolutions shall be by roll call vote if requested by any Commissioner. The voting on all motions coming before the Board of Commissioners shall be by voice vote.

ARTICLE VII FINANCE, DEBT, AND INSURANCE

As the Authority’s sole purpose is to participate in tax abatement programming, the financing and debt Sections of this Article apply solely for accomplishing that purpose.

Section 1. Budget. The Authority shall annually submit a budget to the Fruita City Council for review and approval in accordance with the City of Fruita’s annual budget schedule. An annual audit shall be made pertaining to the fiscal affairs of the Authority in conjunction with that of the City.

Section 2. Deposits. All funds of the Authority shall be deposited in the City of Fruita to the credit of the Authority. Such deposits shall be made into interest bearing accounts where applicable.

Section 3. Accounting. The Authority and the City of Fruita shall maintain accounting and transaction records. All vouchers or the payment of accounts shall be submitted by the Housing Authority Director to the Treasurer for payment from the funds deposited to the credit of Authority. Both the Housing Authority Director and the Treasurer shall approve all vouchers for expenditures.

Section 4. Funding. The operations of the Authority shall be principally funded from:

- a) Donations to the Authority for the performance of its function;
- b) Such other sources as may be approved by the Fruita City Council or the voters within the City of Fruita.

Section 5. Contracts. The Board may authorize the Chair or the Housing Authority Director, by resolution, to enter into any contract, or execute any instrument in the name of and on behalf of the Authority. Such authority may be general, or confined to specific instances.

Section 6. Property. The Authority may hold property in its name as directed by resolution of the Board, and as permitted by The Colorado Housing Authorities Law as amended. The Board may choose to transfer any property to the City of Fruita. If the Authority is terminated, all remaining property shall be transferred to the City of Fruita, Colorado, unless otherwise provided.

Section 7. Debts. All instruments of debt shall be evidenced by a contract, loan agreement, trust indenture, bond indenture, or some other legally binding written document. No verbal debts of contract shall be binding on the Board.

Section 8. Bonds. All bond issues shall be issued by the City of Fruita, and subject to its approval, as well as the City's elections. The Board may recommend to the City Council the issuance of Bonds for any project or purpose authorized by law.

Section 9. Non-liability for Debts. The private property of a member of the Board shall be exempt from execution or other liability for any debts of the Authority. No Board Member shall jointly or severally be liable for the debts or liabilities of the Authority.

Section 10. Indemnification. Indemnification of Board Members or Officers of the Authority shall be in accordance with the Colorado Governmental Immunity Act ("CGIA"), CRS 24-10-101 *et seq.* as such may be amended from time to time.

Section 11. Fidelity Bonds. The Board may require fidelity bonds for the faithful performance of any employee's duties. The expense for such bonds shall be paid for by the funds of the Authority.

Section 12. Insurance. The Board may participate in the City of Fruita insurance policies with the approval of the City Council, and the City's insurance providers. The Board may also purchase any insurance policies for the Authority as it sees fit. The Board may also purchase insurance for the purpose of indemnifying its Board Members, Officers, and employees to the extent that such indemnification is allowed in Section 11 of Article V of these Bylaws.

ARTICLE VIII AMENDMENTS TO BYLAWS

These Bylaws may be altered, amended, or repealed by the affirmative vote of a majority of all the members of the Board, exclusive of the Chair, at any duly convened special or regular meeting.

ARTICLE X DISSOLUTION

Upon resolution by a two-thirds (2/3rds) vote of all members of the Board, exclusive of the Chair, the Board may request the City Council to dissolve the Authority, provided that all statutory requirements are satisfied. The Authority may be dissolved by any method authorized by statute.

ADOPTED this ___ day of _____, 2023 at a regularly scheduled meeting of the Authority.

Votes: ___ yes; ___ no

_____, Chair

ATTEST:

Secretary



FRUITA

COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA HOUSING AUTHORITY

FROM: MARGARET SELL, CITY CLERK

DATE: JANUARY 17, 2023

AGENDA TEXT: CERTIFICATE OF FRUITA HOUSING AUTHORITY COMMISSIONERS

BACKGROUND

The Fruita Housing Authority is officially created upon filing a Certificate with the Colorado Department of Local Affairs, Division of Local Government where it shall remain of record.

Pursuant to 29-4-204 (4) C.R.S. the Certificate shall be signed by Commissioners of the Fruita Housing Authority and set forth that a *“notice has been given and public hearing has been held, that the council made a determination after such hearing and that the mayor or such other appointing authority as is otherwise provided by charter or ordinance has appointed them as commissioners. Upon the filing of such certificate with said division, the commissioners and their successors shall constitute a housing authority, which shall be a body corporate and politic.”*

RECOMMENDATION

It is the recommendation of the Fruita City Staff that the Fruita Housing Authority members sign the attached certificate and direct the City Clerk to file it with the Department of Local Affairs.

**CERTIFICATE BY COMMISSIONERS OF THE
CITY OF FRUITA HOUSING AUTHORITY**

We, the undersigned Commissioners of the City of Fruita Housing Authority, hereby certify that:

1. Pursuant to "The Housing Authorities Law" of the State of Colorado (Part 2 of Article 4 of Title 24, Colorado Revised Statutes, as amended), a notice was given by the City Clerk of the City of Fruita, Colorado, in the manner required by law, of the time, place and purposes of a public hearing to be held by the City Council of the City of Fruita the question of the need for a municipal housing authority to function in the City.
2. The public hearing was held by the City Council on January 24, 2022.
3. The City Council, after such public hearing, adopted Resolution 2022-02 (Exhibit A) pursuant to which the City Council found, determined, and declared that unsanitary or unsafe inhabited dwelling accommodations exist in the City, that there is a lack of safe or sanitary dwelling accommodations in the City available for all the inhabitants thereof, and that there is need for a housing authority to function in the City.
4. Said Resolution 2022-02 was subsequently amended by Resolution 2022-02a (Exhibit B) to correct a typographical error in the reference to Colorado Revised Statutes.
5. Said Resolution was further amended on December 20, 2022, by Resolution 2022-41 (Exhibit C) and all members of the City Council were appointed as ex-officio members of the Fruita Housing Authority and the Mayor was appointed as ex-officio chair of the Fruita Housing Authority Board.
6. We, the undersigned, are the duly elected or appointed Mayor and members of the City Council of the City of Fruita, Colorado and therefore, pursuant to Resolution 2022-41, we are duly appointed as *ex officio* Commissioners of the City of Fruita Housing Authority.

*Fruita Housing Authority Chairman
Mayor Joel Kincaid*

Commissioner Ken Kreie

Commissioner Matthew Brehan

Commissioner Jeanine Purser

Commissioner James Williams

Commissioner Amy Miller

Commissioner Aaron Hancey

Subscribed and sworn to before me this 17th day of January, 2023.

Margaret Sell, Fruita City Clerk

Exhibit A

Item 3

CITY OF FRUITA RESOLUTION 2022-02

A RESOLUTION AUTHORIZING THE CREATION OF THE FRUITA HOUSING AUTHORITY

WHEREAS, the Housing Authorities Law, C.R.S. §§ 24-4-201, *et seq.*, provides for the creation of a local housing authority;

WHEREAS, on January 7, 2022, pursuant to C.R.S. § 24-4-204, the City Clerk received a petition signed by 25 residents of the City setting forth the need for a housing authority to function in the City (the "Petition");

WHEREAS, on January 24, 2022, the City Council held a properly-noticed public hearing to consider the Petition and to determine whether there is a need for a housing authority in the City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO THAT:

Section 1. Findings. The City Council hereby finds and determines that:

- A. The petition meets the requirements of C.R.S. § 29-4-204(1).
- B. Notice of a public hearing was properly given as required pursuant to C.R.S. § 29-4-204(1).
- C. The public hearing was held on January 24, 2022, at which interested persons were provided an opportunity to be heard on the Petition.
- D. There is a lack of safe or sanitary dwelling accommodations in the City available to the inhabitants thereof.
- E. There is a need for the creation of a housing authority to function in the City.

Section 2. Pursuant to C.R.S. § 29-4-204(4), notice of this resolution shall be given to the Mayor of the City.

Section 3. Pursuant to C.R.S. § 29-4-204(5), the boundaries of the Fruita Housing Authority (the "Authority") shall be the same as the municipal boundaries of the City.

Section 4. Pursuant to C.R.S. § 29-4-205(3), the Mayor shall appoint up to nine Commissioners, with such appointments ratified by the City Council pursuant to Section 2.05 of the City Charter, to serve as the Authority Board for staggered terms in accordance with C.R.S. § 29-4-205(3)(a) and (b). Thereafter, the term of office is the

number of years as set by the City Council by resolution, not to exceed five years in length, or, if the council has not so acted, five years. The Mayor shall file with the city clerk a certificate of the appointment or reappointment of any commissioner, with evidence of the City Council's ratification thereof, and such certificate is conclusive evidence of the due and proper appointment of each commissioner. Commissioners shall receive no compensation for their services but may be reimbursed for actual and necessary expenses incurred in the performance of official duties pursuant to C.R.S. § 29-4-205(4).

Section 5. The Commissioners shall select a Chair and Vice-Chair of the Authority in accordance with C.R.S. § 29-4-205(3)(b).

Section 6. Pursuant to C.R.S. § 29-4-204(4), the Commissioners shall sign a certificate setting forth that a properly noticed public hearing was held, that the City Council made a determination that there is a need for creation of the Authority, and that the Mayor shall appoint the Commissioners. The certificate shall be filed with the Division of Local Government in the Department of Local Affairs. Upon the filing of such certificate, the Authority will be created and shall operate in accordance with C.R.S. § 29-4-201, *et seq.*, and other applicable law.

DULY MOVED, SECONDED AND ADOPTED THIS 24th DAY OF JANUARY 2022.

(SEAL)

CITY COUNCIL OF THE CITY OF FRUITA, COLORADO

BY: [Signature]
Mayor

ATTEST: [Signature]
City Clerk

Votes in favor: 5
Votes opposed: 1
Abstained: 0



**CITY CLERK'S CERTIFICATION OF SUFFICINECY
WITH RESPECT TO THE PETITION FOR CREATION OF
CITY OF FRUITA HOUSING AUTHORITY**

Submitted pursuant to C.R.S. §29-4-204

I, Margaret Sell, City Clerk of the City of Fruita, Colorado do hereby find:

1. A petition for creation of City of Fruita Housing Authority was submitted to the City Clerk's office on January 7, 2022 at 2:15 p.m.
2. Pursuant to C.R.S. §29-4-204, any twenty five residents of the city may file a petition with the City Clerk setting forth that there is a need for an authority to function in the city.
3. The City Clerk's office has compared the signatures and addresses on the petition with utility billing records of the City and records of the Mesa County Assessor's Office and confirmed that the petition was signed by twenty-five residents of the City of Fruita.

I hereby certify that the petition for creation of a City of Fruita Housing Authority is sufficient with the minimum 25 signatures required to proceed with setting a public hearing at which the City Council will determine the need for such an authority in the City. Said hearing has been scheduled for January 24, 2022 at 6:00 p.m. with the notice of the hearing to be published in the Daily Sentinel on January 13, 2022, a minimum of ten days preceding the date of the hearing.

1/7/2022

Margaret Sell, City Clerk

Date

RESOLUTION 2022-02A

A RESOLUTION OF THE FRUITA CITY COUNCIL CORRECTING TYPOGRAPHICAL ERRORS IN RECITALS OF RESOLUTION 2022-02

WHEREAS, at a properly noticed and held Special Meeting of the City of Fruita City Council on January 24, 2022, the City Council reviewed a petition to form a Housing Authority pursuant to C.R.S. §§ 29-4-201 et seq. that had been certified by the City Clerk pursuant to C.R.S. §29-4-204 (“Petition”); and

WHEREAS, the City Council held a public hearing on the Petition; and

WHEREAS, the City Council adopted Resolution 2022-02 finding that the creation of the Fruita Housing Authority was warranted due to a lack of safe or sanitary dwelling accommodations in accordance with C.R.S. §29-4-204(1); and

WHEREAS, the first two Recitals in Resolution 2022-02 inadvertently referred to “C.R.S. §§ 24-4-201 et seq.” and “C.R.S. § 24-4-204” instead of C.R.S. §§ 29-4-201 et seq. and C.R.S. § 29-4-204, as properly referred to in body of that Resolution, the Petition and the public notice therefore; and

WHEREAS, in order to avoid any confusion regarding the statutory citations in Resolution 2022-02, the City Council wishes to adopt this Resolution correcting those typographical errors and amending Resolution 2022-02 accordingly.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO THAT:

Section 1: The first Recitals of Resolution 2022-02 are hereby amended to read:

WHEREAS, the Housing Authorities Law, C.R.S. §§ 29-4-201, et seq., provides for the creation of a local housing authority;

WHEREAS, on January 7, 2022, pursuant to C.R.S. § 29-4-204, the City Clerk received a petition signed by 25 residents of the City setting forth the need for a housing authority to function in the City (the “Petition”);

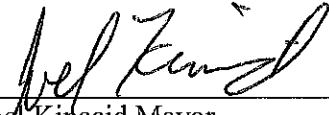
Section 2: All other provisions of Resolution 2022-02 remain unchanged.

Section 3: The City Clerk is directed to make these corrections to Resolution 2022-02 to be signed by the Mayor and City Clerk effective nun pro tunc to January 24, 2022 with a notation that it reflects the corrected typographical errors from adopted by this Resolution.

Effective Date. This Resolution shall take effect and be enforced immediately upon its approval by the City Council.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 15TH DAY OF FEBRUARY 2022**

CITY OF FRUITA

By: 
~~Joel Kincaid, Mayor~~
JOEL KINCAID, MAYOR

Attest:


Margaret Sell, City Clerk

CITY OF FRUITA, COLORADO
RESOLUTION 2022-41

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRUITA AMENDING
RESOLUTION NO. 2022-02 CONCERNING APPOINTMENT OF COMMISSIONERS
TO THE HOUSING AUTHORITY BOARD

WHEREAS, the City of Fruita City Council (“City Council”) duly adopted Resolution No. 2022-02 establishing the City of Fruita Housing Authority (“Housing Authority”) pursuant to C.R.S. §§ 29-4-201 *et seq.*, as amended by Resolution No. 2022-02A; and

WHEREAS, pursuant to C.R.S. § 29-4-205(3), Resolution No. 2022-2 granted the Mayor authority to appoint up to nine Commissioners, with such appointments ratified by City Council, to serve as the Housing Authority Board; and

WHEREAS, the Mayor and City Council have not appointed any Commissioners to serve as the Housing Authority Board; and

WHEREAS, the City Council desires to narrow the charge of the Housing Authority and to retain additional oversight thereof; and

WHEREAS, the City Council finds and determines it is in the best interests of the City of Fruita, including the Housing Authority, to change the composition of the Housing Authority Board to track C.R.S. § 29-4-205(2) as follows.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fruita that:

1. **Recitals.** The foregoing recitals are incorporated herein as findings of the City Council.

2. **Amendment to Resolution No. 2022-02.** The City Council hereby repeals and replaces Sections 4 and 5 of Resolution No. 2022-02 to read as follows:

Section 4. Pursuant to C.R.S. § 29-4-205(2), all members of City Council shall ex officio be appointed the Commissioners of the Housing Authority. The terms of office of such Commissioners shall be coterminous with their terms of office on City Council. The Mayor shall ex officio be Chair of the Authority Board. The Commissioners shall select from among their members a Vice Chair.

Section 5. Commissioners shall receive no compensation for their services but may be reimbursed for actual and necessary expenses incurred in the performance of their official duties pursuant to C.R.S. § 29-4-205(4).


3. **Severability.** If any section, paragraph, clause, or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of

such section, paragraph, clause, or provision shall in no manner affect any remaining provision of this Resolution.

4. **Effective Date.** This Resolution shall take effect and be enforced immediately upon its adoption by the City Council.

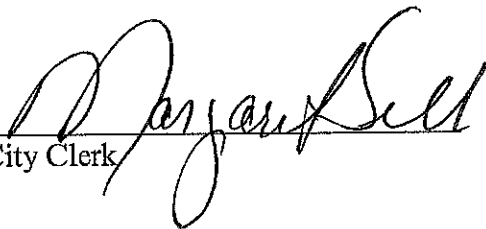
INTRODUCTED AND ADOPTED this 20th day of December, 2022.

CITY COUNCIL OF THE CITY OF FRUITA,
COLORADO



Mayor

ATTEST:



City Clerk