

Pawnee Nation Housing Authority of the Pawnee Tribe

# By-Laws



Amended May 9, 2023; February 13, 2023;  
and July 14, 2020

## **ARTICLES I – THE AUTHORITY**

SECTION 1: **NAME OF THE AUTHORITY:** The name of the Authority shall be the Pawnee Nation Housing Authority.

SECTION 2: **SEAL OF THE AUTHORITY:** The seal of the Authority shall be in the form of a circle and shall bear the name of the Tribal affiliation of the Authority.

SECTION 3: **OFFICE OF THE AUTHORITY:** The Office of the Authority shall be 126 Eagle Chief Drive in the Pawnee Nation Housing Authority Office Building, in Pawnee, Ok 74058.

SECTION 4: **GOVERNING BODY OF THE AUTHORITY:** The Pawnee Nation Housing Authority shall consist of a five (5) member Board of Commissioners.

## **ARTICLE II – OFFICERS**

SECTION 1: **OFFICERS:** The Officers of the Pawnee Nation Housing Authority shall be a Chairman, Vice-Chairman and Secretary. The Executive Director shall serve as Secretary (non-voting) of the Board.

SECTION 2: **CHAIRMAN:** The Chairman shall preside at all meetings of the Pawnee Nation Housing Authority Board of Commissioners (hereinafter called “Board”), except as otherwise authorized by Resolution of the Board. The Chairman and/or his/her designee usually the Secretary to the Board shall sign all contracts, deeds and other instruments made by the Authority. All checks shall be counter signed by the Chairman, except in special or emergency situations, in which case any member of the Board who is on the check signing list may sign.

SECTION 3: **VICE – CHAIRMAN:** The Vice-Chairman shall perform the duties of the Chairman in the absence or incapacity of the Chairman. In the case of the resignation or death of the Chairman, the Vice-Chairman shall perform the Chairman’s duties until such time as the Board of Commissioners elects the new Chairman.

SECTION 4: **SECRETARY:** The Secretary shall keep the records of the Authority. Shall act as Recording Secretary at the meetings of the Board of Commissioners and record all votes and shall keep a record of the proceedings of the Authority in a journal of Proceedings to be kept for such a purpose and shall perform all duties incident to the office. He/she shall keep in safe custody the

seal of the Authority and shall have the authority to affix such a seal to all contracts and instruments authorized to be executed by the Authority. The Secretary shall have the care and custody of all funds of the Authority and shall deposit the same in the name of the Authority in appropriate depositories as selected by the Board. Will keep regular books of accounts showing receipts and expenditures and shall render to the Authority, at each regular meeting and account of transaction and also of the financial condition of the Authority. Will give such bonds for the faithful performance of his duties as the Board of Commissioners may determine.

SECTION 5: **EXECUTIVE DIRECTOR:** The Executive Director shall be selected or terminated by the Board of Commissioners. The Executive Director will have general supervision over the day-to-day administration of the business and affairs of the Authority, subject to the direction of the Board, Federal Regulations, State Regulations or By-Laws of the Authority.

### **ARTICLE III – COMMISSION**

SECTION 1: **ADDITIONAL DUTIES:** The Board of Commissioners of the Authority shall perform such duties and functions as may from time to time be required by By-Laws of the Authority. The Commissioners may appoint subordinate committees, outlining their function and purpose. Such committees will be regulated/restricted to making recommendations only.

SECTION 2: **COMPENSATION:** A Commissioner shall receive compensation in the amount of \$100.00 per meeting for his/her services. Those Commissioners having to travel over 25 miles are entitled to receive mileage.

SECTION 3: **ELECTIONS AND APPOINTMENTS;** The Chairperson, Vice-Chairperson shall be elected at the Annual meeting of the Authority from members of the Board of Commissioners and shall hold office for one (1) year or until their successors are elected and qualified. In the case of absence or incapacity of both, the Chair and the Vice-Chair, the remaining Commissioners may elect an Acting Chair to serve during the period of absence or incapacity of the Chair and Vice-Chair.

SECTION 4: **QUALIFICATIONS:** The Pawnee Nation Housing Authority finds the need to seat newly appointed commissioners to serve on the Housing commission. In accordance with the By-laws of the Housing Authority, the laws of the State of Oklahoma and Pawnee

Nation laws the following policy has been developed to ensure fair and lawful treatment of Commissioner candidates.

It is the policy of the Pawnee Nation Housing Authority to conduct background checks on all newly appointed commissioners. If a newly appointed commissioner does not pass the background check, then said individual shall not be seated on the Pawnee Nation Housing Authority Board of Commissioners.

All reviews of background checks will be conducted in an Executive Session of the Pawnee Nation Housing Authority Commission. If necessary, a special meeting may be called in order to expedite the seating process.

In order to be seated on the Commission a candidate must successfully pass a background check and the following conditions must be met:

1. Candidate must not possess any felonies or criminal misdemeanors of any kind involving fraud, theft or embezzlement or a pattern of criminal behavior. A pattern of criminal behavior is a pattern of conduct that is criminal as that behavior is defined in law. It must occur more than twice and does not have to be the same behavior. The offender must only commit a crime of the same degree; misdemeanor or felony.
2. Must not have any delinquent and/or outstanding debts to the Pawnee Nation.
3. Must not have any delinquent and/or outstanding debts to the Housing Authority of the Pawnee Tribe.
4. Must possess a valid Oklahoma Driver's license in order to drive any insured vehicle.
5. If the candidate is unable to possess a driver's license, then they must have a valid State Identification Card.
6. Commissioners should be responsible, have integrity, good judgement and sensitivity to American Indian culture and social conditions.

In order to further clarify the process for seating Commissioners the following procedure will be conducted;

1. Candidate must submit a letter of interest, resume to the Executive Offices of the Pawnee Nation, and sign an authorization to have a background check performed by the Pawnee Nation Housing Authority (PNHA).

2. The Pawnee Business Council will select the candidates and forward the list in an order of priority to the PNHA
3. The PNHA will conduct a background check on candidates as listed by priority. If the first candidate passes the background check, then the Board of Commissioners will send back to the Executive Offices a letter stating that said candidate passed the background check. If the first candidate fails, then the PNHA will conduct a background check on the second prioritized candidate and so on and so forth until an acceptable candidate can be found.
4. The acceptable candidate's name will be forwarded to the Pawnee Business Council (PBC) then the PBC will, at their discretion, pass a resolution of their approval of the candidate for seating on the Board of Commissioners.
5. The Resolution and oath of office will then be sent to the Candidate, outlining the next steps of the candidate, prior to be officially seated.
6. The Candidate will present to the Pawnee County Clerk the tribal resolution in hand and take the oath of office.
7. The Candidate will then bring their completed Oath of Office and tribal resolution to the Housing Director who will then inform the candidate of the next regular business meeting of the Commission.
8. The candidate will attend the next regular business meeting and be seated as a commissioner.

SECTION 5: **TERMS OF OFFICE:** The terms of Commissioners shall be staggered terms assigned to each seat. Terms of commissioners shall be appointed to seats numbered one to five by Resolution of the Council. All seats shall begin on October 22 and end three years later on October 21 or until a successor has been appointed and qualified.

SECTION 6: **VACANCIES:** Should the offices of Chairperson or Vice-Chairperson become vacant, the Board shall elect a successor from its membership at next regular meeting and such election shall be the remainder of the unexpired term of said office. Should the term of any "Board member expire, the Pawnee Business Council shall appoint a successor. The terms of all shall be dictated by the vacancy to be filled. The Executive Director is responsible for apprising the Pawnee Nation 'Business Council President of any impending vacancies on the Board ninety days before term expires when possible. The process shall be the Pawnee Nation Commission and Board Checklist for Eligible Applicants.  
**(ATTACHMENT A OF SECTION 6 PAGE 9)**

SECTION 7: **ATTENDANCE:** Commissioners shall give notice if they are unable to attend meetings, either in writing, by phone or in person to the Chairperson of the Board or Executive Director of the Housing Authority.

SECTION 8: **ADDITIONAL PERSONNEL:** The Board of Commissioners may from time to time employ such personnel as it deems necessary to exercise its powers, duties and functions as prescribed by **FEDERAL REGULATIONS, OKLAHOMA HOUSING AUTHORITY ACT AND ALL OTHER LAWS APPLICABLE HERETO.** The selection, removal and compensation of such personnel shall be determined by the Board of Commissioners subject to the BY – LAWS AND OTHER APPLICABLE LAWS.

SECTION 9: **REMOVAL OF COMMISSIONERS:** Commissioners may be removed under the **OKLAHOMA HOUSING AUTHORITY ACT, SECTION 1060,** and for the following:

1. Missing two (2) consecutive meetings without cause or notification to the Executive Director or Chairperson, or,
2. By bringing discredit to the Authority by inappropriate behavior at any meeting or training which you are attending as a representative of the Housing Authority.

A Commissioner shall be removed only after a hearing and after he/she shall have been issued a copy of the Charges at least ten (10) days prior to the hearing and had an opportunity to be heard in person or by counsel. The Pawnee Business Council shall be notified by the Executive Director within three (3) days of the Boards action recommending removal of a Commissioner.

#### **ARTICLE IV – MEETINGS**

SECTION 1: **ANNUAL MEETING:** The Annual Meeting of the Authority shall be held on the **Second (2<sup>nd</sup>) Tuesday** in the month of November at the regular meeting place of the Authority. In the event such date should fall on a legal Holiday, the Annual Meeting shall be held the next succeeding secular day. Notice of the time and place o said meeting shall follow the guidelines of the **OKLAHMA OPEN MEETING ACT.**

SECTION 2: **REGULAR MEETINGS:** Regular Meetings shall be held on the **Second (2<sup>nd</sup>) Tuesday** of every month in the Pawnee Nation Housing Authority conference room. In the event such date falls on a legal Holiday, the regular meeting shall be held on the earliest

possible date. Notice of the time and posting of the agenda shall follow the guidelines of the **OKLAHOMA OPEN MEETING ACT**.

SECTION 3: **VIRTUAL MEETINGS:** Virtual Meetings may be held on Microsoft TEAMS or other telecommunication platforms. (Amended 2-13-23)

SECTION 4: **SPECIAL MEETINGS:** Actual notice must be given to each member of the Board by the Chairperson at least twenty-four hours prior to the time of such Special Meeting. Special Meetings may not be held without at least forty-eight (48) hours public notice. Public notice of the meeting shall occur in prominent view. At such meetings, no business shall be considered other than as designated on the agenda and no action may be taken without the concurrence of a majority of the Board. Special Meeting may be called by one of the following methods:

1. Chairperson at his/her discretion with concurrence of another Board member.
2. A written request from one (1) Member and the Executive Director.
3. A written request from two (2) Members.

The posting of notices with the written date, time, place and agenda must follow the **OKLAHOMA OPEN MEETING ACT** regulations. Written notice may be given to one of the following: **Secretary of State of Oklahoma, County Clerk or Tribal Secretary or Clerk**, forty-eight (48) hours prior to such meeting.

SECTION 5: **EMERGENCY MEETINGS:** Emergency meetings can only be called for situations that affect the health and safety of the community or have a risk of financial loss. Meetings can only be called by:

1. Chairman at his/her discretion with concurrence of another Board Member.
2. A written request from one (1) member and the Executive Director.
3. A written request from two (2) members.

The posting of notices with the written date, time, place, and agenda must follow the **OKLAHOMA OPEN MEETING ACT** regulations. Written notice may be given to one of the following: **Secretary of State of Oklahoma, County Clerk or Tribal Secretary or Clerk**, forty-eight (48) hours prior to such meeting.

SECTION 6: **QUARTERLY MEETINGS:** This is a meeting which all Tribal Program Directors attend and the Pawnee Nation Housing Authority Executive Director shall be required to attend. A report shall be submitted according to the schedule of the Pawnee Nation Business Council prior to the quarterly meeting. This report shall include a budget report and an update of housing activities for the quarter. If the Executive Director is unable to attend, he/she will appoint a member of the Housing Authority staff to attend. The Board of Commissioners is encouraged to attend if possible.

SECTION 7: **QUORUM:** The powers of the Authority shall be vested in the Commissioners. A majority of the Board, three (3), shall constitute a quorum. No Business shall be conducted without a quorum.

SECTION 8: **ORDER OF BUSINESS:** At the Regular Meeting of the Authority, the following is similar to the ORDER OF BUSINESS:

1. CALL TO ORDER
2. ROLL CALL – DECLARATION OF QUORUM
3. INVOCATION
4. INTRODUCTION OF GUESTS
5. APPROVAL OF AGENDA
6. EXECUTIVE DIRECTOR REPORT
7. FINANCIAL REPORTS
8. MAINTENANCE REPORT
9. OLD BUSINESS
10. NEW BUSINESS
11. OPEN FORUM
12. EXECUTIVE SESSION (IF NEEDED)
13. ADJOURNMENT

The Executive Director will assemble the agenda for the Board and the Board Members may request items be placed on the agenda.

All resolutions shall be in writing and shall be recorded in a journal of the proceedings of the Housing Authority.

SECTION 9: **MANNER OF VOTING:** The voting of all motions/questions coming before the Board shall be by roll call and the ayes and nays of each member are entered upon the minutes of such meeting. Whereas, the majority of the votes are yes, the motion will be carried recorded in the minutes thereof.



## **ARTICLE V – AMENDMENTS**

SECTION 1: **AMENDMENTS TO THE BY – LAWS:** The By-Laws of the Authority shall be amended as needed with the approval of at least three (3) Commissioners at a Regular or Special Meeting which has been duly called and held **pursuant to Article III, Section 2 or Section 3 and the OKLAHOMA OPEN MEETING ACT.** But no such amendment shall be adopted unless at least three (3) days written notice thereof has been previously given to all Housing Authority Commissioners.

**ATTACHMENT A - SECTION 6**

PAWNEE NATION  
Commission and Board Checklist for Eligible Applicants

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COMMISSION/BOARD NAME: Pawnee Nation Housing Authority Board

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Applicant Name: \_\_\_\_\_

Date Applied: \_\_\_\_\_

Check all that Apply:

Letter of Interest

Resume Included

Eligibility Require Tribal Membership

Tribal Member Verification

Does the Applicant sit on any other Committee/Commission/Board?

Yes

No

List all that Apply.

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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ADDITIONAL INFORMATION

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Does Commission or Board request a Background Check prior to being appointed?

Yes

No

If yes, is the Applicant eligible for PBC appointment by Resolution?

Yes

No

Please initial for Verification \_\_\_\_\_

For Executive Office Use Only

Date Appointed: \_\_\_\_\_

Resolution #: \_\_\_\_\_