

**RESOLUTION OF THE GOVERNING BODIES OF THE COUNTY OF CLARK AND
THE CITIES OF HENDERSON, LAS VEGAS AND NORTH LAS VEGAS TO FORM
THE SOUTHERN NEVADA REGIONAL HOUSING AUTHORITY**

WHEREAS, the provision of safe, decent and affordable housing for veterans and persons of low-income is of critical importance to the public health, safety and welfare of the residents of Nevada ("State"), Clark County and its incorporated cities; and

WHEREAS, on June 1, 2009 upon the Governor's approval, the Nevada Legislature enacted Assembly Bill 478 ("AB 478"), which amended NRS Chapter 315 by adding thereto provisions by which, in a county whose population is 400,000 or more, two or more housing authorities may be formed into a regional housing authority, to be created by resolution among the governing bodies of the local governments that desire to participate in the regional authority; and

WHEREAS, AB 478 provides that such resolution must set forth (i) the intent of the governing bodies to regionalize some or all of their powers, (ii) a reference to the development of a plan for transitioning to a regional authority, (iii) the geographic scope of the regional authority, and (iv) such other matters as the governing bodies determine to be necessary or advisable; and

WHEREAS, as of the date of this Resolution there exist in Clark County three local housing authorities, namely, the Housing Authority of the City of Las Vegas ("HACLV"), the Housing Authority of the County of Clark ("HACC") and the Housing Authority of the City of North Las Vegas ("HACNLV"), each of which provide similar housing assistance services; and

WHEREAS, on January 27, 2009, at a joint public meeting of HACLV and HACC, and thereafter on February 16, 2009, at a special meeting of HACNLV, each of these local housing authorities approved a governance structure for a regional authority as enabled by AB 478, and approved the development of an Implementation Analysis and Plan by staff from Clark County, the cities of Las Vegas, North Las Vegas and Henderson, and the Executive Directors of the three local housing authorities; and

WHEREAS, in March of 2009, the governing bodies of Clark County and the cities of Las Vegas, North Las Vegas and Henderson each approved a resolution in support of regionalization of housing authority; and

WHEREAS, AB 478 provides that if the formation of a regional authority involves fiscal matters, the ownership of real property or the consolidation of functions, the governing bodies who form the regional authority shall, in consultation with the United States Department of Housing and Urban Development ("HUD"), resolve such matters by written contract, agreement or other arrangement entered into by the governing bodies; and

WHEREAS, in working towards this Resolution the governing bodies of Clark County, Las Vegas, North Las Vegas and Henderson have consulted with HUD, and shall further consult with HUD for any other arrangement they may undertake toward regionalization of housing authority; and

WHEREAS, AB 478 provides that upon adoption of a resolution forming a regional authority, the dissolution of any individual authorities of the local governments who form the regional authority must be begun and completed by January 1, 2010; and

WHEREAS, AB 478 provides that as soon as practicable after July 1, 2009 and after the adoption of a resolution, the governing bodies of Clark County and the cities of Las Vegas, North Las Vegas, and Henderson must each appoint two commissioners to the regional authority, and further requires that the governing bodies appoint one commissioner representing tenants by means only partially prescribed by AB 478 and necessarily further addressed herein; and

WHEREAS, although diverse organizations throughout Southern Nevada represent tenants of housing projects in various capacities, no single organization presently represents the interests of all tenants of housing projects in coordination with a regional housing authority; and

WHEREAS, it is necessary and advisable to have an interim tenant commissioner in order for the regional authority to conduct business in anticipation of the January 1, 2010 deadline, while the three organizations which represents tenants for HACLV, HACC and HACNLV are collectively organized to make nominations for the tenant commissioner; and

WHEREAS, in making the appointments of commissioners, local governments shall seek recommendations for persons from diverse backgrounds with a view towards balancing gender and ethnicity, soliciting appointees from various fields of experience, as required by AB 478; and

WHEREAS, NRS Chapter 315, either through AB 478 or NRS 315.410, does not address a means of removing commissioners of a regional authority, other than as a matter necessarily or advisably to be set forth in this Resolution; and

WHEREAS, it has been the experience of the governing bodies of Clark County and the cities of Las Vegas, and North Las Vegas, and Henderson that the full exercise of powers by housing authorities may, from time to time, work toward the detriment of the provision of safe, decent and affordable housing as the governing bodies and housing authorities independently and sometimes in conflict exercise their respective authority toward that purpose, as exemplified by the enactment of Section 6 of AB 478 prohibiting a regional authority from requesting a reservation or nomination of land from the Bureau of Land Management without local government approval; and

WHEREAS, AB 478 further provides that in addition to all the powers set forth in NRS 315.440 and 315.460, the governing bodies may confer upon the regional authority such other powers as the governing bodies may agree upon; and

WHEREAS, AB 487 provides local governments broad discretion in the formation of a regional authority, which as a practical matter will require extensive analysis, cooperation and consensus, but provides only a brief time to accomplish regionalization that includes dissolution of authority; consequently, opportunity for continuing improvement in the manner of regionalization by local government is advisable and may be necessary.

NOW, THEREFORE, BE IT RESOLVED by the governing bodies of the County of Clark and the cities of Las Vegas, North Las Vegas and Henderson that a regional housing authority is hereby formed subject to the following terms and conditions:

I. Name

The regional authority created hereby shall be known as the Southern Nevada Regional Housing Authority ("SNRHA").

II. Geographic Scope of the Southern Nevada Regional Housing Authority

A. Unless and until further expanded or narrowed by means described in subsections B and C of this section II, the geographic scope of the SNRHA shall include all of the jurisdictional territory of the cities of Las Vegas, North Las Vegas, and Henderson, and all other portions of Clark County, excepting only those portions of any other city or town within Clark County that has not by resolution authorized HACLV, HACNLV or HACC to exercise its powers in such city or town.

B. The geographic scope of the SNRHA may, from time to time, be expanded by joint resolution, upon such terms as are prescribed therein, among the governing bodies of the cities of Las Vegas, North Las Vegas, Henderson, Clark County and any other city or town in Clark County or other local housing agency of this State, whether such additional party whose jurisdiction is to be included in the geographic scope of the SNRHA is presently or hereafter formed in accordance with law.

C. The geographic scope of the SNRHA may, from time to time, be narrowed by joint resolution, upon such terms as are prescribed therein, among the governing bodies of the cities of Las Vegas, North Las Vegas, Henderson and Clark County, after consultation with HUD to the extent such narrowing of geographic scope will not conflict with State or Federal law.

III. Regionalization of Powers

A. Except as provided in subsection B through D of this section III, SNRHA shall have all powers that may be exercised by a housing authority in this State.

B. By joint resolution among the governing bodies of the cities of Las Vegas, North Las Vegas, Henderson and Clark County, upon such terms as are prescribed therein, in order to maximize the provision of safe, decent and affordable housing for reasons described therein, the powers of the SNRHA may hereafter be narrowed or

expanded, after consultation with HUD to the extent such narrowing or expansion of powers will not conflict with State or Federal law.

C. By joint resolution among the governing bodies of the cities of Las Vegas, North Las Vegas, Henderson and Clark County the SNRHA may jointly, or with another authority, exercise any powers, privileges and rights that are exercised or capable of being exercised by any other local housing agency of this State.

D. Concerning any new developments or housing projects, or both, for which the SNRHA hereafter works cooperatively with any one or more relevant local jurisdictions, the support and assistance that the SNRHA may require shall be specified by written agreement between or among the SNRHA and each relevant cooperating local jurisdiction.

IV. Appointment and Removal of Commissioners

A. In addition to the provisions for the appointment of commissioners for the governance of the SNRHA required by AB 478, the provisions in the following subsections B through F of this section IV shall apply to the appointment and removal of SNRHA commissioners.

B. For reason of inefficiency or neglect of duty or misconduct in office, a commissioner of the SNRHA may be removed by the governing body that appointed that commissioner. The commissioner shall be removed only after a hearing and after he shall have been given a copy of the charges at least 10 calendar days prior to such hearing and had an opportunity to be heard in person or by counsel. In the event of the removal of any commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the clerk of the jurisdiction whose governing body made the removal.

C. The initial appointment of two commissioners by each of the governing bodies of the cities of Las Vegas, North Las Vegas, Henderson and Clark County shall occur contemporaneously with the adoption of this Resolution and such appointments shall be for a term determined by lot as provided for by AB 478 and subsection F of this section IV. After expiration of term or removal from office, the governing body of each jurisdiction shall appoint commissioners to replace the two commissioners initially appointed.

D. Except as in described in subsection E of this section IV for the interim tenant commissioner, the appointment of the commissioner to serve on behalf of the tenants shall be made by one governing body, of either of the cities of Las Vegas, North Las Vegas or Henderson or Clark County, upon a rotating basis in order, as determined by lot with a blind drawing of numbers one through four, by an authorized representative from each jurisdiction to determine order of rotation, which order shall be acknowledged by entry into the minutes of each governing body's next available regular meeting and the meeting described in subsection F of this section IV. Each governing body shall

retain the right and obligation to replace the tenant commissioner for the duration of the term.

E. Solicitations shall be made for the governing body selected to appoint the tenant commissioner to the organizations which represents tenants for HACLV, HACC and HACNLV requesting each nominate three eligible candidates for the position of commissioner who will serve the SNRHA on behalf of tenants. These three organizations together, as collectively organized for this purpose by this subsection shall constitute the organization for purpose of nomination under AB 478 until a new organization which represents tenants for the SNRHA is established. The appointing governing body shall appoint one of the nine nominees to serve as commissioner, or one of at least five nominees should one or more such organizations fail to make all nominations. If less than five are nominated by such organizations, staff of the appointing governing body shall solicit additional nominees in accordance with AB 478. Until such time as the tenant commissioner can be selected as described above, but no later than January 1, 2010, an interim tenant commissioner shall serve on the board of the SNRHA. The interim tenant commissioner shall be selected blindly by lot, drawn collectively by the executive directors of HACLV, HACC and HACNLV, or any one of them singularly, from a list of two nominees whose name are submitted by the tenant commissioners serving on the boards of HACLV and HACC. Each of the two said commissioner shall nominate himself to serve as the interim tenant commissioner. If the person whose name is selected by lot is unable to serve, the other shall be selected in his place to serve as the interim tenant commissioner. The tenure of interim tenant commissioner shall not be attributed to any governing body for purpose of rotation as described in subsection D of this section IV.

F. At the first meeting of the commissioners of the SNRHA, at which all nine commissioners must attend, all nine commissioners shall draw lots to determine the duration of their terms as provided for by AB 478.

V. Development of a Plan for Transitioning to a Regional Authority

A. As soon as practicable after appointment of the nine commissioners, the commissioners shall select an interim executive director, who shall serve until an executive director can be selected in the manner described by AB 478, whose first priority shall be to develop a plan for transitioning to a regional authority, with the advice and approval of SNRHA commissioners after receiving input and plans from staff and employee representatives from the local housing authorities and the jurisdictions of Clark County, Las Vegas, North Las Vegas, Henderson, HUD and others as appropriate.

B. In developing the transition plan, the interim executive director shall consider all matters addressed in the Implementation Analysis and Plan produced at the request of the local housing authorities as well as the propriety, with respect to regionalization, of the policies effectuated by NRS 315.365.

C. If, in the transition to a regional authority, fiscal matters, the ownership of real property or the consolidation of functions may require written contracts, agreements, or other arrangements among the governing bodies, the interim executive director shall present such matters to HUD and staff of the relevant jurisdictions for consideration, if necessary, by the governing bodies.

D. In the event that the transition to a regional authority is not complete by January 1, 2010, when the local housing authorities dissolve by operation of law in accordance with AB 478, excepting such matters as require the consent of the governing bodies or are prohibited by the governing bodies as provided for in section III. B. above, the SNRHA shall have all such powers as are necessary or advisable to complete the transition, including but not limited to acting on behalf of the local housing authorities as if they were not dissolved, holding property in trust, appointing receivers and commencing litigation.

VI. Limitation of Liability and Performance

By approval of this Resolution, none of the governing bodies adopting the same assume any liability, including liability for the acts or omissions of commissioners, or undertake any obligation for further performance, except as expressly required hereby, and except for the appointment of commissioners.

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PASSED, ADOPTED and APPROVED this ____ day of _____, 2009.

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

By _____
RORY REID, CHAIR

ATTEST:

SHIRLEY B. PARRAGUIRRE, COUNTY CLERK

APPROVED AS TO FORM ONLY:

DAVID ROGER
DISTRICT ATTORNEY

By: _____
STEVEN SWEIKERT, Deputy District Attorney

PASSED, ADOPTED and APPROVED this ____ day of _____, 2009.

CITY OF LAS VEGAS

By: _____
OSCAR B. GOODMAN, MAYOR

ATTEST:

By: _____
BEVERLY K. BRIDGES, CMC, CITY CLERK

APPROVED AS TO FORM:

BRAD JERBIC
CITY ATTORNEY

By: *T. Ponticello* 8/3/09
TERESITA L. PONTICELLO, CHIEF DEPUTY CITY ATTORNEY

PASSED, ADOPTED and APPROVED this ____ day of _____, 2009.

CITY OF NORTH LAS VEGAS

By: _____
SHARI L. BUCK, MAYOR

ATTEST:

By: _____
KAREN L. STORMS, CMC, CITY CLERK

APPROVED AS TO FORM:

By: _____
CARIE A. TORRENCE, CITY ATTORNEY

PASSED, ADOPTED and APPROVED this ____ day of _____, 2009.

CITY OF HENDERSON

By: _____
ANDY HAFEN, MAYOR

ATTEST:

By: _____
MONICA MARTINEZ SIMMONS, MMC, CITY CLERK

APPROVED AS TO FORM:

By: _____
ELIZABETH MACIAS QUILLIN, CITY ATTORNEY