

**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: 

Mayor

ATTEST:


City Clerk

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



FRUITA
COLORADO

City Clerk's Office
325 E Aspen
Fruita, CO 81521
970.858.3663

**CITY CLERK'S CERTIFICATION OF SUFFICIENCY
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.

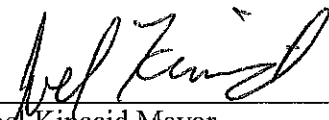
Section 3: The City Clerk is directed to make these corrections to Resolution 2022-02 to be signed by the Mayor and City Clerk effective *nun pro tunc* to January 24, 2022 with a notation that it reflects the corrected typographical errors from adopted by this Resolution.

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:

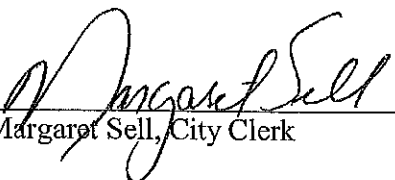

Margaret Sell, City Clerk

Exhibit C

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).

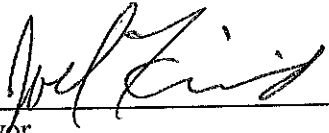
3. **Severability.** If any section, paragraph, clause, or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of

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.

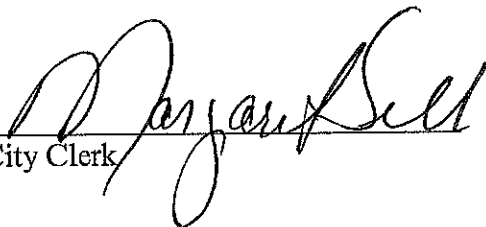
INTRODUCTED AND ADOPTED this 20th day of December, 2022.

CITY COUNCIL OF THE CITY OF FRUITA,
COLORADO



Mayor

ATTEST:



City Clerk