

2 **SHB 2459** - S COMM AMD

3 By Committee on Financial Institutions, Insurance & Housing

4 ADOPTED 3/4/98

5 Strike everything after the enacting clause and insert the  
6 following:

7 "**Sec. 1.** RCW 35.82.040 and 1995 c 293 s 1 are each amended to read  
8 as follows:

9 Except as provided in section 2 of this act, when the governing  
10 body of a city adopts a resolution declaring that there is a need for  
11 a housing authority, it shall promptly notify the mayor of such  
12 adoption. Upon receiving such notice, the mayor shall appoint five  
13 persons as commissioners of the authority created for the city. When  
14 the governing body of a county adopts a resolution declaring that there  
15 is a need for a housing authority, it shall appoint five persons as  
16 commissioners of the authority created for the county. The  
17 commissioners who are first appointed shall be designated to serve for  
18 terms of one, two, three, four and five years, respectively, from the  
19 date of their appointment, but thereafter commissioners shall be  
20 appointed for a term of office of (~~five~~) four years except that all  
21 vacancies shall be filled for the unexpired term. No commissioner of  
22 an authority may be an officer or employee of the city or county for  
23 which the authority is created, unless the commissioner is an employee  
24 of a separately elected county official other than the county governing  
25 body in a county with a population of less than one hundred seventy-  
26 five thousand as of the 1990 federal census, and the total government  
27 employment in that county exceeds forty percent of total employment.  
28 A commissioner shall hold office until a successor has been appointed  
29 and has qualified, unless sooner removed according to this chapter. A  
30 certificate of the appointment or reappointment of any commissioner  
31 shall be filed with the clerk and such certificate shall be conclusive  
32 evidence of the due and proper appointment of such commissioner. A  
33 commissioner shall receive no compensation for his or her services for  
34 the authority, in any capacity, but he or she shall be entitled to the  
35 necessary expenses, including traveling expenses, incurred in the  
36 discharge of his or her duties.

1       The powers of each authority shall be vested in the commissioners  
2 thereof in office from time to time. Except as provided in section 2  
3 of this act, three commissioners shall constitute a quorum of the  
4 authority for the purpose of conducting its business and exercising its  
5 powers and for all other purposes. Action may be taken by the  
6 authority upon a vote of a majority of the commissioners present,  
7 unless in any case the bylaws of the authority shall require a larger  
8 number. The mayor (or in the case of an authority for a county, the  
9 governing body of the county) shall designate which of the  
10 commissioners appointed shall be the first chair of the commission and  
11 he or she shall serve in the capacity of chair until the expiration of  
12 his or her term of office as commissioner. When the office of the  
13 chair of the authority becomes vacant, the authority shall select a  
14 chair from among its commissioners. An authority shall select from  
15 among its commissioners a vice-chair, and it may employ a secretary  
16 (who shall be executive director), technical experts and such other  
17 officers, agents and employees, permanent and temporary, as it may  
18 require, and shall determine their qualifications, duties and  
19 compensation. For such legal services as it may require, an authority  
20 may call upon the chief law officer of the city or the county or may  
21 employ its own counsel and legal staff. An authority may delegate to  
22 one or more of its agents or employees such powers or duties as it may  
23 deem proper.

24       NEW SECTION. Sec. 2. A new section is added to chapter 35.82 RCW  
25 to read as follows:

26       (1) After the effective date of this section, the governing body of  
27 a city with a population of four hundred thousand or more, that has  
28 created a housing authority under RCW 35.82.040, shall adopt a  
29 resolution to expand the number of commissioners on the housing  
30 authority from five to seven. Upon receiving the notice, the mayor,  
31 with approval of the city council, shall appoint additional persons as  
32 commissioners of the authority created for the city.

33       (2) In appointing commissioners, the mayor shall consider persons  
34 that represent the community, provided that two commissioners shall  
35 consist of tenants that reside in a housing project that is owned by  
36 the housing authority.

37       (3) After the effective date of this section, all commissioners  
38 shall be appointed to serve five-year terms, except that all vacancies

1 shall be filled for the remainder of the unexpired term. A  
2 commissioner of an authority may not be an officer or employee of the  
3 city for which the authority is created. A commissioner shall hold  
4 office until a successor has been appointed and has qualified, unless  
5 sooner removed according to this chapter.

6 (4) A commissioner may be reappointed only after review and  
7 approval by the city council.

8 (5) A certificate of the appointment or reappointment of any  
9 commissioner shall be filed with the clerk and the certificate is  
10 conclusive evidence of the due and proper appointment of the  
11 commissioner.

12 (6) A commissioner shall receive no compensation for his or her  
13 services for the authority, in any capacity, but he or she is entitled  
14 to the necessary expenses, including traveling expenses, incurred in  
15 the discharge of his or her duties.

16 (7) The powers of each authority vest in the commissioners of the  
17 authority in office from time to time. Four commissioners shall  
18 constitute a quorum of the authority for the purpose of conducting its  
19 business and exercising its powers and for all other purposes. Action  
20 may be taken by the authority upon a vote of a majority of the  
21 commissioners present, unless in any case the bylaws of the authority  
22 shall require a larger number.

23 (8) The mayor, with consent of the city council, shall designate  
24 which of the commissioners appointed shall be the first chair of the  
25 commission and he or she shall serve in the capacity of chair until the  
26 expiration of his or her term of office as commissioner. When the  
27 office of the chair of the authority becomes vacant, the authority  
28 shall select a chair from among its commissioners. An authority shall  
29 select from among its commissioners a vice-chair, and the authority may  
30 employ a secretary, who shall be executive director, technical experts  
31 and such other officers, agents, and employees, permanent and  
32 temporary, as the authority requires, and shall determine their  
33 qualifications, duties, and compensation.

34 (9) For such legal services as it may require, an authority may  
35 call upon the chief law officer of the city or may employ its own  
36 counsel and legal staff. An authority may delegate to one or more of  
37 its agents or employees such powers or duties as it may deem proper.

1       **Sec. 3.** RCW 35.82.050 and 1965 c 7 s 35.82.050 are each amended to  
2 read as follows:

3       (1) No commissioner ((or)), employee ((of an authority)), or  
4 appointee to any decision-making body for the housing authority shall  
5 ((acquire any interest direct or indirect in any housing project or in  
6 any property included or planned to be included in any project, nor  
7 shall he have any interest direct or indirect in any contract or  
8 proposed contract for materials or services to be furnished or used in  
9 connection with any housing project)) own or hold an interest in any  
10 contract or property or engage in any business, transaction, or  
11 professional or personal activity, that would:

12       (a) Be, or appear to be, in conflict with the commissioner's,  
13 employee's, or appointee's official duties to any decision-making body  
14 for the housing authority duties relating to the housing authority  
15 served by or subject to the authority of such commissioner, employee,  
16 or appointee to any decision-making body for the housing authority;

17       (b) Secure, or appear to secure, unwarranted privileges or  
18 advantages for such commissioner, employee, or appointee to any  
19 decision-making body for the housing authority, or others; or

20       (c) Prejudice, or appear to prejudice, such commissioner's,  
21 employee's, or appointee's to any decision-making body for the housing  
22 authority independence of judgment in exercise of his or her official  
23 duties relating to the housing authority served by or subject to the  
24 authority of the commissioner, employee, or appointee to any decision-  
25 making body for the housing authority.

26       (2) No commissioner, employee, or appointee to any decision-making  
27 body for the housing authority shall act in an official capacity in any  
28 manner in which such commissioner, employee, or appointee to any  
29 decision-making body of the housing authority has a direct or indirect  
30 financial or personal involvement.

31       (3) No commissioner, employee, or appointee to any decision-making  
32 body for the housing authority shall use his or her public office or  
33 employment to secure financial gain to such commissioner, employee, or  
34 appointee to any decision-making body for the housing authority.

35       (4) If any commissioner or employee of an authority or any  
36 appointee to any decision-making body for the housing authority owns or  
37 controls an interest direct or indirect in any property included or  
38 planned to be included in any housing project, he immediately shall  
39 disclose the same in writing to the authority and such disclosure shall

1 be entered upon the minutes of the authority. Failure ((se)) to  
2 disclose such interest shall constitute misconduct in office. Upon  
3 such disclosure such commissioner ((or)), employee, or appointee to any  
4 decision-making body for the housing authority shall not participate in  
5 any action by the authority affecting such property.

6 (5) No provision of this section shall preclude a tenant of the  
7 public housing authority from serving as a commissioner, employee, or  
8 appointee to any decision-making body of the housing authority. No  
9 provision of this section shall preclude a tenant of the public housing  
10 authority who is serving as a commissioner, employee, or appointee to  
11 any decision-making body of the housing authority from voting on any  
12 issue or decision, or participating in any action by the authority,  
13 unless a conflict of interest, as set forth in subsections (1) through  
14 (4) of this section, exists as to that particular tenant and the  
15 particular property or interest at issue before, or subject to action  
16 by the housing authority."

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20 On page 1, line 2 of the title, after "thousand;" strike the  
21 remainder of the title and insert "amending RCW 35.82.040 and  
22 35.82.050; and adding a new section to chapter 35.82 RCW."

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