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SENATE BILL 5156

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State of Washington

56th Legislature

1999 Regular Session

By Senators Prentice and Winsley

Read first time 01/14/1999. Referred to Committee on Commerce, Trade, Housing & Financial Institutions.

1 AN ACT Relating to voluntary expansion of local housing authority  
2 boards of commissioners to comply with federal law; and amending RCW  
3 35.82.040.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 35.82.040 and 1998 c 140 s 1 are each amended to read  
6 as follows:

7 Except as provided in RCW 35.82.045, when the governing body of a  
8 city adopts a resolution declaring that there is a need for a housing  
9 authority, it shall promptly notify the mayor of such adoption. Upon  
10 receiving such notice, the mayor shall appoint five persons as  
11 commissioners of the authority created for the city. When the  
12 governing body of a county adopts a resolution declaring that there is  
13 a need for a housing authority, it shall appoint five persons as  
14 commissioners of the authority created for the county. The  
15 commissioners who are first appointed shall be designated to serve for  
16 terms of one, two, three, four and five years, respectively, from the  
17 date of their appointment, but thereafter commissioners shall be  
18 appointed for a term of office of five years except that all vacancies  
19 shall be filled for the unexpired term. No commissioner of an

1 authority may be an officer or employee of the city or county for which  
2 the authority is created, unless the commissioner is an employee of a  
3 separately elected county official other than the county governing body  
4 in a county with a population of less than one hundred seventy-five  
5 thousand as of the 1990 federal census, and the total government  
6 employment in that county exceeds forty percent of total employment.  
7 A commissioner shall hold office until a successor has been appointed  
8 and has qualified, unless sooner removed according to this chapter. A  
9 certificate of the appointment or reappointment of any commissioner  
10 shall be filed with the clerk and such certificate shall be conclusive  
11 evidence of the due and proper appointment of such commissioner. A  
12 commissioner shall receive no compensation for his or her services for  
13 the authority, in any capacity, but he or she shall be entitled to the  
14 necessary expenses, including traveling expenses, incurred in the  
15 discharge of his or her duties.

16 The powers of each authority shall be vested in the commissioners  
17 thereof in office from time to time. Except as provided in RCW  
18 35.82.045, three commissioners shall constitute a quorum of the  
19 authority for the purpose of conducting its business and exercising its  
20 powers and for all other purposes. Action may be taken by the  
21 authority upon a vote of a majority of the commissioners present,  
22 unless in any case the bylaws of the authority shall require a larger  
23 number. The mayor (or in the case of an authority for a county, the  
24 governing body of the county) shall designate which of the  
25 commissioners appointed shall be the first chair of the commission and  
26 he or she shall serve in the capacity of chair until the expiration of  
27 his or her term of office as commissioner. When the office of the  
28 chair of the authority becomes vacant, the authority shall select a  
29 chair from among its commissioners. An authority shall select from  
30 among its commissioners a vice-chair, and it may employ a secretary  
31 (who shall be executive director), technical experts and such other  
32 officers, agents and employees, permanent and temporary, as it may  
33 require, and shall determine their qualifications, duties and  
34 compensation. For such legal services as it may require, an authority  
35 may call upon the chief law officer of the city or the county or may  
36 employ its own counsel and legal staff. An authority may delegate to  
37 one or more of its agents or employees such powers or duties as it may  
38 deem proper.

1 If federal law requires that the membership of the board of  
2 commissioners of a local authority contains one member who is directly  
3 assisted by the authority, the board may by resolution temporarily or  
4 permanently increase its size to six members. The board may determine  
5 the length of the term of the position filled by a directly assisted  
6 member. A person appointed to such a position may serve in that  
7 position only as long as he or she is directly assisted by the  
8 authority.

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