

2 SHB 2459 - S AMD - 1007
3 By Senator Prentice

4 ADOPTED 3/10/98

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 years except that all vacancies
21 shall be filled for the unexpired term. No commissioner of an
22 authority may be an officer or employee of the city or county for which
23 the authority is created, unless the commissioner is an employee of a
24 separately elected county official other than the county governing body
25 in a county with a population of less than one hundred seventy-five
26 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 four-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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19 NOT ADOPTED 3/10/98

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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