

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2459

55th Legislature
1998 Regular Session

Passed by the House March 11, 1998
Yeas 98 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate March 10, 1998
Yeas 47 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2459** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2459

AS AMENDED BY THE SENATE

Passed Legislature - 1998 Regular Session

State of Washington 55th Legislature 1998 Regular Session

By House Committee on Trade & Economic Development (originally sponsored by Representatives Veloria, Van Luven, Butler, Cody, Mason, Conway, McDonald, Kenney, Kastama, Dickerson and Keiser)

Read first time 02/05/98. Referred to Committee on .

1 AN ACT Relating to public housing authorities in jurisdictions with
2 populations over four hundred thousand; amending RCW 35.82.040 and
3 35.82.050; and adding a new section to chapter 35.82 RCW.

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

5 **Sec. 1.** RCW 35.82.040 and 1995 c 293 s 1 are each amended to read
6 as follows:

7 Except as provided in section 2 of this act, when the governing
8 body of a city adopts a resolution declaring that there is a need for
9 a housing authority, it shall promptly notify the mayor of such
10 adoption. Upon receiving such notice, the mayor shall appoint five
11 persons as commissioners of the authority created for the city. When
12 the governing body of a county adopts a resolution declaring that there
13 is 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 section 2
18 of this act, 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 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.82 RCW
2 to read as follows:

3 (1) After the effective date of this section, the governing body of
4 a city with a population of four hundred thousand or more, that has
5 created a housing authority under RCW 35.82.040, shall adopt a
6 resolution to expand the number of commissioners on the housing
7 authority from five to seven. Upon receiving the notice, the mayor,
8 with approval of the city council, shall appoint additional persons as
9 commissioners of the authority created for the city.

10 (2) In appointing commissioners, the mayor shall consider persons
11 that represent the community, provided that two commissioners shall
12 consist of tenants that reside in a housing project that is owned by
13 the housing authority.

14 (3) After the effective date of this section, all commissioners
15 shall be appointed to serve four-year terms, except that all vacancies
16 shall be filled for the remainder of the unexpired term. A
17 commissioner of an authority may not be an officer or employee of the
18 city for which the authority is created. A commissioner shall hold
19 office until a successor has been appointed and has qualified, unless
20 sooner removed according to this chapter.

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

23 (5) A certificate of the appointment or reappointment of any
24 commissioner shall be filed with the clerk and the certificate is
25 conclusive evidence of the due and proper appointment of the
26 commissioner.

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

31 (7) The powers of each authority vest in the commissioners of the
32 authority in office from time to time. Four commissioners shall
33 constitute a quorum of the authority for the purpose of conducting its
34 business and exercising its powers and for all other purposes. Action
35 may be taken by the authority upon a vote of a majority of the
36 commissioners present, unless in any case the bylaws of the authority
37 shall require a larger number.

38 (8) The mayor, with consent of the city council, shall designate
39 which of the commissioners appointed shall be the first chair of the

1 commission and he or she shall serve in the capacity of chair until the
2 expiration of his or her term of office as commissioner. When the
3 office of the chair of the authority becomes vacant, the authority
4 shall select a chair from among its commissioners. An authority shall
5 select from among its commissioners a vice-chair, and the authority may
6 employ a secretary, who shall be executive director, technical experts
7 and such other officers, agents, and employees, permanent and
8 temporary, as the authority requires, and shall determine their
9 qualifications, duties, and compensation.

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

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

16 (1) No commissioner ((or)), employee ((of an authority)), or
17 appointee to any decision-making body for the housing authority shall
18 ((acquire any interest direct or indirect in any housing project or in
19 any property included or planned to be included in any project, nor
20 shall he have any interest direct or indirect in any contract or
21 proposed contract for materials or services to be furnished or used in
22 connection with any housing project)) own or hold an interest in any
23 contract or property or engage in any business, transaction, or
24 professional or personal activity, that would:

25 (a) Be, or appear to be, in conflict with the commissioner's,
26 employee's, or appointee's official duties to any decision-making body
27 for the housing authority duties relating to the housing authority
28 served by or subject to the authority of such commissioner, employee,
29 or appointee to any decision-making body for the housing authority;

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

33 (c) Prejudice, or appear to prejudice, such commissioner's,
34 employee's, or appointee's to any decision-making body for the housing
35 authority independence of judgment in exercise of his or her official
36 duties relating to the housing authority served by or subject to the
37 authority of the commissioner, employee, or appointee to any decision-
38 making body for the housing authority.

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

6 (3) No commissioner, employee, or appointee to any decision-making
7 body for the housing authority shall use his or her public office or
8 employment to secure financial gain to such commissioner, employee, or
9 appointee to any decision-making body for the housing authority.

10 (4) If any commissioner or employee of an authority or any
11 appointee to any decision-making body for the housing authority owns or
12 controls an interest direct or indirect in any property included or
13 planned to be included in any housing project, he immediately shall
14 disclose the same in writing to the authority and such disclosure shall
15 be entered upon the minutes of the authority. Failure ((se)) to
16 disclose such interest shall constitute misconduct in office. Upon
17 such disclosure such commissioner ((or)), employee, or appointee to any
18 decision-making body for the housing authority shall not participate in
19 any action by the authority affecting such property.

20 (5) No provision of this section shall preclude a tenant of the
21 public housing authority from serving as a commissioner, employee, or
22 appointee to any decision-making body of the housing authority. No
23 provision of this section shall preclude a tenant of the public housing
24 authority who is serving as a commissioner, employee, or appointee to
25 any decision-making body of the housing authority from voting on any
26 issue or decision, or participating in any action by the authority,
27 unless a conflict of interest, as set forth in subsections (1) through
28 (4) of this section, exists as to that particular tenant and the
29 particular property or interest at issue before, or subject to action
30 by the housing authority.

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