

1                                   **HOUSING AUTHORITIES AMENDMENTS**

2   1999 GENERAL SESSION

3   STATE OF UTAH

4   **Sponsor: Susan J. Koehn**

5 AN ACT RELATING TO COMMUNITY AND ECONOMIC DEVELOPMENT; AMENDING  
6 NUMBER OF COMMISSIONERS OF AUTHORITY; AND MAKING TECHNICAL  
7 CHANGES.

8 This act affects sections of Utah Code Annotated 1953 as follows:

9 AMENDS:

10               **9-4-606**, as renumbered and amended by Chapter 241, Laws of Utah 1992

11 *Be it enacted by the Legislature of the state of Utah:*

12               Section 1. Section **9-4-606** is amended to read:

13               **9-4-606. Commissioners -- Appointment -- Terms -- Quorum -- Meetings --**  
14 **Employment of other officers and employees authorized.**

15               (1) When a housing authority is authorized to transact business and exercise powers under  
16 this part, not less than five nor more than seven persons shall be appointed as commissioners of  
17 the authority:

18               (a) in the case of a city, by the mayor, with the advice and consent of the governing body;

19 or

20               (b) in the case of a county, by the governing body.

21               (2) (a) The commissioners first appointed pursuant to this part shall be designated to serve  
22 for terms of one, two, three, four, and five years, respectively, from the date of their appointment.  
23 [Thereafter]

24               (b) After the first commissioners are appointed under Subsection (2)(a), commissioners  
25 shall be appointed for a term of office of five years[, except that].

26               (c) Notwithstanding Subsections (2)(a) and (b), all vacancies shall be filled for the  
27 unexpired term.

28 (3) [Each] A commissioner shall qualify by taking the official oath of office prescribed by  
29 general statute.

30 (4) [Each] A commissioner [~~shall~~] may not receive [~~no~~] compensation except necessary  
31 expenses, including traveling expenses, incurred in the discharge of [~~his~~] the commissioner's  
32 duties.

33 (5) [Each] A commissioner shall hold office until [~~his~~] the commissioner's successor has  
34 been appointed and has qualified.

35 (6) A certificate of appointment or reappointment of any commissioner shall be:

36 (a) filed with the authority; and [~~this certificate shall be~~]

37 (b) conclusive evidence of the due and proper appointment of the commissioner.

38 [~~(6)~~] (7) The powers of each authority shall be vested in the commissioners.

39 [~~(7)~~] (8)(a) A majority of the commissioners of an authority constitutes a quorum for the  
40 purpose of conducting its business and exercising its powers and for all other purposes  
41 notwithstanding the existence of any vacancies.

42 (b) Action may be taken by the authority upon a vote of a majority of the commissioners  
43 present, unless the bylaws of the authority require a larger number.

44 [~~(8)~~] (9) Meetings of the commissioners of an authority may be held:

45 (a) anywhere within the area of operation of the authority; or

46 (b) within any [~~additional~~] area not described in Subsection (8)(a) in which the authority  
47 is authorized to undertake a project.

48 [~~(9)~~] (10) The commissioners of an authority shall elect a [~~chairman~~] chair and  
49 [~~vice-chairman~~] vice chair from the commissioners.

50 [~~(10)~~] (11) An authority may employ an executive director, legal and technical experts, and  
51 other officers, agents, and employees, permanent and temporary, as it may require, and shall  
52 determine their qualifications, duties, and compensation.

53 [~~(11)~~] (12) An authority may delegate to one or more of its agents or employees any  
54 powers or duties [~~it deems~~] the authority considers proper.

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**Legislative Review Note**

**as of 1-26-99 7:02 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**