

1                                   **LOCAL HOUSING AUTHORITY AMENDMENTS**

2   2011 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Benjamin M. McAdams**

5   House Sponsor: Patrice M. Arent

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7 **LONG TITLE**

8 **General Description:**

9                   This bill modifies housing authority provisions related to housing authority  
10 commissioners, minutes of their meetings, and annual reports.

11 **Highlighted Provisions:**

12                   This bill:

- 13                   ▶ changes the term of office for a commissioner from five years to four years;
- 14                   ▶ requires a copy of a housing authority's annual report to be given to the governing  
15 body of the city or county which appointed the commissioners;
- 16                   ▶ requires each authority to post electronically for public review its annual approved  
17 budget and minutes of all open meetings held by its board of commissioners; and
- 18                   ▶ makes certain technical changes.

19 **Money Appropriated in this Bill:**

20                   None

21 **Other Special Clauses:**

22                   None

23 **Utah Code Sections Affected:**

24 AMENDS:

25                   **9-4-606**, as last amended by Laws of Utah 1999, Chapter 243

26                   **9-4-631**, as renumbered and amended by Laws of Utah 1992, Chapter 241

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

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

30           **9-4-606. Commissioners -- Appointment -- Terms -- Quorum -- Meetings --**  
31 **Employment of other officers and employees authorized.**

32           (1) [~~When~~] If a housing authority is authorized to transact business and exercise  
33 powers under this part, not less than five nor more than seven persons shall be appointed as  
34 commissioners of the authority:

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

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

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

41           (b) After the first commissioners are appointed under Subsection (2)(a), commissioners  
42 [~~shall be~~] are appointed for a term of office of [~~five~~] four years.

43           (c) Notwithstanding Subsections (2)(a) and (b), all vacancies [~~shall be~~] are filled for  
44 the unexpired term.

45           (3) A commissioner [~~shall qualify~~] qualifies by taking the official oath of office  
46 [~~prescribed by general statute~~].

47           (4) A commissioner may not receive compensation except necessary expenses,  
48 including traveling expenses, incurred in the discharge of the commissioner's duties.

49           (5) A commissioner [~~shall hold~~] holds office until the commissioner's successor [~~has~~  
50 ~~been~~] is appointed and [~~has~~] qualified.

51           (6) A certificate of appointment or reappointment of [~~any~~] a commissioner shall be:

52           (a) filed with the authority; and

53           (b) conclusive evidence of the [~~due and proper~~] appointment of the commissioner.

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

55           (8)(a) A majority of the commissioners of an authority constitutes a quorum for the  
56 purpose of conducting its business and exercising its powers and for all other purposes  
57 notwithstanding the existence of any vacancies.

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

60 (9) Meetings of the commissioners of an authority may be held:

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

62 (b) within any area not described in Subsection (9)(a) in which the authority is  
63 authorized to undertake a project.

64 (10) The commissioners of an authority shall elect a chair and vice chair from the  
65 commissioners.

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

69 (12) An authority may delegate to one or more of its agents or employees any powers  
70 or duties the authority considers proper.

71 Section 2. Section **9-4-631** is amended to read:

72 **9-4-631. Annual report -- Budget -- Minutes.**

73 (1) At least once a year, each authority shall file with the clerk, with a copy given to the  
74 governing body, a report of its activities for the preceding year and its approved annual budget,  
75 and make recommendations with reference to additional legislation or other action considered  
76 necessary to carry out the purposes of this part.

77 (2) Each authority shall post electronically for public review its:

78 (a) annual approved budget; and

79 (b) minutes of all open meetings held by its board of commissioners.