

By: Representative Smith (39th)

To: Fees and Salaries of
Public Officers

HOUSE BILL NO. 624

1 AN ACT TO AMEND SECTIONS 43-33-7, 43-33-115 AND 43-33-125,
2 MISSISSIPPI CODE OF 1972, TO AUTHORIZE COUNTIES AND MUNICIPALITIES
3 TO PAY A SALARY OR PER DIEM TO HOUSING AUTHORITY COMMISSIONERS;
4 AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. Section 43-33-7, Mississippi Code of 1972, is
7 amended as follows:

8 43-33-7. When the governing body of a city adopts a
9 resolution as provided in Section 43-33-5, such governing body
10 shall forthwith appoint five (5) persons as commissioners of the
11 authority created for the city. When the governing body of a
12 county adopts a resolution as provided in Section 43-33-5, the
13 governing body shall appoint five (5) commissioners for the board
14 created for that county. The commissioners who are first
15 appointed shall be designated to serve for terms of one (1), two
16 (2), three (3), four (4) and five (5) years, respectively, from
17 the date of their appointment, and thereafter when a vacancy shall
18 occur either by the expiration of term of office or otherwise, the
19 vacancy shall be filled by the governing body of the city or
20 county, as the case may be, either to fill an unexpired term where
21 a commissioner shall die or resign or shall become disqualified
22 during his term, or for a full term of five (5) years where the
23 term of a commissioner expires. No commissioner of an authority
24 may be an officer or employee of the city or county for which the
25 authority is created. A commissioner shall hold office until his
26 successor has been appointed and has qualified. A certificate of
27 the appointment or reappointment of any commissioner shall be

28 filed with the clerk of the city or county, as the case may be,
29 and such certificate shall be conclusive evidence of the due and
30 proper appointment of such commissioner. The governing body of
31 the city or county, as the case may be, may pay, in its
32 discretion, the commissioners a salary or per diem compensation in
33 an amount established by the governing body for each day, or
34 portion thereof, spent attending meetings of the authority. The
35 governing body also shall reimburse each commissioner for the
36 actual and necessary expenses, including traveling expenses,
37 incurred in the discharge of his duties.

38 The powers of each authority shall be vested in the
39 commissioners thereof in office from time to time. Three (3)
40 commissioners shall constitute a quorum of the authority for the
41 purpose of conducting its business and exercising its powers and
42 for all other purposes. Action may be taken by the authority upon
43 a vote of a majority of the commissioners present, unless in any
44 case the bylaws of the authority shall require a larger number.
45 The board of commissioners shall elect which member shall be
46 chairman and thereafter fill any vacancy by like election. An
47 authority shall select from among its commissioners a
48 vicechairman, and it may employ a secretary (who shall be
49 executive director), technical experts and such other officers,
50 agents and employees, permanent and temporary, as it may require,
51 and shall determine their qualifications, duties and compensation.

52 For such legal services as it may require, an authority may call
53 upon the chief law officer of the city or the county or may employ
54 its own counsel and legal staff. An authority may delegate to one
55 or more of its agents or employees such powers or duties as it may
56 deem proper.

57 SECTION 2. Section 43-33-115, Mississippi Code of 1972, is
58 amended as follows:

59 43-33-115. The board of supervisors of each county included
60 in a regional housing authority shall appoint one (1) person as a
61 commissioner of such authority, and each such commissioner to be
62 first appointed by the board of supervisors of a county may be
63 appointed at or after the time of the adoption of the resolution
64 declaring the need for such regional housing authority or

65 declaring the need for the inclusion of such county in the area of
66 operation of such regional housing authority. When the area of
67 operation of a regional housing authority is increased to include
68 an additional county or counties as provided above, the board of
69 supervisors of each such county shall thereupon appoint one (1)
70 additional person as a commissioner of the regional housing
71 authority. The board of supervisors of each county shall appoint
72 the successor of the commissioner appointed by it. A certificate
73 of the appointment of any such commissioner shall be filed with
74 the clerk of the county, and such certificate shall be conclusive
75 evidence of the due and proper appointment of such commissioner.
76 If any county is excluded from the area of operation of a regional
77 housing authority, the office of the commissioner of such regional
78 housing authority appointed by the board of supervisors of such
79 county shall be thereupon abolished.

80 If the area of operation of a regional housing authority
81 consists at any time of an even number of counties, the
82 commissioners of the regional housing authority appointed by the
83 boards of supervisors of such counties shall appoint one (1)
84 additional commissioner whose term of office shall be as herein
85 provided for a commissioner of a regional housing authority except
86 that such term shall end at any earlier time that the area of
87 operation of the regional housing authority shall be changed to
88 consist of an odd number of counties. The commissioners of such
89 authority appointed by the boards of supervisors of such counties
90 shall likewise appoint each person to succeed such additional
91 commissioner; the term of office of such person begins during the
92 terms of office of the commissioner appointing him. A certificate
93 of the appointment of any such additional commissioner of such
94 regional housing authority shall be filed with the other records
95 of the regional housing authority and shall be conclusive evidence
96 of the due and proper appointment of such additional commissioner.
97 The boards of supervisors of the counties included in the

regional housing authority, by resolution duly adopted and entered upon the minutes of a majority of such boards, may elect, in their discretion, to pay the commissioners a salary or per diem compensation in an amount established by the boards for each day, or portion thereof, spent attending meetings of the authority and for the actual and necessary expenses, including travel expenses, incurred in the discharge of their duties. The resolution adopted by the boards of supervisors must specify the amount of the salary or per diem which must be agreed upon by the boards, and the manner that payments shall be made to the commissioners.

The commissioners of a regional housing authority shall be appointed for terms of five (5) years except that all vacancies shall be filled for the unexpired terms. Each commissioner shall hold office until his successor has been appointed and has qualified, except as otherwise provided herein.

The commissioners shall constitute the regional housing authority, and the powers of such authority shall be vested in such commissioners in office from time to time.

The commissioners of a regional housing authority shall elect a chairman from among the commissioners and shall have power to select or employ such other officers and employees as the regional housing authority may require. A majority of the commissioners of a regional housing authority shall constitute a quorum of such authority for the purpose of conducting its business and exercising its powers and for all other purposes.

SECTION 3. Section 43-33-125, Mississippi Code of 1972, is amended as follows:

43-33-125. If the governing body of each of two (2) or more municipalities (whether or not contiguous) by resolution declares that there is a need for one (1) housing authority to be created for all of such municipalities to exercise in such municipalities the powers and other functions prescribed for a housing authority, a public body corporate and politic to be known as a consolidated

131 housing authority (with such corporate name as it selects) shall
132 thereupon exist for all of such municipalities and exercise its
133 powers and other functions within its area of operation (as herein
134 defined), including the power to undertake projects therein; and
135 thereupon each housing authority (if any) created for each of such
136 municipalities shall cease to exist except for the purpose of
137 winding up its affairs and executing a deed of its real property
138 to the consolidated housing authority. The creation of a
139 consolidated housing authority and the finding of need therefor
140 shall be subject to the same provisions and limitations of this
141 article as are applicable to the creation of a regional housing
142 authority and that all of the provisions of this article
143 applicable to regional housing authorities and the commissioners
144 thereof shall be applicable to consolidated housing authorities
145 and the commissioners thereof. The area of operation of a
146 consolidated housing authority shall include all of the territory
147 within the boundaries of each municipality joining in the creation
148 of such authority together with the territory within five (5)
149 miles of the boundaries of each such municipality, except that
150 such area of operation may be changed to include or exclude any
151 municipality or municipalities (with its aforesaid surrounding
152 territory) in the same manner and under the same provisions as
153 provided in this article for changing the area of operation of a
154 regional housing authority by including or excluding a county or
155 counties. For all such purposes the term "board of supervisors"
156 shall be construed as meaning "governing body," except in Section
157 43-33-115 of this article where it shall be construed as meaning
158 "mayor" or other executive head of the municipality, the term
159 "county" shall be construed as meaning "municipality," and the
160 terms "county housing authority" and "regional housing authority"
161 shall be construed as meaning "housing authority of the city" and
162 "consolidated housing authority," respectively, unless a different
163 meaning clearly appears from the context.

164 The governing body of a municipality for which a housing
165 authority has not been created shall not adopt the above
166 resolution unless it first declares that there is a need for a
167 housing authority to function in the municipality, which
168 declaration shall be made in the same manner and subject to the
169 same conditions as the declaration of the governing body of a city
170 required by Section 43-33-5 of the Housing Authorities Law for the
171 purpose of authorizing a housing authority created for a city to
172 transact business and exercise its powers.

173 Except as otherwise provided herein, a consolidated housing
174 authority and the commissioners thereof shall, within the area of
175 operation of such consolidated housing authority, have the same
176 functions, rights, powers, duties, privileges, immunities and
177 limitations as those provided for housing authorities created for
178 cities, counties, or groups of counties and the commissioners of
179 such housing authorities, in the same manner as though all the
180 provisions of law applicable to housing authorities created for
181 cities, counties, or groups of counties were applicable to
182 consolidated housing authorities.

183 The governing bodies of the municipalities included in the
184 consolidated housing authority, by resolution duly adopted and
185 entered upon the minutes of a majority of such governing bodies,
186 may elect, in their discretion, to pay the commissioners a salary
187 or per diem compensation in an amount established by the governing
188 bodies for each day, or portion thereof, spent attending meetings
189 of the authority and for the actual and necessary expenses,
190 including travel expenses, incurred in the discharge of their
191 duties. The resolutions adopted by the governing bodies must
192 specify the amount of the salary or per diem, which must be agreed
193 upon by the governing bodies, and the manner that payments shall
194 be made to the commissioners.

195 The term "municipality" as used in this article shall mean
196 any city, town, village or other municipality in the state.

197 SECTION 4. This act shall take effect and be in force from
198 and after July 1, 1999.