

By: Smith (39th)

To: Municipalities;
County Affairs

HOUSE BILL NO. 347

1 AN ACT TO AMEND SECTIONS 43-33-7 AND 43-33-115, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE FOR THE APPOINTMENT OF ADDITIONAL
3 COMMISSIONERS FOR HOUSING AUTHORITIES; AND FOR RELATED PURPOSES.

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

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

7 43-33-7. When the governing body of a city adopts a
8 resolution as provided in Section 43-33-5, such governing body
9 shall forthwith appoint five (5) persons as commissioners of the
10 authority created for said city. When the governing body of a
11 county adopts a resolution as provided in Section 43-33-5, said
12 governing body shall appoint five (5) commissioners for said board
13 created for said county. The commissioners who are first
14 appointed shall be designated to serve for terms of one (1), two
15 (2), three (3), four (4) and five (5) years, respectively, from
16 the date of their appointment, and thereafter when a vacancy shall
17 occur either by the expiration of term of office or otherwise, the
18 vacancy shall be filled by the governing body of the city or
19 county, as the case may be, either to fill an unexpired term where
20 a commissioner shall die or resign or shall become disqualified
21 during his term, or for a full term of five (5) years where the

22 term of a commissioner expires. No commissioner of an authority
23 may be an officer or employee of the city or county for which the
24 authority is created. A commissioner shall hold office until his
25 successor has been appointed and has qualified. A certificate of
26 the appointment or reappointment of any commissioner shall be
27 filed with the clerk of the city or county as the case may be and
28 such certificate shall be conclusive evidence of the due and
29 proper appointment of such commissioner. A commissioner shall
30 receive compensation for his services in the manner and amount
31 authorized in Section 25-3-69 for up to fifteen (15) days during
32 the fiscal year of the authority, and he shall also be entitled to
33 necessary expenses, including traveling expenses, incurred in the
34 discharge of his duties.

35 The five (5) commissioners serving shall have the authority
36 to appoint two (2) additional commissioners. It is the intent
37 hereof at all times to have a board of commissioners comprised of
38 an odd number of commissioners. The two (2) additional
39 commissioners appointed by the five (5) commissioners shall serve
40 a term of five (5) years. When a vacancy shall occur, either by
41 the expiration of term of office or otherwise with respect to the
42 two (2) additional commissioners, the vacancy shall be filled by
43 the appointment of the five (5) commissioners.

44 The powers of each authority shall be vested in the
45 commissioners thereof in office from time to time. A majority of
46 commissioners shall constitute a quorum of the authority for the
47 purpose of conducting its business and exercising its powers and
48 for all other purposes. Action may be taken by the authority upon
49 a vote of a majority of the commissioners present, unless in any
50 case the bylaws of the authority shall require a larger number.
51 The board of commissioners shall elect which member shall be
52 chairman and thereafter fill any vacancy by like election. An

53 authority shall select from among its commissioners a vice
54 chairman, and it may employ a secretary (who shall be executive
55 director), technical experts and such other officers, agents and
56 employees, permanent and temporary, as it may require, and shall
57 determine their qualifications, duties and compensation. For such
58 legal services as it may require, an authority may call upon the
59 chief law officer of the city or the county or may employ its own
60 counsel and legal staff. An authority may delegate to one or more
61 of its agents or employees such powers or duties as it may deem
62 proper.

63 SECTION 2. Section 43-33-115, Mississippi Code of 1972, is
64 amended as follows: [HS1]

65 43-33-115. The board of supervisors of each county included
66 in a regional housing authority shall appoint one (1) person as a
67 commissioner of such authority, and each such commissioner to be
68 first appointed by the board of supervisors of a county may be
69 appointed at or after the time of the adoption of the resolution
70 declaring the need for such regional housing authority or
71 declaring the need for the inclusion of such county in the area of
72 operation of such regional housing authority. When the area of
73 operation of a regional housing authority is increased to include
74 an additional county or counties as provided above, the board of
75 supervisors of each such county shall thereupon appoint one (1)
76 additional person as a commissioner of the regional housing
77 authority. The board of supervisors of each county shall appoint
78 the successor of the commissioner appointed by it. A certificate
79 of the appointment of any such commissioner shall be filed with
80 the clerk of the county, and such certificate shall be conclusive

81 evidence of the due and proper appointment of such commissioner.
82 If any county is excluded from the area of operation of a regional
83 housing authority, the office of the commissioner of such regional
84 housing authority appointed by the board of supervisors of such
85 county shall be thereupon abolished.

86 If the area of operation of a regional housing authority
87 consists at any time of an even number of counties, the
88 commissioners of the regional housing authority appointed by the
89 boards of supervisors of such counties shall appoint up to three
90 (3) additional commissioners whose term or terms of office shall
91 be as herein provided for a commissioner of a regional housing
92 authority except that such term or terms, at the election of the
93 board of commissioners, shall end at any earlier time that the
94 area of operation of the regional housing authority shall be
95 changed to consist of an odd number of counties, it being the
96 intent at all times to have an odd number of commissioners for
97 such regional housing authority. If the area of operation of a
98 regional housing authority consists at any time of an odd number
99 of counties, the commissioners of the regional housing authority
100 appointed by the boards of supervisors of such counties shall have
101 the authority to appoint two (2) additional commissioners whose
102 terms of office shall be as herein provided for a commissioner of
103 a regional housing authority. The commissioners of such authority
104 appointed by the boards of supervisors of such counties shall
105 likewise appoint each person to succeed such additional
106 commissioner or commissioners; the term of office of such person
107 or persons begins during the terms of office of the commissioner
108 appointing him. A certificate of the appointment of any such

109 additional commissioner or commissioners of such regional housing
110 authority shall be filed with the other records of the regional
111 housing authority and shall be conclusive evidence of the due and
112 proper appointment of such additional commissioner or
113 commissioners.

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

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

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

129 SECTION 3. This act shall take effect and be in force from
130 and after July 1, 2000.