

CHAPTER 46

GOVERNMENT - LOCAL

HOUSE BILL 99-1067

BY REPRESENTATIVES Webster, Clapp, Kaufman, and Mace;
also SENATORS Reeves and Weddig.

AN ACT

CONCERNING LOCAL GOVERNMENT HOUSING AUTHORITIES, AND, IN CONNECTION THEREWITH, SPECIFYING THAT HOUSING AUTHORITIES ARE POLITICAL SUBDIVISIONS FOR THE PURPOSE OF PROMOTING INTERGOVERNMENTAL RELATIONS AND AUTHORIZING THE GOVERNING BODY OF A LOCAL GOVERNMENT CREATING A HOUSING AUTHORITY TO SPECIFY THE NUMBER OF COMMISSIONERS SERVING ON SUCH HOUSING AUTHORITY.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 29-1-202 (2), Colorado Revised Statutes, is amended to read:

29-1-202. Definitions. As used in this part 2, unless the context otherwise requires:

(2) "Political subdivision" means a county, city and county, city, town, service authority, school district, local improvement district, law enforcement authority, CITY OR COUNTY HOUSING AUTHORITY, OR water, sanitation, fire protection, metropolitan, irrigation, drainage, or other special district, or any other kind of municipal, quasi-municipal, or public corporation organized pursuant to law.

SECTION 2. 29-4-204 (4), Colorado Revised Statutes, is amended to read:

29-4-204. Petition for creation of authority - notice - hearing. (4) If it determines that either of the conditions enumerated in subsection (2) of this section exist, the council shall adopt a resolution so finding and shall cause notice of such determination to be given to the mayor OR SUCH OTHER APPOINTING AUTHORITY AS IS OTHERWISE PROVIDED BY CHARTER OR ORDINANCE who shall thereupon appoint, as provided in section 29-4-205, ~~five~~ NO MORE THAN NINE commissioners to act as an authority; except that, in any city and county having a population of more than three hundred thousand, the mayor OR SUCH OTHER APPOINTING AUTHORITY AS IS

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

OTHERWISE PROVIDED BY CHARTER OR ORDINANCE shall appoint nine commissioners to act as an authority whose appointments shall be conditioned upon confirmation by the council. The residents of the dwellings or other accommodations owned, operated, or managed by an authority consisting of nine commissioners shall be represented on such authority. THE NUMBER OF COMMISSIONERS SHALL BE SPECIFIED BY THE COUNCIL IN THE RESOLUTION. A certificate signed by such commissioners shall then be filed with the division of local government in the department of local affairs and there remain of record, setting forth that a notice has been given and public hearing has been held, that the council made a determination after such hearing and that the mayor OR SUCH OTHER APPOINTING AUTHORITY AS IS OTHERWISE PROVIDED BY CHARTER OR ORDINANCE has appointed them as commissioners. Upon the filing of such certificates with said division, the commissioners and their successors shall constitute a housing authority, which shall be a body corporate and politic.

SECTION 3. 29-4-205 (3), Colorado Revised Statutes, is amended to read:

29-4-205. Appointment of commissioners. (3) (a) The council may provide that an authority shall consist of ~~five~~ NO MORE THAN NINE commissioners appointed by the mayor OR SUCH OTHER APPOINTING AUTHORITY AS IS OTHERWISE PROVIDED BY CHARTER OR ORDINANCE; except that the council of a city and county having a population of more than three hundred thousand may provide that such authority shall consist of nine commissioners appointed by the mayor OR SUCH OTHER APPOINTING AUTHORITY AS IS OTHERWISE PROVIDED BY CHARTER OR ORDINANCE. The council may also provide that the mayor OR SUCH OTHER APPOINTING AUTHORITY AS IS OTHERWISE PROVIDED BY CHARTER OR ORDINANCE shall designate the first chairman. Not more than one of such commissioners may be a city official. In the event that a city official is appointed as a commissioner of an authority, acceptance or retention of such appointment shall not be deemed a forfeiture of his OR HER office, or incompatible therewith, or affect his OR HER tenure or compensation in any way. The term of office of a commissioner of an authority who is a city official shall not be affected or curtailed by the expiration of the term of his OR HER city office.

(b) The commissioners who are ~~first~~ appointed under the provisions of this subsection (3) shall be designated by the mayor OR SUCH OTHER APPOINTING AUTHORITY AS IS OTHERWISE PROVIDED BY CHARTER OR ORDINANCE to serve for terms of ~~one, two, three, four, and five years, respectively,~~ THAT ARE STAGGERED from the date of their appointment ~~except that, if there are nine commissioners, two such commissioners shall be designated by the mayor to serve for terms of one, two, three, and four years each, and the remaining commissioner shall be designated to serve a term of five years from the date of such commissioner's appointment~~ SUCH THAT, TO THE EXTENT POSSIBLE, THE TERMS OF AN EQUAL NUMBER OF COMMISSIONERS END EACH YEAR. Thereafter, the term of office shall be five years. A commissioner shall hold office until his OR HER successor has been appointed and has qualified. Vacancies other than by reason of expiration of terms shall be filled for the unexpired term. ~~Three~~ A MAJORITY OF THE commissioners shall constitute a quorum. ~~except that five commissioners shall constitute a quorum if the authority consists of nine commissioners.~~ The mayor OR SUCH OTHER APPOINTING AUTHORITY AS IS OTHERWISE PROVIDED BY CHARTER OR ORDINANCE shall file with the city clerk a certificate of the appointment or reappointment of any commissioner, and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. The authority shall select from its members a vice-chairman and a

chairman when the office of the first chairman becomes vacant.

(c) Until such time as the council takes action pursuant to subsection (6) of this section, all appointments of the ~~nine~~ commissioners appointed ~~by the mayor~~ pursuant to this subsection (3) shall be conditioned upon confirmation by the council as required by section 29-4-204 (4). This paragraph (c) shall apply to original and successor appointments and to appointments to fill vacancies.

SECTION 4. 29-4-504 (3), Colorado Revised Statutes, is amended to read:

29-4-504. Appointment of commissioners. (3) (a) The board may provide that an authority shall consist of ~~five~~ **NOMORETHANELEVEN** commissioners appointed by the chairman of the board, who shall designate the first chairman. Not more than one of such commissioners may be a county official. In the event that a county official is appointed as a commissioner of an authority, acceptance or retention of such appointment shall not be deemed a forfeiture of his OR HER office, or incompatible therewith, or affect his OR HER tenure or compensation in any way. The term of office of a commissioner of an authority who is a county official shall not be affected or curtailed by the expiration of the term of his OR HER county office.

(b) The commissioners who are ~~first~~ appointed under the provisions of this subsection (3) shall be designated by the chairman of the board to serve for terms ~~of one, two, three, four, and five years respectively~~ **BEING STAGGERED** from the date of their appointment **SUCH THAT, TO THE EXTENT POSSIBLE, THE TERMS OF AN EQUAL NUMBER OF COMMISSIONERS END EACH YEAR.** Thereafter, the term of office shall be five years. A commissioner shall hold office until his OR HER successor has been appointed and has qualified. Vacancies other than by reason of expiration of terms shall be filled for the unexpired term. ~~Three~~ **A MAJORITY OF THE** commissioners shall constitute a quorum. The chairman of the board shall file with the county clerk and recorder a certificate of the appointment or reappointment of any commissioner, and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. The authority shall select from its members a vice-chairman and a chairman when the office of the first chairman becomes vacant.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 24, 1999