

AN ACT

RELATING TO MUNICIPAL HOUSING AUTHORITIES; PERMITTING A MUNICIPAL OFFICIAL OR EMPLOYEE TO SERVE AS A MUNICIPAL HOUSING AUTHORITY COMMISSIONER.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 3-45-5 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-46-5, as amended) is amended to read:

"3-45-5. CREATION OF AUTHORITY.--

A. Every city, in addition to other powers conferred by the Municipal Housing Law, shall have power and is authorized, by proper resolution of its governing body, to create, as an agent of such city, an authority to be known as the "housing authority" of the city. The "housing authority" of the city may constitute a public body corporate. The city may delegate to such authority the power to construct, maintain, operate and manage any housing project or projects of the city and may delegate to the authority any or all of the powers conferred on the city by the Municipal Housing Law.

B. When the governing body of a city adopts a resolution pursuant to Subsection A of this section, the mayor shall appoint five persons as commissioners of the authority created as agent for the city. The commissioners who are first appointed shall be designated to serve for

terms of one, two, three, four and five years, respectively, from the date of their appointment, but thereafter, commissioners shall be appointed for a term of office of five years, except that all vacancies shall be filled for the unexpired term. A commissioner of an authority shall not hold any other office or employment of the city for which the authority is created, except that a member of the governing body may be appointed to one of the five memberships on the housing authority for the purpose of advising the authority and the governing body on housing policy. A commissioner shall hold office until his successor has been appointed and has qualified, unless sooner removed according to law. A commissioner may serve two or more successive terms of office. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk, and the certificate shall be conclusive evidence of the due and proper appointment of such commissioner. A commissioner shall receive no compensation for his services for the authority in any capacity, but he shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties.

C. Any powers delegated by a city to an authority shall be vested in the commissioners of the authority in office from time to time. Three commissioners shall constitute a quorum of the authority for the purpose of

conducting its business and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of a majority of the commissioners present. The commission shall organize itself at its annual meeting each even-numbered year. Any city creating a housing authority may authorize the authority to employ a secretary who shall be executive director and who shall be removable only for cause, technical experts and such other officers, attorneys, agents and employees, permanent and temporary, as the authority may require; to determine their qualifications, duties and compensation; and to delegate to one or more of them such powers or duties as the authority may deem proper." =

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