AN ACT

RELATING TO MUNICIPALITIES; ALLOWING A COMMISSIONER OF A HOUSING AUTHORITY TO HOLD OFFICE OR EMPLOYMENT FOR THE SAME CITY FOR WHICH THE AUTHORITY IS CREATED.

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 an authority to be known as the "housing authority" of the city as a public body politic and corporate separate from the city. The city may delegate to the authority the power to construct, maintain, operate and manage any housing project or affordable housing programs 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:

(1) the mayor shall appoint three, five or seven persons as commissioners of the authority as follows:

(a) at least three commissioners if the municipality is a village, town or county that does not

contain a metropolitan statistical area as defined by the

United States census; or

(b) at least five but no more than

seven commissioners if the municipality is a city or a county

that contains a metropolitan statistical area as defined by

the United States census; and

(2) the commissioners who are first

appointed shall be designated to serve staggered terms of one

to five years from the date of their appointment, depending

on the size of the authority. 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 shall hold office until a 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 the commissioner. A

commissioner shall receive no compensation for services for

the authority in any capacity, but shall be entitled to the

necessary expenses, including traveling expenses, incurred in

the discharge of duties.

C. Two or more cities joined together pursuant to

Subsection B of Section 3-45-4 NMSA 1978 shall establish

their commissioners in accordance with Subsection B of this section, except that each city shall have equitable representation on the commission. The commissioners representing each city shall be appointed by the mayor of the city.

D. Any powers delegated by a city to an authority shall be vested in the commissioners of the authority in office from time to time. A majority of 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. With the delegated authority from the commission, the executive director may hire or terminate, according to the procurement and personnel policies and procedures of the authority, technical experts and such other officers, attorneys, agents and employees, permanent and temporary, as the authority may require; determine their qualifications, duties and compensation; and delegate to one or more of them such powers or duties as the authority may deem proper."