

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

**SESSION LAW 2009-211
SENATE BILL 560**

**AN ACT TO AUTHORIZE THE CITY COUNCIL OF THE CITY OF GREENVILLE TO
APPOINT SOME OF THE CITY'S HOUSING AUTHORITY COMMISSIONERS.**

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 157-5 reads as rewritten:

"§ 157-5. Appointment, qualifications and tenure of commissioners.

(a) An authority shall consist of not less than five nor more than eleven ~~commissioners appointed by the mayor and the mayor shall designate the first chair-commissioners. One commissioner shall be appointed by the mayor, and all other commissioners shall be appointed by the city council.~~ No commissioner may be a city official. At least one of the commissioners appointed shall be a person who is directly assisted by the public housing authority. However, there shall be no requirement to appoint such a person if the authority: (i) operates less than 300 public housing units, (ii) provides reasonable notice to the resident advisory board of the opportunity for at least one person who is directly assisted by the authority to serve as a commissioner, and (iii) within a reasonable time after receipt of the notice by the resident advisory board, has not been notified of the intention of any such person to serve. The ~~mayor~~ city council shall appoint the person directly assisted by the authority unless the authority's rules require that the person be elected by other persons who are directly assisted by the authority. If the commissioner directly assisted by the public housing authority ceases to receive such assistance, the commissioner's office shall be abolished and another person who is directly assisted by the public housing authority shall be appointed by the ~~mayor~~ city council.

...

(d) The mayor shall designate overlapping terms of not less than one nor more than five years for the commissioners first appointed. 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 shall be filled for the unexpired term. A majority of the commissioners shall constitute a quorum. ~~The~~ Where the appointment is made by the mayor, the mayor 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. Where the appointment is made by the city council, the city council shall adopt a resolution or motion of appointment or reappointment of any commissioner, and the resolution or record of the official act shall be conclusive evidence of the due and proper appointment of the commissioner. Where the appointment is made by the city council, nominations to the city council for the appointment shall be made by city council members on a rotating basis in accordance with a procedure adopted by the city council that provides each city council member, on an equitable basis, an assigned position in the rotation to make a nomination for an appointment when the time for appointment occurs. A commissioner shall receive no compensation for his or her services but he or she shall be entitled to the necessary expenses including traveling expenses incurred in the discharge of his or her duties.

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SECTION 2. This act applies to the City of Greenville only.



SECTION 3. This act is effective when it becomes law and applies to appointments and reappointments commencing on or after that date.

In the General Assembly read three times and ratified this the 30th day of June, 2009.

s/ Walter H. Dalton
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives