



**BOARD OF COUNTY  
COMMISSIONERS**



**TOWN COUNCIL**

## **JOINT INFORMATION MEETING AGENDA DOCUMENTATION**

**PREPARATION DATE:** November 8, 2016  
**MEETING DATE:** November 14, 2017

**SUBMITTING DEPARTMENT:** Town Attorney's Office  
**DEPARTMENT DIRECTOR:** Audrey Cohen-Davis  
**PRESENTER:** Audrey Cohen-Davis, Town Attorney

**SUBJECT:** Draft Legislative Changes Related to a Regional Housing Authority

### STATEMENT/PURPOSE

To discuss with the Town Council and Board of County Commissioners the re-introduction legislative bill with changes related to a regional housing authority, commission duties and structure.

### BACKGROUND/ALTERNATIVES

The Town Council and Board of County Commissioners adopted the Jackson/Teton County Workforce Housing Action Plan in November, 2015. Page 6-2 of the Housing Action Plan – Action Items Timeline for the First 6 months (by July 1 2016) - identifies under Organizational Structure Actions (Chapter 1) to “Work with the legislature to make necessary changes related to regional housing authority, commission duties and structure.”

Accordingly, in the 2016 legislative session, Representative Ruth Ann Petroff and Representative Andy Schwartz sponsored House Bill HB0093 proposing legislation to clarify and revise Wyoming Statutes §§ 15-10-115(a), 15-10-115(b) and (c) with the goals to: 1) allow the option for governing bodies to delegate some of its powers to a regional housing authority board (instead of all or nothing); and 2) allow a regional housing authority board to be comprised with up to (5) commissioners. As 2016b was a budget session, the bill was not assigned to a committee, and when introduced it did not pass.

This next legislative session in 2017 is a regular legislative session and not a budget session. Thus, if House Bill #HB0093 is reintroduced, it will go straight to committee and can be reintroduced in the 2017 legislative session to clarify the above goals of the Town Council and Teton County Commissioners based upon their Housing Action Plan directives.

### ATTACHMENTS

2016 House Bill #HB0093

### FISCAL IMPACT

None.

### STAFF IMPACT

Staff time identifying and working through any final legislative changes and presenting such to a Wyoming State Legislator.

### LEGAL REVIEW

Complete.

### RECOMMENDATION

To endorse and support the attached draft legislation for presentation to the Wyoming Legislature during the 2017 session.

### SUGGESTED MOTION

**Town:** I move to endorse and support the legislation to clarify and revise Wyoming Statutes §§ 15-10-115(a), 15-10-115(b) and (c) with the goals to: 1) allow the option for governing bodies to delegate some of its powers to a regional housing authority board (instead of all or nothing); and 2) allow a regional housing authority board to be comprised with up to (5) commissioners) for presentation to the Wyoming Legislature during the 2017 session.

**County:** I move to endorse and support legislation to clarify and revise Wyoming Statutes §§ 15-10-115(a), 15-10-115(b) and (c) with the goals to: 1) allow the option for governing bodies to delegate some of its powers to a regional housing authority board (instead of all or nothing); and 2) allow a regional housing authority board to be comprised with up to (5) commissioners for presentation to the Wyoming Legislature during the 2017 session.

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## HOUSE BILL NO. HB0093

Housing authority.

Sponsored by: Representative(s) Petroff and Schwartz

A BILL

for

1 AN ACT relating to municipalities and counties; amending  
2 powers which may be exercised by a housing authority;  
3 authorizing the appointment of additional commissioners to  
4 a regional housing authority as specified; and providing  
5 for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 15-10-115(a)(intro) and 15-10-116(b),  
10 (c)(intro), (iii) and (f) are amended to read:

11

12 **15-10-115. Powers which may be exercised by**  
13 **municipality or county or by authority.**

14

15 (a) Except as otherwise provided by this subsection,  
16 a municipality or county may exercise its housing project

1 powers or, if its governing body determines such action to  
2 be in the public interest, may establish a housing  
3 authority pursuant to W.S. 15-10-116 and elect to have  
4 ~~these~~ such housing project powers as the governing body  
5 determines appropriate exercised by it. A housing authority  
6 so established ~~is vested with all~~ shall have the powers  
7 conferred by this chapter on municipalities and counties as  
8 authorized by the governing body of the municipality or  
9 county, except that the following functions ~~must~~ shall be  
10 exercised by the municipality or county itself:

11

12 **15-10-116. Housing authority; creation; form;**  
13 **commissioners; proceedings; officers, agents; proof of**  
14 **establishment.**

15

16 (b) If the governing body of each of two (2) or more  
17 municipalities or counties, or combinations of  
18 municipalities and counties, has made the finding  
19 prescribed in W.S. 15-10-102, has taken the necessary  
20 action to cooperate with one another and has elected as  
21 provided in W.S. 15-10-115 to have its housing project  
22 powers exercised by a housing authority created for all the  
23 municipalities or counties so joining or cooperating, a

1 public body corporate and politic to be known as a regional  
2 housing authority shall thereupon exist for all these  
3 municipalities or counties or combinations thereof.  
4 Additional municipalities or counties may elect to have the  
5 regional authority exercise their powers as provided in  
6 W.S. 15-10-115 upon taking the actions specified in this  
7 subsection, and with the consent, by resolution, of all the  
8 municipalities and counties having elected to have their  
9 powers exercised by the regional authority.

10

11 (c) If a housing authority has been created and  
12 authorized by a municipality or county to exercise its  
13 housing project powers as provided in W.S. 15-10-115,  
14 commissioners of the authority shall be appointed as  
15 follows:

16

17 (iii) In the case of a regional housing  
18 authority, the governing body of each municipality and  
19 county participating shall appoint one (1) person as a  
20 commissioner of the authority. If only two (2)  
21 municipalities or counties or a combination thereof are  
22 participating, the commissioners appointed by the governing  
23 bodies of the participants shall appoint one (1) additional

1 commissioner or the governing bodies of the participants  
2 shall each appoint one (1) additional commissioner and the  
3 commissioners appointed by the governing bodies of the  
4 participants shall appoint one (1) additional commissioner  
5 if authorized by the governing bodies to do so. If three  
6 (3) or four (4) municipalities or counties or a combination  
7 thereof are participating, the commissioners appointed by  
8 the governing bodies of the participants may, upon  
9 authorization of a majority of the governing bodies,  
10 appoint additional commissioners provided that the  
11 authority shall not exceed five (5) commissioners. The  
12 commissioners of a regional authority shall be appointed  
13 for terms of five (5) years, except that all vacancies  
14 shall be filled for the unexpired term;

15  
16 (f) In any suit, action or proceeding involving the  
17 validity or enforcement of or relating to any contract of  
18 the authority, an authority is conclusively deemed to be  
19 established and authorized to transact business and  
20 exercise its powers upon proof of compliance with the  
21 provisions of paragraphs (c)(i) or (ii) of this section, as  
22 the case may be. A copy of the resolutions required to be  
23 adopted by the governing body electing to have its housing

1 project powers exercised by a housing authority as provided  
2 in W.S. 15-10-115 shall be filed with the clerk. A copy of  
3 the resolution duly certified by the clerk is admissible in  
4 evidence in any suit, action or proceeding.

5

6 **Section 2.** This act is effective immediately upon  
7 completion of all acts necessary for a bill to become law  
8 as provided by Article 4, Section 8 of the Wyoming  
9 Constitution.

10

11

(END)

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16 (b) If the governing body of each of two (2) or more  
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