

WEST VIRGINIA CODE: §16-13D-11

§16-13D-11. Bonds may be secured by trust indenture.

In the discretion and at the option of the governing body of the authority, the bonds may be secured by a trust indenture by and between the authority and a corporate trustee, which may be a trust company or bank having powers of a trust company within or without the State of West Virginia, but no trust indenture may convey, mortgage, or create any lien upon the water supply, wastewater transportation or treatment system, or stormwater system, or any part thereof of the authority or its member public agencies. The resolution authorizing the bonds and fixing the details thereof may provide that the trust indenture may contain provisions for protecting and enforcing the rights and remedies of bondholders as may be reasonable and proper, not in violation of law, including covenants setting forth the duties of the authority and the members of its governing body and officers in relation to the construction or acquisition of the water supply, wastewater transportation or treatment system, or stormwater system, and the improvement, extension, operation, repair, maintenance, and insurance thereof, and the custody, safeguarding, and application of all moneys, and may provide that all or any part of the construction work shall be contracted for, constructed and paid for, under the supervision and approval of consulting engineers employed or designated by the governing body and satisfactory to the original bond purchasers, their successors, assignees or nominees, who may be given the right to require the security given by contractors and by any depository of the proceeds of bonds or revenues of the water supply, the wastewater transportation or treatment system, or stormwater system, or other money pertaining thereto be satisfactory to the purchasers, their successors, assignees or nominees. The indenture may set forth the rights and remedies of the bondholders and the trustee.