WEST VIRGINIA CODE: §16-13D-8

§16-13D-8. Powers of governing body.

For the purpose of operating as an authority as provided in this article, powers, authorities, and privileges of the authority shall include, but are not limited to, the following:

(1) To accept by gift or grant from any person, firm, corporation, trust, or foundation, or from this state or any other state or any political subdivision or municipality thereof, or from the United States, any funds or property or any interest therein for the uses and purposes of the authority and to hold title thereto in trust or otherwise and to bind the authority to apply the same according to the terms of the gift or grant;

(2) To sue and be sued;

(3) To enter into franchises, contracts and agreements with this or any other state or the United States or any municipality, political subdivision or authority thereof, or any of their agencies or instrumentalities, or any public or private person, partnership, association, or corporation of this state or of any other state or the United States, and this state and any municipality, political subdivision, authority, or any of their agencies or instrumentalities, and any public or private person, partnership, association, or corporation may enter into contracts and agreements with the authority for any term not exceeding 40 years for the planning, development, construction, acquisition, maintenance, or operation of any facility or for any service rendered to, for, or by the authority;

(4) To borrow money and evidence the same by warrants, notes, or bonds as hereinafter provided in this article, and to refund the same by the issuance of refunding obligations;

(5) To acquire land and interests in land by gift, purchase, exchange, or eminent domain, the power of eminent domain to be exercised within or without the boundaries of the authority in accordance with §54-2-1 *et seq*. of this code;

(6) To acquire by purchase or lease, construct, install, and operate reservoirs, pipelines, wells, check dams, pumping stations, water purification plants, and other facilities for the production, distribution, and utilization of water, transportation facilities, pump stations, lift stations, treatment facilities, and other facilities for the transportation and treatment of wastewater, and inlets, conduits, outlets, channels, ponds, drainage easements, water quality facilities, catch basins, ditches, streams, gulches, flumes, culverts, syphons, retention or detention basins, dams, floodwalls, levies, pipes, flood control systems, pumping stations, and treatment facilities and to own and hold the real and personal property as may be necessary to carry out the purposes of its organization subject to the advance approval of the Public Service Commission pursuant to Chapter 24 of this code for any proposed acquisition, construction, installation or operation. The Public Service Commission shall, within 30 days of a request for approval submitted hereunder, notify the authority whether

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its filing is complete. If the Commission determines that additional information is needed it will inform the agency of the information needed. Notwithstanding the timeframes for Commission approval of public utility projects set forth in Chapter 24, the Commission shall act on authority proposals within the following timeframes.

The Public Service Commission shall act on all proposals submitted hereunder by an authority that provides only water service or only wastewater service, or by an authority that does not seek a rate increase within 120 days of the date that the authority files with the Commission a complete application. Failure of the Public Service Commission to act within the 120-day period shall be deemed an approval of such proposal: *Provided*, That the Commission's 120-day review period may be extended upon request of the authority.

The Public Service Commission shall act on all proposals submitted hereunder for which the authority seeks a rate increase and the authority provides water and wastewater services, water and stormwater services, wastewater and stormwater services, or water and wastewater and stormwater services, within 180 days of the date the authority files with the Commission the necessary information showing the basis of any project related rates, fees, and charges or other information as the Commission considers necessary: *Provided*, That the information shall include an explanation of the amount and basis for assigning and allocating total costs between the water operations, the wastewater operations, and if applicable the stormwater operations. Failure by the Commission to act within the 180-day period shall constitute approval thereof. *Provided, however*, That the 180-day Commission review period may be extended upon request of the authority.

(7) To have the general management, control, and supervision of all the business, affairs, property, and facilities of the authority, and of the construction, installation, operation, and maintenance of authority improvements, and to establish regulations relating thereto;

(8) To hire and retain agents, employees, engineers, and attorneys and to determine their compensation. The governing body shall select and appoint a general manager of the authority who shall serve at the pleasure of said governing body. The general manager shall have training and experience in the supervision and administration of the system or systems operated by the authority and shall manage and control the system under the general supervision of the governing body. All employees, servants and agents of the authority shall be under the immediate control and management of said general manager. The general manager shall perform all other duties as may be prescribed by the governing body and shall give the governing body a good and sufficient surety company bond in a sum to be set and approved by the governing body conditioned upon the satisfactory performance of the general manager's duties. The governing body may also require that any other employees be bonded in such amount as it shall determine. The cost of the bonds shall be paid out of the funds of the authority;

(9) To adopt and amend rules and regulations not in conflict with the Constitution and laws of this state, necessary for the carrying on of the business, objects, and affairs of the governing body and of the authority;

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(10) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted herein. The specific powers may not be considered as a limitation upon any power necessary or appropriate to carry out the purposes of this article.

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