

WEST VIRGINIA CODE: §8-29-8

§8-29-8. Powers of authorities generally.

Each authority is hereby given plenary power and authority as follows:

- (1) To make and adopt all necessary bylaws and rules for its organization and operations not inconsistent with law;
- (2) To elect its own officers, to appoint committees, and to employ and fix the compensation for personnel necessary for its operation;
- (3) To enter into contracts with any person, including both public and private corporations, or governmental department or agency, and generally to do any and all things necessary or convenient for the purpose of acquiring, establishing, constructing, equipping, improving, financing, maintaining, and operating a public airport to best serve the region in which it is located, including the development of an industrial, research, or business park in the same general area;
- (4) To delegate any authority given to it by law to any of its officers, committees, agents, or employees;
- (5) To apply for, receive, and use grants-in-aid, donations, and contributions from any source or sources, including, but not limited to, the federal government and any department or agency thereof, and this state subject to any constitutional and statutory limitations with respect thereto, and to accept and use bequests, devises, gifts, and donations from any person;
- (6) To acquire, receive, take, and hold property, whether by purchase, gift, lease, devise, or otherwise, and to use and manage said property, and to develop, improve, and maintain any property owned, leased, or controlled by it;
- (7) To purchase, own, hold, sell, and dispose of personal property and to sell, lease, or otherwise dispose of any real property which it may own;
- (8) To borrow money and execute and deliver negotiable notes, mortgage bonds, other bonds, debentures, and other evidences of indebtedness therefor, and give such security therefor as shall be requisite, including giving a mortgage or deed of trust on its airport properties and facilities or assigning or pledging the gross or net revenues therefrom;
- (9) To raise funds by the issuance and sale of revenue bonds in the manner provided by the applicable provisions of §8-16-1 *et seq.* of this code, it being hereby expressly provided that for the purpose of the issuance and sale of revenue bonds, each authority is a "governing body" as that term is used in said article only;

(10) To establish, charge, and collect reasonable fees and charges for services or for the use of any part of its property or facilities, or for both services and such use;

(11) To expend its funds in the execution of the powers and authority herein given;

(12) To apply for, receive, and use loans, grants, donations, technical assistance, and contributions from any regional or area commissions that may be established;

(13) To prescribe by bylaw the manner of financial participation by members;

(14) To construct, acquire, establish, improve, extend, enlarge, reconstruct, equip, maintain, and repair buildings, structures, and facilities, including roadway access, suitable for use as manufacturing plants, industrial plants, and facilities; research parks and facilities; business parks and facilities; retail shopping areas or centers; parks; exhibits; exhibitions; or the conduct of any lawful business, heliport, or aircraft landing area owned or operated by such authority, and to lease or let such buildings, structures, and facilities or any one or more of them to such tenant or tenants for such term or terms, at such compensation or rental and subject to such provisions, limitations, and conditions as the authority may require or approve; and

(15) Notwithstanding the provisions of §5-22-1 *et seq.*, §5-22A-1 *et seq.*, and §5-22B-1 *et seq.* of this code, and any other provision of this code to the contrary, for any airport development or construction project funded, in whole or in part, through the Federal Aviation Administration Airport Improvement Program or Airport Terminal Program and subject to Federal Aviation Administration standards for design, engineering, and safety, an authority is expressly authorized to procure, contract for, and deliver such airport projects using any project delivery method approved or authorized by the Federal Aviation Administration, including, but not limited to, integrated project delivery, construction manager-at-risk, design-build, progressive design-build, or other alternative delivery methods. Procurement conducted in compliance with applicable Federal Aviation Administration standards and requirements shall be deemed to satisfy the procurement requirements of this state.

(16) To enter into a management agreement or agreements with any county, city, or town in the state for the management by the authority of an existing airport upon such terms and conditions as may be mutually agreeable.

(17) An authority may only exercise the powers delegated to it in this section in the county in which the airport is located or any county contiguous to the county in which the airport is located: *Provided*, That nothing in this subsection shall prohibit an authority from entering into a management agreement for an existing airport with a county that is not contiguous to the county in which the existing airport is located or a city or town located in a county that is not contiguous to the county in which the airport is located.