

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967

ENROLLED

SENATE BILL NO. 249

(By Mr. Kaufman and Mr. Poffenbarger)

PASSED March 11, 1967

In Effect for Passage

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-21-67

249

ENROLLED

Senate Bill No. 249

(By MR. KAUFMAN and MR. POFFENBARGER)

[Passed March 11, 1967; in effect from passage.]

AN ACT to amend article four-a, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twenty-eight, authorizing and empowering two or more municipalities to consolidate functions with respect to the financing, acquisition, construction, reconstruction, establishment, equipment, extension, enlargement, improvement, betterment, renovation, custody, operation and maintenance of municipal public works.

Be it enacted by the Legislature of West Virginia:

That article four-a, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be

amended by adding thereto a new section, designated section twenty-eight, to read as follows:

§8-4A-28. Consolidation of municipal functions with respect to public works.

(a) At the time of enactment of the original provisions of this article, the Legislature found and declared that municipal public works, as defined herein, are necessary for the public health, safety and welfare. The Legislature does hereby further find and declare that the consolidation, wherever possible, of municipal functions with respect to such public works by two or more municipalities will result in substantial economies in the operation of municipal government and will thus further promote the public health, safety and welfare. This section is enacted in view of these findings and shall be liberally construed in the light thereof.

(b) Any two or more municipalities in this state, however created, whether operating under a legislative charter, home rule charter or general law only, whether located in the same county or different counties, and notwithstanding any statutory or charter provisions to the

18 contrary, are hereby authorized and empowered to pro-
19 vide, by ordinance or proper resolution of each munici-
20 pality, for the joint financing, acquisition, construction,
21 reconstruction, establishment, equipment, extension, en-
22 largement, improvement, betterment, renovation, custody,
23 operation and maintenance of any municipal public works.
24 A certified copy of each such ordinance or proper resolu-
25 tion shall be filed in the office of the clerk of the county
26 court of the county or counties in which the municipalities
27 are located and in the office of the state tax commissioner.
28 Such financing, acquisition, construction, reconstruction,
29 establishment, equipment, extension, enlargement, im-
30 provement, betterment, renovation, custody, operation
31 and maintenance shall be under the supervision and con-
32 trol of a board composed of an equal number of members
33 appointed by the governing body of each participating
34 municipality, and such board shall have and may exercise
35 all of the authority and power vested by the provisions of
36 this article in the 'board' of a single municipality, as the
37 term 'board' is defined in section three of this article:
38 *Provided, That any contract or agreement relating to the*

39 financing, acquisition, construction, reconstruction, estab-
40 lishment, equipment, extension, enlargement, improve-
41 ment, betterment or renovation of any such works, and
42 any trust indenture with respect thereto shall be approved
43 by the governing body of each participating municipality.

44 (c) The other provisions of this article were enacted
45 without regard to the possible consolidation of municipal
46 functions and consequently such other provisions speak
47 in terms of a single municipality. In applying such other
48 provisions to two or more municipalities desiring to oper-
49 ate or operating under the provisions of this section, the
50 following principles and requirements shall be applicable
51 and controlling:

52 (1) The authority and power vested by the other
53 provisions of this article in a single municipality or the
54 municipal authorities of a single municipality shall be
55 exercised only by the participating municipalities or the
56 participating municipal authorities acting in concert;

57 (2) In acquiring all necessary lands, rights of way
58 and property by gift, grant, purchase, condemnation or
59 otherwise, the participating municipalities shall act
60 jointly;

61 (3) Title to all property shall be taken jointly in
62 the names of the participating municipalities;

63 (4) All revenue bonds shall be issued by each par-
64 ticipating municipality in such amounts as shall be pre-
65 scribed by each participating municipality, with the con-
66 currence of the other participating municipality or mu-
67 nicipalities as to the amounts of such bonds, and such
68 amounts may be the same with respect to each munici-
69 pality, or they may be different, taking into account the
70 population of each participating municipality served by
71 such public works or any other relevant factor or factors;

72 (5) The just and equitable rates or charges re-
73 quired by the provisions of section seventeen of this arti-
74 cle shall be established by each participating municipality,
75 with the concurrence of the other participating munici-
76 pality or municipalities as to the amount of such rates or
77 charges, and such rates or charges may be the same with
78 respect to each municipality, or they may be different,
79 taking into account the population of each participating
80 municipality served by such public works or any other
81 relevant factor or factors; and

82 (6) Any requirements, limitations and restrictions
83 applicable to a single municipality under the other pro-
84 visions of this article shall govern each participating
85 municipality.

86 (d) If any provision of this section is held to be invalid,
87 such invalidity shall not affect other provisions of the
88 section, and to this end the provisions of this section are
89 declared to be severable.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tompa
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the Senate.

To take effect from passage.

Howard Meyer
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard E. Carson
President of the Senate

H. Laban White
Speaker House of Delegates

The within approved this the 17

day of March, 1967.

Hullett C. Smith
Governor

PRESENTED TO THE
GOVERNOR

Date 3/17/67

Time 2:50 p.m.