WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1967

ENROLLED
SENATE BILL NO. 249

(By Mr. (Handwritten signature)

PASSED March 11, 1967

In Effect from passage

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-21-67
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
§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
contrary, are hereby authorized and empowered to pro-
vide, by ordinance or proper resolution of each munici-
pality, for the joint financing, acquisition, construction,
reconstruction, establishment, equipment, extension, en-
largement, improvement, betterment, renovation, custody,
operation and maintenance of any municipal public works.
A certified copy of each such ordinance or proper resolu-
tion shall be filed in the office of the clerk of the county
court of the county or counties in which the municipalities
are located and in the office of the state tax commissioner.
Such financing, acquisition, construction, reconstruction,
establishment, equipment, extension, enlargement, im-
provement, betterment, renovation, custody, operation
and maintenance shall be under the supervision and con-
trol of a board composed of an equal number of members
appointed by the governing body of each participating
municipality, and such board shall have and may exercise
all of the authority and power vested by the provisions of
this article in the 'board' of a single municipality, as the
term 'board' is defined in section three of this article:
Provided, That any contract or agreement relating to the
financing, acquisition, construction, reconstruction, establishment, equipment, extension, enlargement, improvement, betterment or renovation of any such works, and any trust indenture with respect thereto shall be approved by the governing body of each participating municipality.

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

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

(2) In acquiring all necessary lands, rights of way and property by gift, grant, purchase, condemnation or otherwise, the participating municipalities shall act jointly;
(3) Title to all property shall be taken jointly in the names of the participating municipalities;

(4) All revenue bonds shall be issued by each participating municipality in such amounts as shall be prescribed by each participating municipality, with the concurrence of the other participating municipality or municipalities as to the amounts of such bonds, and such amounts may be the same with respect to each municipality, or they may be different, taking into account the population of each participating municipality served by such public works or any other relevant factor or factors;

(5) The just and equitable rates or charges required by the provisions of section seventeen of this article shall be established by each participating municipality, with the concurrence of the other participating municipality or municipalities as to the amount of such rates or charges, and such rates or charges may be the same with respect to each municipality, or they may be different, taking into account the population of each participating municipality served by such public works or any other relevant factor or factors; and
(6) Any requirements, limitations and restrictions applicable to a single municipality under the other provisions of this article shall govern each participating municipality.

(d) If any provision of this section is held to be invalid, such invalidity shall not affect other provisions of the section, and to this end the provisions of this section are declared to be severable.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Milleine Tampoe
Chairman Senate Committee

Clayton C. Davison
Chairman House Committee

Originated in the Senate.

To take effect from passage.

Howard McGee
Clerk of the Senate

C. A. Flankershine
Clerk of the House of Delegates

Howard G. Carson
President of the Senate

W. Laban White
Speaker House of Delegates

The within approved this the 17
day of March, 1967.

Hulet C. Smith
Governor
PRESENTED TO THE GOVERNOR
Date  3/17/67
Time  2:50 p.m.