

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1977



ENROLLED

HOUSE BILL No. 1765

(By Mr. Shingleton & Mr. Morasco)



PASSED April 9, 1977

In Effect ninety days from Passage

ENROLLED

H. B. 1765

(By MR. SHINGLETON and MR. MORASCO)

[Passed April 9, 1977; in effect ninety days from passage.]

AN ACT to amend and reenact chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article sixteen, relating to establishment of county solid waste authorities; name; purposes; management and control of authority; appointment and terms of members; vacancies; removal of members; meetings; quorum; authority to be public corporation; powers, duties and responsibilities of authority generally; workmen's compensation coverage; severability.

Be it enacted by the Legislature of West Virginia:

That chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article sixteen, to read as follows:

ARTICLE 16. COUNTY SOLID WASTE AUTHORITIES.

§7-16-1. Establishment authorized; name.

1 The county commission of every county is hereby authorized
2 to create and establish a public agency to be known as a county
3 solid waste authority (hereinafter called the authority) to
4 carry out the powers and duties conferred by law upon the
5 county relating to disposal of solid waste, including but not
6 limited to, those powers authorized by sections three-e and
7 three-f, article one, of this chapter.

§7-16-2. Purposes.

1 The purposes for which the authority is created are to pro-
2 vide for the necessary, dependable, effective and efficient col-
3 lection and disposal of solid waste and other hazardous waste
4 and to assist and cooperate with the state and local govern-
5 ments in achieving these purposes.

**§7-16-3. Management and control vested in authority; appointment
and terms of members; vacancies; removal of members;
meetings, quorum.**

1 The management and control of the authority, its property,
2 operations, business and affairs shall be lodged in an authority
3 of seven persons who shall be known as "members of the
4 authority," each of whom shall be appointed by the county
5 commission for a term of three years, except that as to the first
6 seven appointed to the first authority appointed, the term of
7 two members shall expire on the first day of July next ensuing,
8 the terms of the next two members shall expire on the first day
9 of July two years thereafter, and the term of three members
10 shall expire on the first day of July three years thereafter. Each
11 member shall hold office until the expiration of the term for
12 which such member is appointed or until a successor shall have
13 been duly appointed and shall have qualified. Vacancies on the
14 authority shall be filled by appointment of the county commis-
15 sion for the unexpired term of the member whose office shall be
16 vacant.

17 No member may be an elected official or employee of
18 the county or engaged in solid waste business. Board mem-
19 bers may be reappointed to serve additional terms. All
20 members of the board shall be citizens of the state of West
21 Virginia and the county.

22 The county commission may at any time remove any mem-
23 ber of the authority by an order duly entered of record and
24 may appoint a successor.

25 Annually the authority shall elect one of its members as
26 chairman, another as vice chairman and appoint a secretary-
27 treasurer, who need not be a member of the authority.

28 Four members of the authority shall constitute a quorum
29 and the affirmative vote of majority shall be necessary for any
30 action taken by vote of the authority. No vacancy in the
31 membership of the authority shall impair the rights of quorum
32 by such vote to exercise all rights and perform all the duties
33 of the authority. The person appointed as secretary-treasurer,
34 including an authority member if he is so appointed, shall give
35 bond in the sum of fifty thousand dollars.

36 Each of the seven appointed members of the authority shall
37 receive fifty dollars for each meeting actually attended, but
38 the total compensation paid to any member shall not exceed
39 the aggregate sum of six hundred dollars in any fiscal year.
40 Each of the seven authority members shall also be reimbursed
41 for all reasonable and necessary expenses actually incurred in
42 the performance of his duties as a member of the authority.
43 All such compensation and expenses incurred by authority
44 members shall be payable solely from funds of the authority or
45 from funds appropriated for such purpose by the county com-
46 mission and no liability or obligation shall be incurred by the
47 authority beyond the extent to which moneys are available from
48 funds of the authority or from such appropriation.

49 The authority shall meet at least four times annually and
50 upon the call of its chairman or upon the request in writing to
51 the chairman of four board members.

§7-16-4. Authority to be a public corporation.

1 The authority when created, and the members thereof,
2 shall constitute and be a public corporation, the name of which
3 shall contain the words "solid waste authority," and as such
4 shall have perpetual succession, may contract and be con-
5 tracted with, sue and be sued, plead and be impleaded and
6 have and use a common seal.

§7-16-5. Powers, duties and responsibilities of authority generally.

1 The authority may exercise all powers necessary or
2 appropriate to carry out and effectuate its corporate
3 purpose. The authority may:

4 (1) Adopt, and from time to time, amend and repeal bylaws
5 necessary and proper for the regulation of its affairs and the

6 conduct of its business and rules and regulations to implement
7 and make effective its powers and duties.

8 (2) Acquire, construct, reconstruct, enlarge, improve, fur-
9 nish, equip, maintain, repair, operate, lease or rent to, or
10 contract for operation by a governmental agency or person,
11 solid waste disposal projects, and, adopt rules and regulations
12 for the use of such projects.

13 (3) Make available the use or services of any solid waste
14 disposal project to one or more persons, one or more govern-
15 mental agencies, or any combination thereof.

16 (4) Issue solid waste disposal revenue bonds and notes and
17 solid waste disposal revenue refunding bonds payable solely
18 from revenues of projects operated by the authority.

19 (5) Acquire by gift or purchase, hold and dispose of real
20 and personal property in the exercise of its powers and the
21 performance of its duties.

22 (6) Make and enter into all contracts and agreements and
23 execute all instruments necessary or incidental to the perfor-
24 mance of its duties and the execution of its powers.

25 (7) Employ managers, superintendents, engineers, accoun-
26 tants, auditors and other employees, and retain or contract with
27 consulting engineers, financial consultants, accounting experts,
28 architects, attorneys and such other consultants and indepen-
29 dent contractors as are necessary in its judgment to carry out
30 the provisions of this article, and fix the compensation or fees
31 thereof.

32 (8) Receive and accept from any federal or state agency
33 grants for or in aid of the construction of any solid waste dis-
34 posal project or for research and development with respect to
35 solid waste disposal projects and solid waste disposal sheds
36 and receive and accept aid or contributions from any source
37 of money, property, labor or other things of value, to be held,
38 used and applied only for the purposes for which such grants
39 and contributions are made.

40 (9) Engage in research and development with respect to
41 solid waste disposal projects and solid waste disposal sheds.

42 (10) Purchase fire and extended coverage and liability in-
 43 surance for any solid waste disposal project and for the prin-
 44 cipal office and suboffices of the authority, insurance protect-
 45 ing the authority and its officers and employees against lia-
 46 bility, if any, for damage to property or injury to or death of
 47 persons arising from its operations and any other insurance
 48 the authority may agree to provide under any resolution author-
 49 izing the issuance of solid waste disposal revenue bonds or in
 50 any trust agreement securing the same.

51 (11) Charge, alter and collect rentals, fees, service charges
 52 and other charges for the use or services of any solid waste
 53 disposal project as provided in this article.

54 (12) Do all acts necessary and proper to carry out the
 55 powers expressly granted to the authority by this act and the
 56 powers conferred upon the county by sections three-e and
 57 three-f, article one of this chapter.

§7-16-6. Employees to be covered by workmen's compensation.

1 All employees of the authority eligible thereto shall be
 2 deemed to be within the workmen's compensation act of West
 3 Virginia and premiums on their compensation shall be paid by
 4 the authority as required by law.

§7-16-7. Liberal construction of article.

1 It is the purpose of this article to encourage the proper col-
 2 lection and disposal of solid waste in a prudent and economical
 3 manner and this article shall be liberally construed as giving to
 4 the authority full and complete power reasonably required to
 5 give effect to the purposes hereof. The provisions of this
 6 article are in addition to and not in derogation of any other
 7 power and duty now conferred by law upon county commis-
 8 sions.

§7-16-8. Provisions severable.

1 The several sections and provisions of this article are sever-
 2 able, and if any section or provision hereof shall be held uncon-
 3 stitutional, all the remaining sections and provisions of the
 4 article shall nevertheless remain valid.

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

James L. Davis
Chairman Senate Committee

Cherene C. Chestnut
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. Willard Jr.
Clerk of the Senate

VA Blankenship
Clerk of the House of Delegates

W. T. Burtch Jr.
President of the Senate

Donald L. Hoopp
Speaker House of Delegates

The within is approved this the 26
day of April, 1977.

John J. Rhymer
Governor

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OFFICE OF THE GOVERNOR

APPROVED AND SIGNED BY THE GOVERNOR

Date April 26, 1977

Time 4:10 p.m.

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OFFICE
GOV. OF STATE