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APPROVED AND SIGNED BY THE GOVERNOR

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OFFICE OF THE GOVERNOR

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1983



ENROLLED

SENATE BILL NO. 521

(By Mr. Billions)



PASSED March 11, 1983

In Effect from Passage



ENROLLED
Senate Bill No. 521
(BY MR. WILLIAMS)

[Passed March 11, 1983; in effect from passage.]

AN ACT to amend and reenact section three, article thirteen-a, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to public service districts and allowing each city, incorporated town or other municipal corporation having a population over three thousand to appoint one person to the public service board of its district.

Be it enacted by the Legislature of West Virginia:

That section three, article thirteen-a, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 13A. PUBLIC SERVICE DISTRICTS FOR WATER, SEWERAGE AND GAS SERVICES.

§16-13A-3. District to be a public corporation and political subdivision; powers thereof; public service boards.

1 From and after the date of the adoption of the order
2 creating any public service district, it shall thereafter
3 be a public corporation and political subdivision of the
4 state, but without any power to levy or collect ad valorem
5 taxes. Each district may acquire, own and hold property,
6 both real and personal, in its corporate name, and may
7 sue, may be sued, may adopt an official seal and may
8 enter into contracts necessary or incidental to its pur-
9 poses, including contracts with any city, incorporated
10 town or other municipal corporation located within or

11 without its boundaries for furnishing wholesale supply of
12 water for the distribution system of the city, town or
13 other municipal corporation, and contract for the opera-
14 tion, maintenance, servicing, repair and extension of any
15 properties owned by it or for the operation and im-
16 provement or extension by the district of all or any part
17 of the existing municipally owned public service prop-
18 erties of any city, incorporated town or other municipal
19 corporation included within the district: *Provided*, That
20 no contract shall extend beyond a maximum of forty
21 years, but provisions may be included therein for a re-
22 newal or successive renewals thereof and shall conform
23 to and comply with the rights of the holders of any out-
24 standing bonds issued by the municipalities for the public
25 service properties.

26 The powers of each public service district shall be
27 vested in and exercised by a public service board con-
28 sisting of not less than three members, who shall be
29 persons residing within the district who have success-
30 fully completed a training program to be established and
31 administered by the public service commission in con-
32 junction with the department of natural resources and
33 the department of health. The members shall be appointed
34 in the following manner:

35 Each city, incorporated town or other municipal cor-
36 poration having a population of more than three thousand
37 but less than eighteen thousand shall be entitled to ap-
38 point one member of the board, and each such city,
39 incorporated town or other municipal corporation having
40 a population in excess of eighteen thousand shall be
41 entitled to appoint one additional member of the board
42 for each additional eighteen thousand population. The
43 members of the board representing such cities, incorpo-
44 rated towns or other municipal corporations shall be
45 residents thereof and shall be appointed by a resolution
46 of the governing bodies thereof and upon the filing of
47 a certified copy or copies of the resolution or resolutions
48 in the office of the clerk of the county commission which
49 entered the order creating the district, the persons so
50 appointed shall thereby become members of the board

51 without any further act or proceedings. If the number of
52 members of the board so appointed by the governing
53 bodies of cities, incorporated towns or other municipal
54 corporations included in the district shall equal or exceed
55 three, then no further members shall be appointed to
56 the board and the members shall be and constitute the
57 board of the district.

58 If no city, incorporated town or other municipal cor-
59 poration having a population of more than three thou-
60 sand is included within the district, then the county
61 commission which entered the order creating the district
62 shall appoint three members of the board, who are per-
63 sons residing within the district, which three members
64 shall become members of and constitute the board of the
65 district without any further act or proceedings.

66 If the number of members of the board appointed by
67 the governing bodies of cities, incorporated towns or other
68 municipal corporations included within the district is
69 less than three, then the county commission which en-
70 tered the order creating the district shall appoint such
71 additional member or members of the board, who are
72 persons residing within the district, as is necessary to
73 make the number of members of the board equal three,
74 and the additional member or members shall thereupon
75 become members of the board; and the member or mem-
76 bers appointed by the governing bodies of the cities,
77 incorporated towns or other municipal corporations in-
78 cluded within the district and the additional member or
79 members appointed by the county commission as afore-
80 said, shall be and constitute the board of the district. A
81 person may serve as a member of the board in one or
82 more public service districts.

83 The population of any city, incorporated town or other
84 municipal corporation, for the purpose of determining the
85 number of members of the board, if any, to be appointed
86 by the governing body or bodies thereof, shall be con-
87 clusively considered to be the population stated for such
88 city, incorporated town or other municipal corporation in
89 the last official federal census.

90 The respective terms of office of the members of the

91 first board shall be fixed by the county commission and
92 shall be as equally divided as may be, that is approxi-
93 mately one third of the members for a term of two years,
94 a like number for a term of four, and the term of the
95 remaining member or members for six years, from the
96 first day of the month during which the appointments
97 are made. The first members of the board appointed as
98 aforesaid shall meet at the office of the clerk of the
99 county commission which entered the order creating the
100 district as soon as practicable after the appointments and
101 shall qualify by taking an oath of office: *Provided*, That
102 any member or members of the board may be removed
103 from their respective office as provided in section three-a
104 of this article.

105 Any vacancy shall be filled for the unexpired term
106 within thirty days, otherwise successor members of the
107 board shall be appointed for terms of six years and the
108 terms of office shall continue until successors have been
109 appointed and qualified. All successor members shall be
110 appointed in the same manner as the member succeeded
111 was appointed.

112 The board shall organize within thirty days following
113 the first appointments and annually thereafter at its first
114 meeting after the first day of January of each year by
115 selecting one of its members to serve as chairman and by
116 appointing a secretary and a treasurer who need not be
117 members of the board. The secretary shall keep a record
118 of all proceedings of the board which shall be available
119 for inspection as other public records. Duplicate records
120 shall be filed with the county commission and shall
121 include the minutes of all board meetings. The treasurer
122 is lawful custodian of all funds of the public service
123 district and shall pay same out on orders authorized or
124 approved by the board. The secretary and treasurer shall
125 perform other duties appertaining to the affairs of the
126 district and shall receive salaries as shall be prescribed
127 by the board. The treasurer shall furnish bond in an
128 amount to be fixed by the board for the use and benefit
129 of the district.

130 The members of the board, and the chairman, secretary

131 and treasurer thereof, shall make available to the county
132 commission, at all times, all of its books and records
133 pertaining to the district's operation, finances and affairs,
134 for inspection and audit. The board shall meet at least
135 monthly.

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

Wasson
Chairman Senate Committee

Donald Anella
Chairman House Committee

Originated in the Senate.

In effect from passage.

Frank C. Nailor
Clerk of the Senate

Donald L. Dugg
Clerk of the House of Delegates

Wasson
President of the Senate

W. H. See, Jr.
Speaker House of Delegates

The within is approved this the 27
day of March, 1983.

John R. Pate
Governor

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SECY. OF STATE