WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1988

ENROLLED

HOUSE BILL No. 4264

(By Delegates Ryan & Lewis)

Passed March 11, 1988

In Effect Ninety Days from Passage
AN ACT to establish a multicounty economic development authority for the counties of Fayette, Nicholas, Raleigh and Summers, as well as participating municipalities; to provide such authority with power to plan and coordinate economic development within these counties; to provide for a board to manage and control the authority; to provide for appointment of representatives to the board, and to provide for the support and operation of the authority.

Be it enacted by the Legislature of West Virginia:

FAYETTE, NICHOLAS, RALEIGH AND SUMMERS MULTICOUNTY ECONOMIC DEVELOPMENT AUTHORITY.

§1. Economic development authority for Fayette, Nicholas, Raleigh and Summers Counties created; functions; existing county development authorities abolished.

There is hereby created a multicounty economic development authority, consisting of the counties of Fayette, Nicholas, Raleigh and Summers, as well as any participating municipalities, as hereinafter defined, which shall plan and coordinate economic development within these counties. The Beckley/Raleigh County economic development authority and the Nicholas County economic development authority are hereby abolished and their powers are transferred to the
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10 multicounty economic development authority created by this act.

12 No member may withdraw from this authority without an amendment to this act.

§2. Definitions.

1 (a) “Member” means one of the four counties designated in section one or a participating municipality.

3 (b) “Participating municipality” means any municipality located wholly or partly within one or more of the four county members, which elects to participate in the multicounty economic development authority hereby created. Municipalities, so electing, shall contribute to the authority at the same rate and the same fashion as the four county members as set forth below, shall be entitled to participate in the selection of the board of directors, as set forth in section three, and shall be permanent members of the authority: Provided, That no participating municipality may participate in the selection of the initial board of directors unless it becomes a member of the authority within thirty days of the effective date of this act.

§3. Board; directors; appointment; terms; removal; compensation.

1 The management and control of the authority, its property, operations, business and affairs is lodged in a board of directors, consisting of thirteen directors, all to be considered at-large and to be appointed by the county commissions of the member counties and the mayors of any participating municipalities. Within thirty days after the effective date of this act, the members of the multicounty economic development authority shall begin meeting and selecting directors. Any member, county commissioner or mayor of a participating municipality may nominate any resident of any of the members to the board of directors. Any member, county commissioner or mayor of a participating municipality may veto any person nominated. Those persons nominated and not objected to shall be appointed to the board of directors and the selection process shall continue until thirteen
Directors shall serve three-year terms, except that the initial terms shall be staggered so that five of the initial directors serve for one year, four of the initial directors serve for two years and four of the initial directors serve for three years. Directors may be reappointed to additional terms. Directors shall continue to serve until their successors have been chosen. Directors may be removed by unanimous vote of the members.

No director of the authority shall receive any compensation for his services as such board member.

§4. Authority to be public corporation.

The authority constitutes a public corporation to be known by the name chosen by the initial members sitting in open meeting, a quorum present, and as such has perpetual succession, may contract and be contracted with, sue and be sued, plead and be pleaded, and have and use a common seal.

§5. Funding for support, maintenance and operation; audit.

In order to provide for the support, maintenance and operation of the authority hereby created, beginning the first day of July, one thousand nine hundred eighty-eight, each member shall contribute annually at least one dollar and five cents per capita, as based on the most recent decennial census, for those residing within its corporate boundaries. The state tax commissioner shall not approve the budget of any member of the authority which does not contain the funding hereinabove set forth.

In addition to the aforesaid amounts, any member may support the authority with any other general or special revenues or excess levies at any time after the effective date of this act.

The books, records and accounts of the authority shall be audited annually by the state tax commissioner.

1 Except as otherwise specially provided in this act, the authority has the powers and duties which are conferred and imposed, respectively, upon county or municipal development authorities by sections seven, seven-a, eight, nine, ten, eleven, twelve, thirteen and fourteen, article twelve, chapter seven of the code of West Virginia, as amended.

8 In addition to the powers referred to above, the authority has the power to maintain such office or offices as it deems necessary to carry out its responsibilities, and to staff and equip such office or offices.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within approved this the 28th day of March, 1988.

Governor