

4264

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1988

— ● —

ENROLLED

HOUSE BILL No. 4264

(By ~~ME~~ Delegates Ryan & Lewis)

— ● —

Passed March 11 1988

In Effect Ninety Days from Passage

ENROLLED
H. B. 4264

(By DELEGATES RYAN and 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.

1 There is hereby created a multicounty economic
2 development authority, consisting of the counties of
3 Fayette, Nicholas, Raleigh and Summers, as well as any
4 participating municipalities, as hereinafter defined,
5 which shall plan and coordinate economic development
6 within these counties. The Beckley/Raleigh County
7 economic development authority and the Nicholas
8 County economic development authority are hereby
9 abolished and their powers are transferred to the

10 multicounty economic development authority created by
11 this act.

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

§2. Definitions.

1 (a) "Member" means one of the four counties desig-
2 nated in section one or a participating municipality.

3 (b) "Participating municipality" means any munici-
4 pality located wholly or partly within one or more of the
5 four county members, which elects to participate in the
6 multicounty economic development authority hereby
7 created. Municipalities, so electing, shall contribute to
8 the authority at the same rate and the same fashion as
9 the four county members as set forth below, shall be
10 entitled to participate in the selection of the board of
11 directors, as set forth in section three, and shall be
12 permanent members of the authority: *Provided*, That no
13 participating municipality may participate in the
14 selection of the initial board of directors unless it
15 becomes a member of the authority within thirty days
16 of the effective date of this act.

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

1 The management and control of the authority, its
2 property, operations, business and affairs is lodged in a
3 board of directors, consisting of thirteen directors, all to
4 be considered at-large and to be appointed by the county
5 commissions of the member counties and the mayors of
6 any participating municipalities. Within thirty days
7 after the effective date of this act, the members of the
8 multicounty economic development authority shall begin
9 meeting and selecting directors. Any member, county
10 commissioner or mayor of a participating municipality
11 may nominate any resident of any of the members to the
12 board of directors. Any member, county commissioner
13 or mayor of a participating municipality may veto any
14 person nominated. Those persons nominated and not
15 objected to shall be appointed to the board of directors
16 and the selection process shall continue until thirteen

17 directors are so chosen. The board of directors shall not
18 be authorized to act until all thirteen directors have
19 been chosen.

20 Directors shall serve three-year terms, except that the
21 initial terms shall be staggered so that five of the initial
22 directors serve for one year, four of the initial directors
23 serve for two years and four of the initial directors serve
24 for three years. Directors may be reappointed to
25 additional terms. Directors shall continue to serve until
26 their successors have been chosen. Directors may be
27 removed by unanimous vote of the members.

28 No director of the authority shall receive any compen-
29 sation for his services as such board member.

§4. Authority to be public corporation.

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

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

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

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

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

§6. Powers.

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

8 In addition to the powers referred to above, the
9 authority has the power to maintain such office or
10 offices as it deems necessary to carry out its responsi-
11 bilities, and to staff and equip such office or offices.

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

Burt C. Williams
Chairman Senate Committee

Bernard V. Kelly
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Isabel A. Hatcher
Clerk of the Senate

Donald L. Kopp
Clerk of the House of Delegates

Don Tolson
President of the Senate

Robert M. La Follette
Speaker of the House of Delegates

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

Anna Haug
Governor

PRESENTED TO THE
GOVERNOR

Date 3/22/88

Time 11:15 A.M.

RECEIVED

1988 MAR 31 AM 10:51

OFFICE OF THE ATTORNEY GENERAL
STATE OF NEW YORK