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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1992



ENROLLED

HOUSE BILL No. 4129

(By Delegates Roop & Kiss)



Passed Feb. 18, 1992

In Effect 90 Days From Passage

ENROLLED

H. B. 4129

(By DELEGATES ROOP AND KISS)

[Passed February 18, 1992; in effect ninety days from passage.]

AN ACT to amend and reenact section eighteen, article thirteen, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to sewage works of municipal corporations and sanitary districts; providing that the governing body of a sanitary board shall establish the organization of such a board; and authorizing the governing body to appoint up to four persons to serve on such a board, in addition to the mayor or city manager of the municipality served by the board, in the event of an acquisition or merger of an existing system.

Be it enacted by the Legislature of West Virginia:

That section eighteen, article thirteen, 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 13. SEWAGE WORKS OF MUNICIPAL CORPORATIONS
AND SANITARY DISTRICTS.**

**§16-13-18. Supervision of works by sanitary board;
organization of board; qualifications, terms
and compensation of members.**

1 The governing body shall provide by ordinance the
2 organization of the board, and that the custody,
3 administration, operation and maintenance of such
4 works shall be under the supervision and control of a
5 sanitary board, created as herein provided. Such

6 sanitary board shall be composed of either the mayor of
7 the municipality, or the city manager thereof, if said
8 municipality shall have a city manager form of govern-
9 ment, and two persons appointed by the governing body:
10 *Provided*, That, in the event of an acquisition or merger
11 of an existing sewage works, the governing body may
12 increase the membership to a maximum of four
13 members in addition to the mayor or city manager of
14 the municipality served by the board. During the
15 construction period one of the members must be a
16 registered professional engineer. The engineer member
17 of the board need not be a resident of said municipality.
18 After the construction of the plant has been completed,
19 the engineer member may be succeeded by a person not
20 an engineer. No officer or employee of the municipality,
21 whether holding a paid or unpaid office, shall be eligible
22 to appointment on said sanitary board until at least one
23 year after the expiration of the term of his public office.
24 Said appointees shall originally be appointed for terms
25 of two and three years respectively, and upon the
26 expiration of each such term and each succeeding term,
27 an appointment of a successor shall be made in like
28 manner for a term of three years. Vacancies shall be
29 filled for an unexpired term in the same manner as the
30 original appointment. Each member shall give such
31 bond, if any, as may be required by ordinance. Such
32 mayor or city manager shall act as chairman of the
33 sanitary board, which shall elect a vice chairman from
34 its members and shall designate a secretary and
35 treasurer (but the secretary and the treasurer may be
36 one and the same), who need not be a member or
37 members of the sanitary board. The vice chairman,
38 secretary and treasurer shall hold office as such at the
39 will of the sanitary board. The members of the sanitary
40 board shall receive such compensation for their services,
41 either as a salary or as payments for meetings attended,
42 as the governing body may determine, and shall be
43 entitled to payment for their reasonable expenses
44 incurred in the performance of their duties. The
45 governing body shall fix the reasonable compensation of
46 the secretary and treasurer in its discretion, and shall
47 fix the amounts of bond to be given by the treasurer.

48 All compensation, together with the expenses in this
49 section referred to, shall be paid solely from funds
50 provided under the authority of this article. The
51 sanitary board shall have power to establish bylaws,
52 rules and regulations for its own government.

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

Thomer Heck

Chairman Senate Committee

Ernest C Moore

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Parrell E. Holmes

Clerk of the Senate

Donald L. Kopp

Clerk of the House of Delegates

Will Burdette

President of the Senate

Bob Cole

Speaker of the House of Delegates

The within is approved _____ this the 27th
day of February, 1992.

Yaston Caperton

Governor

PRESENTED TO THE

GOVERNOR

Date 2/24/92

Time 11:06 AM