WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1996

ENROLLED
Committee Substitute for
SENATE BILL NO. 26

(By Senator WIGGEBUSCH)

PASSED February 26, 1996
In Effect 90 days from Passage
ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 36

(SENATOR WIEDEBUSCH, original sponsor)

[Passed February 26, 1996; in effect ninety days from passage.]

AN ACT to authorize the municipalities of Cairo, Harrisville and Pennsboro to construct and maintain a centralized water treatment plant, storage facilities and transmission lines for the purpose of providing potable water to those municipalities; authorizing the municipalities to create the Hughes river water board to assume ownership of the facilities; membership; powers and duties; board of directors; bylaws; rules; support, maintenance and operation; funds; and severability.

Be it enacted by the Legislature of West Virginia:

HUGHES RIVER WATER BOARD.
§1. Municipalities of Cairo, Harrisville and Pennsboro authorized to create and join the Hughes River Water Board; powers and duties generally.

The municipalities of Cairo, Harrisville and Pennsboro are hereby authorized and empowered to create a joint endeavor of the three governing authorities and join a board to be known as the Hughes river water board to own and operate a centralized water treatment plant, water storage facilities and transmission lines to provide these and other water service demands within the county. The board shall have the power and authority to own and operate a water treatment plant and transmission system to sell and contract for the sale of water and to provide for the proper maintenance, repair and upgrade to the water system, including the power of eminent domain, to buy, sell or lease real and personal property and to take all other actions as may be necessary to carry out such purposes. The borrowing of money and the notes, bonds and security interests evidencing any borrowing shall be authorized by resolution approved by the board, shall bear the date or dates, and shall mature at the time or times, in the case of any bonds, as the resolution or resolutions may provide. The notes, bonds and security interests shall bear interest at such rate or rates, be in such denominations, be in the form, either coupon or registered, carry the registration privileges, be executed in the manner, be payable in the medium of payment, at the place or places, and be subject to the terms or conditions of redemption as the resolution or resolutions may provide: Provided, That every issue of notes, security interests and bonds shall be limited obligations of the board payable solely out of any revenues or moneys of the board, subject only to any agreements with the holders of particular notes, security interests or bonds pledging and particular revenues. The notes, security interests and bonds issued by the board shall be and hereby are made negotiable instruments under the provisions of article eight, chapter forty-six of the code of West Virginia, one thousand nine hundred
§2. Board of directors; appointment; officers; procedures; bylaws; rules.

There shall be a board of directors, consisting of one member representing each of the participating municipalities. The municipalities shall make appointments to the board through their duly constituted government authorities as provided herein. No later than the first day of July, one thousand nine hundred ninety-six, the municipality of Cairo shall appoint one member of the board of directors for the term of three years. The municipality of Harrisville shall appoint one member for the term of four years. The municipality of Pennsboro shall appoint one member for the term of five years. Although members shall serve from date of appointment, terms of office shall expire as if said terms had commenced on the first day of July, one thousand nine hundred ninety-six. Each successor member of the board of directors shall be appointed by the respective municipality that appointed the predecessor member and each successor member shall be appointed for a term of three years, except that any person appointed to fill a vacancy occurring before the expiration of the term shall serve only for the unexpired portion thereof. Any member of the board shall be eligible for reappointment and the appointing municipality which appointed the member may remove that member at any time for any reason. There shall be an annual meeting of the board of directors on the second Monday in July of each year and a monthly meeting on the day in each month which the board may designate in its bylaws. A special meeting may be called by the president or any two members of the board and shall be held only after all of the directors are given notice thereof in writing. At all meetings two members shall constitute a quorum and at each annual meeting of the board of directors it shall elect, from its membership, a president, a vice president, a secretary and a treasurer: Provided, That a member may be
The board of directors shall adopt those bylaws and rules which it deems necessary for its own guidance and for the administration, supervision and protection of the water board and all of the property belonging to the water board. The board of directors shall have all the powers necessary, convenient and advisable for the proper operation, equipment and management of the water board; and except as otherwise especially provided in this act, shall have the powers and be subject to the duties which are conferred and imposed, upon the cooperating municipalities by article twenty-three, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended. The qualifications of the directors shall be determined by each participating municipality.

§3. Same—A body corporate.

1 The Hughes river water board hereby created shall be a public corporation and governmental instrumentality. As such it may contract and be contracted with, sue and be sued, plead and be impleaded and shall have and use a common seal.

§4. Title to property.

1 The title to all property, both real and personal, that will provide potable water to the municipalities in connection with the operation by it shall vest in the board of directors of the Hughes river water board, hereby created.

§5. Support, maintenance and operation.

1 Each governing authority of the municipalities that appoint membership to the board of directors or that are served by the water facilities governed by the board hereby created may support the board with general or special revenues or excess levies. All income realized by the operation of the water board from the sale of water to municipalities or from any other sources shall be used by the board of directors for the support of the Hughes river water board.
§6. Deposit and disbursement of funds.
1 All money collected or appropriated by the three
2 governing authorities for water board purposes shall be
3 deposited in a special account for the Hughes river water
4 board, and shall be disbursed by the board for the
5 purpose of operating a public water system.

§7. Workers’ compensation; social security and public em-
1 ployees’ retirement benefits for employees.
2 All employees of the Hughes river water board hereby
3 created shall be entitled to the benefits of the provisions
4 of chapter twenty-three, and articles seven and ten,
5 chapter five of the code of West Virginia, one thousand
6 nine hundred thirty-one, as amended.

§8. Effect of future amendments of general law.
1 Amendments to article twenty-three, chapter eight of
2 the code of West Virginia, one thousand nine hundred
3 thirty-one, as amended, and other general laws shall
4 control this act only to the extent that they do not
5 conflict with the special features hereof, or unless the
6 intent to amend this act is clear and unmistakable.

1 If any provision hereof is held invalid, such invalidity
2 shall not affect other provisions hereof which can be
3 given effect without the invalid provision, and to this
4 end the provisions of this act are declared to be sever-
5 able.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the day of , 1996.

Governor