

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 564**

5 (SENATOR SNYDER, *original sponsor*)

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7 [Passed April 13, 2013; in effect ninety days from passage.]  
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12 AN ACT to amend and reenact §8-16-5 of the Code of West Virginia,  
13 1931, as amended, relating to increasing the minimum  
14 construction cost of a municipal public works project before  
15 competitive bidding is required; and defining terms.

16 *Be it enacted by the Legislature of West Virginia:*

17 That §8-16-5 of the Code of West Virginia, 1931, as amended,  
18 be amended and reenacted to read as follows:

19 **ARTICLE 16. MUNICIPAL PUBLIC WORKS; REVENUE BOND FINANCING.**

20 PART III. GENERAL POWERS AND AUTHORITY.

21 **§8-16-5. Powers of board.**

22 (a) The board shall have plenary power and authority to take  
23 all steps and proceedings, and to make and enter into all contracts  
24 or agreements necessary, appropriate, useful, convenient or  
25 incidental to the performance of its duties and the execution of

1 its powers and authority under this article: *Provided*, That any  
2 contract or agreement relating to the financing, or the  
3 construction, reconstruction, establishment, acquisition,  
4 improvement, renovation, extension, enlargement, increase,  
5 equipment, operation or maintenance of any such works, and any  
6 trust indenture with respect thereto as hereafter provided for,  
7 shall be approved by the governing body or bodies.

8 (b) The board may employ engineers, architects, inspectors,  
9 superintendents, managers, collectors, attorneys and such other  
10 employees as in its judgment may be necessary in the execution of  
11 its powers and duties, and may fix their compensation, all of whom  
12 shall do such work as the board may direct. All compensation and  
13 expenses incurred in carrying out the provisions of this article  
14 shall be paid solely from funds provided under the authority of  
15 this article, and the board shall not exercise or carry out any  
16 power or authority herein given it so as to bind said board or any  
17 municipality beyond the extent to which money shall have been, or  
18 may be provided under the authority of this article.

19 (c) No contract or agreement with any contractor or  
20 contractors for labor or materials, or both, exceeding in amount  
21 the sum of \$25,000 shall be made without advertising for bids,  
22 which bids shall be publicly opened and an award made to the lowest  
23 responsible bidder, with power and authority in the board to reject  
24 any and all bids.

25 (d) After the construction, reconstruction, establishment,  
26 acquisition, renovation or equipment of any such works, the board

1 shall maintain, operate, manage and control the same, and may order  
2 and complete any improvements, extensions, enlargements, increase  
3 or repair (including replacements) of and to the works that the  
4 board may consider expedient, if funds therefor be available, or  
5 are made available, as provided in this article, and shall  
6 establish rules for the use, maintenance and operation of the  
7 works, and do all things necessary or expedient for the successful  
8 operation thereof, and for stormwater systems and associated  
9 stormwater management programs, those activities which include, but  
10 are not limited to, stormwater and surface runoff water quality  
11 improvement activities necessary to comply with all federal and  
12 state requirements. All public ways or public works damaged or  
13 destroyed by the board in carrying out its authority under this  
14 article shall be restored or repaired by the board and placed in  
15 their original condition, as nearly as practicable, if requested so  
16 to do by proper authority, out of the funds provided under the  
17 authority of this article.