

1 ENROLLED

2 **Senate Bill No. 106**

3 (By Senator Carmichael)

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5 [Passed March 12, 2015; in effect from passage.]
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10 AN ACT to amend and reenact §16-13-18 of the Code of West Virginia, 1931, as amended, relating
11 to supervision of works by a sanitary board; and providing that if a professional engineer is
12 under contract for a project, an engineer is not required to serve on the sanitary board.

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

14 That §16-13-18 of the Code of West Virginia, 1931, as amended, be amended and reenacted
15 to read as follows:

16 **ARTICLE 13. SEWAGE WORKS AND STORMWATER WORKS.**

17 **§16-13-18. Supervision of works by sanitary board; organization of board; qualifications,**
18 **terms and compensation of members.**

19 (a) The governing body shall provide by ordinance the organization of the board, and that the
20 custody, administration, operation and maintenance of such works are under the supervision and
21 control of a sanitary board, created under this section.

22 (b) The sanitary board shall be composed of either the mayor of the municipality, or the city
23 manager thereof, if the municipality has a city manager form of government, and two persons

1 appointed by the governing body: *Provided, That*, in the event of an acquisition or merger of an
2 existing works, the governing body may increase the membership to a maximum of four members
3 in addition to the mayor or city manager of the municipality served by the board.

4 (c) During the construction period, one of the members must be a registered professional
5 engineer, except that if a registered professional engineer is under contract for the project, the
6 membership of the board is not required to include a registered professional engineer. The engineer
7 member of the board need not be a resident of the municipality. After the construction of the plant
8 for which no registered professional engineer is under contract has been completed, the engineer
9 member may be succeeded by a person not an engineer. No officer or employee of the municipality,
10 whether holding a paid or unpaid office, is eligible for appointment to the sanitary board until at least
11 one year after the expiration of the term of his or her public office. The appointees shall originally
12 be appointed for terms of two and three years respectively, and upon the expiration of each term and
13 each succeeding term, an appointment of a successor shall be made in like manner for a term of three
14 years. Vacancies shall be filled for an unexpired term in the same manner as the original
15 appointment. Each member shall give bond, if any, as required by ordinance. The mayor or city
16 manager shall act as chairman of the sanitary board, which shall elect a vice chairman from its
17 members and designate a secretary and treasurer (but the secretary and the treasurer may be one and
18 the same) who need not be a member or members of the sanitary board. The vice chairman, secretary
19 and treasurer shall hold office at the will of the sanitary board.

20 (d) The members of the sanitary board are entitled to receive compensation for their services,
21 either as a salary or as payments for meetings attended, as the governing body determines, and are
22 entitled to payment for their reasonable expenses incurred in the performance of their duties. The
23 governing body shall fix the reasonable compensation of the secretary and treasurer in its discretion,

1 and shall fix the amounts of bond to be given by the treasurer. All compensation, together with the
2 expenses previously referred to in this section, shall be paid solely from funds provided under the
3 authority of this article. The sanitary board may establish bylaws, rules and regulations for its own
4 governance.