

SB 36

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996

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*Committee Substitute For*  
SENATE BILL NO. 36

(By Senator WIGDEBUSCH)

PASSED FEBRUARY 26, 1996  
In Effect 90 days from Passage

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LEGISLATIVE DEPARTMENT  
STATE OF WEST VIRGINIA

**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
**FOR**  
**Senate Bill No. 36**

(SENATOR WIEDEBUSCH, *original sponsor*)

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

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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.**

1 The municipalities of Cairo, Harrisville and Pennsboro  
2 are hereby authorized and empowered to create a joint  
3 endeavor of the three governing authorities and join a  
4 board to be known as the Hughes river water board to  
5 own and operate a centralized water treatment plant,  
6 water storage facilities and transmission lines to provide  
7 these and other water service demands within the  
8 county. The board shall have the power and authority to  
9 own and operate a water treatment plant and transmis-  
10 sion system to sell and contract for the sale of water and  
11 to provide for the proper maintenance, repair and  
12 upgrade to the water system, including the power of  
13 eminent domain, to buy, sell or lease real and personal  
14 property and to take all other actions as may be neces-  
15 sary to carry out such purposes. The borrowing of  
16 money and the notes, bonds and security interests  
17 evidencing any borrowing shall be authorized by resolu-  
18 tion approved by the board, shall bear the date or dates,  
19 and shall mature at the time or times, in the case of any  
20 bonds, as the resolution or resolutions may provide. The  
21 notes, bonds and security interests shall bear interest at  
22 such rate or rates, be in such denominations, be in the  
23 form, either coupon or registered, carry the registration  
24 privileges, be executed in the manner, be payable in the  
25 medium of payment, at the place or places, and be  
26 subject to the terms or conditions of redemption as the  
27 resolution or resolutions may provide: *Provided, That*  
28 every issue of notes, security interests and bonds shall be  
29 limited obligations of the board payable solely out of any  
30 revenues or moneys of the board, subject only to any  
31 agreements with the holders of particular notes, security  
32 interests or bonds pledging and particular revenues. The  
33 notes, security interests and bonds issued by the board  
34 shall be and hereby are made negotiable instruments  
35 under the provisions of article eight, chapter forty-six of  
36 the code of West Virginia, one thousand nine hundred

37 thirty-one, as amended, subject only to the provisions of  
38 the notes, security interests or bonds for registration.

**§2. Board of directors; appointment; officers; procedures;  
bylaws; rules.**

1 There shall be a board of directors, consisting of one  
2 member representing each of the participating munici-  
3 palities. The municipalities shall make appointments to  
4 the board through their duly constituted government  
5 authorities as provided herein. No later than the first  
6 day of July, one thousand nine hundred ninety-six, the  
7 municipality of Cairo shall appoint one member of the  
8 board of directors for the term of three years. The  
9 municipality of Harrisville shall appoint one member for  
10 the term of four years. The municipality of Pennsboro  
11 shall appoint one member for the term of five years.  
12 Although members shall serve from date of appointment,  
13 terms of office shall expire as if said terms had com-  
14 menced on the first day of July, one thousand nine  
15 hundred ninety-six. Each successor member of the  
16 board of directors shall be appointed by the respective  
17 municipality that appointed the predecessor member and  
18 each successor member shall be appointed for a term of  
19 three years, except that any person appointed to fill a  
20 vacancy occurring before the expiration of the term shall  
21 serve only for the unexpired portion thereof. Any  
22 member of the board shall be eligible for reappointment  
23 and the appointing municipality which appointed the  
24 member may remove that member at any time for any  
25 reason. There shall be an annual meeting of the board of  
26 directors on the second Monday in July of each year and  
27 a monthly meeting on the day in each month which the  
28 board may designate in its bylaws. A special meeting  
29 may be called by the president or any two members of  
30 the board and shall be held only after all of the directors  
31 are given notice thereof in writing. At all meetings two  
32 members shall constitute a quorum and at each annual  
33 meeting of the board of directors it shall elect, from its  
34 membership, a president, a vice president, a secretary  
35 and a treasurer: *Provided*, That a member may be

36 elected both secretary and treasurer. The board of  
37 directors shall adopt those bylaws and rules which it  
38 deems necessary for its own guidance and for the admin-  
39 istration, supervision and protection of the water board  
40 and all of the property belonging to the water board.  
41 The board of directors shall have all the powers neces-  
42 sary, convenient and advisable for the proper operation,  
43 equipment and management of the water board; and  
44 except as otherwise especially provided in this act, shall  
45 have the powers and be subject to the duties which are  
46 conferred and imposed, upon the cooperating municipal-  
47 ities by article twenty-three, chapter eight of the code of  
48 West Virginia, one thousand nine hundred thirty-one, as  
49 amended. The qualifications of the directors shall be  
50 determined by each participating municipality.

**§3. Same—A body corporate.**

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

**§4. Title to property.**

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

**§5. Support, maintenance and operation.**

1 Each governing authority of the municipalities that  
2 appoint membership to the board of directors or that are  
3 served by the water facilities governed by the board  
4 hereby created may support the board with general or  
5 special revenues or excess levies. All income realized by  
6 the operation of the water board from the sale of water  
7 to municipalities or from any other sources shall be used  
8 by the board of directors for the support of the Hughes  
9 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 employees' retirement benefits for employees.**

1 All employees of the Hughes river water board hereby  
2 created shall be entitled to the benefits of the provisions  
3 of chapter twenty-three, and articles seven and ten,  
4 chapter five of the code of West Virginia, one thousand  
5 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.

**§9. Severability.**

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.

*Andy Schouder*  
.....  
Chairman Senate Committee

*Ledy Leavitt*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Parrell C. Chubb*  
.....  
Clerk of the Senate

*Gregory M. Ford*  
.....  
Clerk of the House of Delegates

*Earl Ray Tomblin*  
.....  
President of the Senate

*Paul Baker*  
.....  
Speaker House of Delegates

The within *is approved* this the *14*  
day of *March*, 1996.

*Garston Caperton*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

Date 2/28/94

Time 12:15pm