

1 hold property, both real and personal, in its corporate name, and
2 may sue, may be sued, may adopt an official seal and may enter into
3 contracts necessary or incidental to its purposes, including
4 contracts with any city, incorporated town or other municipal
5 corporation located within or without its boundaries for furnishing
6 wholesale supply of water for the distribution system of the city,
7 town or other municipal corporation, or for furnishing storm water
8 services for the city, town or other municipal corporation, and
9 contract for the operation, maintenance, servicing, repair and
10 extension of any properties owned by it or for the operation and
11 improvement or extension by the district of all or any part of the
12 existing municipally owned public service properties of any city,
13 incorporated town or other municipal corporation included within
14 the district: *Provided*, That no contract shall extend beyond a
15 maximum of forty years, but provisions may be included therein for
16 a renewal or successive renewals thereof and shall conform to and
17 comply with the rights of the holders of any outstanding bonds
18 issued by the municipalities for the public service properties.

19 The powers of each public service district shall be vested in
20 and exercised by a public service board consisting of not less than
21 three members who shall be persons residing within the district,
22 who possess certain educational, business or work experience which
23 will be conducive to operating a public service district. In the
24 event the public service district is providing any utility service

1 and billing rates and charges to its customers, at least one board
2 member shall be a rate-paying residential customer of the public
3 service district: Provided, That if an existing public service
4 board does not have a member who is a rate-paying residential
5 customer of the public service district on July 1, 2013, the next
6 following appointment to the board shall be a rate-paying
7 residential customer of that public service district. For purposes
8 of this section, "rate-paying residential customer" means a person
9 who:

10 (1) In the case of a water or sewer public service district,
11 is physically connected to and actively receiving residential
12 public service district utility services; or

13 (2) In the case of a storm water public service district, has
14 storm water conveyed away from the residential property by a
15 utility owned system; and

16 (3) Has an active account in good standing and is the occupier
17 of the residential property which is on the public service district
18 utility service account.

19 Each board member shall, within six months of taking office,
20 successfully complete the training program to be established and
21 administered by the Public Service Commission in conjunction with
22 the ~~Division~~ Department of Environmental Protection and the Bureau
23 of Public Health. Board members shall not be or become pecuniarily
24 interested, directly or indirectly, in the proceeds of any contract

1 or service, or in furnishing any supplies or materials to the
2 district nor shall a former board member be hired by the district
3 in any capacity within a minimum of twelve months after board
4 member's term has expired or such board member has resigned from
5 the district board. The members shall be appointed in the
6 following manner:

7 Each city, incorporated town or other municipal corporation
8 having a population of more than three thousand but less than
9 eighteen thousand is entitled to appoint one member of the board,
10 and each city, incorporated town or other municipal corporation
11 having a population in excess of eighteen thousand shall be
12 entitled to appoint one additional member of the board for each
13 additional eighteen thousand population. The members of the board
14 representing such cities, incorporated towns or other municipal
15 corporations shall be residents thereof and shall be appointed by
16 a resolution of the governing bodies thereof and upon the filing of
17 a certified copy or copies of the resolution or resolutions in the
18 office of the clerk of the county commission which entered the
19 order creating the district, the persons so appointed become
20 members of the board without any further act or proceedings. If
21 the number of members of the board so appointed by the governing
22 bodies of cities, incorporated towns or other municipal
23 corporations included in the district equals or exceeds three, then
24 no further members shall be appointed to the board and the members

1 so appointed are the board of the district except in cases of
2 merger or consolidation where the number of board members may equal
3 five.

4 If no city, incorporated town or other municipal corporation
5 having a population of more than three thousand is included within
6 the district, then the county commission which entered the order
7 creating the district shall appoint three members of the board, who
8 are persons residing within the district and residing within the
9 State of West Virginia, which three members become members of the
10 board of the district without any further act or proceedings except
11 in cases of merger or consolidation where the number of board
12 members may equal five.

13 If the number of members of the board appointed by the
14 governing bodies of cities, incorporated towns or other municipal
15 corporations included within the district is less than three, then
16 the county commission which entered the order creating the district
17 shall appoint such additional member or members of the board, who
18 are persons residing within the district, as is necessary to make
19 the number of members of the board equal three except in cases of
20 merger or consolidation where the number of board members may equal
21 five, and the member or members appointed by the governing bodies
22 of the cities, incorporated towns or other municipal corporations
23 included within the district and the additional member or members
24 appointed by the county commission as aforesaid, are the board of

1 the district. A person may serve as a member of the board in one
2 or more public service districts.

3 The population of any city, incorporated town or other
4 municipal corporation, for the purpose of determining the number of
5 members of the board, if any, to be appointed by the governing body
6 or bodies thereof, is the population stated for such city,
7 incorporated town or other municipal corporation in the last
8 official federal census.

9 Notwithstanding any provision of this code to the contrary,
10 whenever a district is consolidated or merged pursuant to section
11 two of this article, the terms of office of the existing board
12 members shall end on the effective date of the merger or
13 consolidation. The county commission shall appoint a new board
14 according to rules promulgated by the Public Service Commission.
15 Whenever districts are consolidated or merged no provision of this
16 code prohibits the expansion of membership on the new board to
17 five.

18 The respective terms of office of the members of the first
19 board shall be fixed by the county commission and shall be as
20 equally divided as may be, that is approximately one third of the
21 members for a term of two years, a like number for a term of four
22 years, the term of the remaining member or members for six years,
23 from the first day of the month during which the appointments are
24 made. The first members of the board appointed as aforesaid shall

1 meet at the office of the clerk of the county commission which
2 entered the order creating the district as soon as practicable
3 after the appointments and shall qualify by taking an oath of
4 office: *Provided*, That any member or members of the board may be
5 removed from their respective office as provided in section three-a
6 of this article.

7 Any vacancy shall be filled for the unexpired term within
8 thirty days; otherwise successor members of the board shall be
9 appointed for terms of six years and the terms of office shall
10 continue until successors have been appointed and qualified. All
11 successor members shall be appointed in the same manner as the
12 member succeeded was appointed. The district shall provide to the
13 Public Service Commission, within thirty days of the appointment,
14 the following information: The new board member's name, home
15 address, home and office phone numbers, date of appointment, length
16 of term, who the new member replaces and if the new appointee has
17 previously served on the board. The Public Service Commission
18 shall notify each new board member of the legal obligation to
19 attend training as prescribed in this section.

20 The board shall organize within thirty days following the
21 first appointments and annually thereafter at its first meeting
22 after January 1 of each year by selecting one of its members to
23 serve as chair and by appointing a secretary and a treasurer who
24 need not be members of the board. The secretary shall keep a

1 record of all proceedings of the board which shall be available for
2 inspection as other public records. Duplicate records shall be
3 filed with the county commission and shall include the minutes of
4 all board meetings. The treasurer is lawful custodian of all funds
5 of the public service district and shall pay same out on orders
6 authorized or approved by the board. The secretary and treasurer
7 shall perform other duties appertaining to the affairs of the
8 district and shall receive salaries as shall be prescribed by the
9 board. The treasurer shall furnish bond in an amount to be fixed
10 by the board for the use and benefit of the district.

11 The members of the board, and the chair, secretary and
12 treasurer thereof, shall make available to the county commission,
13 at all times, all of its books and records pertaining to the
14 district's operation, finances and affairs, for inspection and
15 audit. The board shall meet at least monthly.

(NOTE: The purpose of this bill is to require that a public service board have at least one rate paying residential customer of the public service district on its board membership.)

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.)