

H. B. 2489

(By Delegates Westfall, Ihle, Foster, Butler, McGeehan,
Kessinger, Householder, Cadle, Rodighiero, Kelly and Faircloth)

[Introduced January 28, 2015; referred to the

Committee on Government Organization then the Judiciary.]

A BILL to amend and reenact §16-13-18 of the Code of West Virginia, 1931, as amended, relating to supervision of works by a sanitary board; and providing that if a professional engineer is under contract for a project, an engineer is not required to serve on the sanitary board.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 13. SEWAGE WORKS AND STORMWATER WORKS.

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

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

(b) ~~Such~~ The sanitary board shall be composed of either the mayor of the municipality, or the city manager thereof, if ~~said~~ the municipality ~~shall have~~ has a city manager form of government, and

1 two persons appointed by the governing body: *Provided*, That, in the event of an acquisition or
2 merger of an existing works, the governing body may increase the membership to a maximum of
3 four members 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 ~~said~~ the municipality. After the construction of the
8 plant for which no registered professional engineer is under contract has been completed, the
9 engineer member may be succeeded by a person not an engineer. No officer or employee of the
10 municipality, whether holding a paid or unpaid office, ~~shall be~~ is eligible to ~~for~~ appointment on ~~said~~
11 to the sanitary board until at least one year after the expiration of the term of his or her public office.
12 The appointees shall originally be appointed for terms of two and three years respectively, and upon
13 the expiration of each term and each succeeding term, an appointment of a successor shall be made
14 in like manner for a term of three years. Vacancies shall be filled for an unexpired term in the same
15 manner as the original appointment. Each member shall give ~~such~~ bond, if any, as ~~may be~~ required
16 by ordinance. The mayor or city manager shall act as chairman of the sanitary board, which shall
17 elect a vice chairman from its members and ~~shall~~ designate a secretary and treasurer (but the
18 secretary and the treasurer may be one and the same), who need not be a member or members of the
19 sanitary board. The vice chairman, secretary and treasurer shall hold office ~~as such~~ at the will of the
20 sanitary board.

21 (d) The members of the sanitary board ~~shall~~ are entitled to receive compensation for their
22 services, either as a salary or as payments for meetings attended, as the governing body ~~may~~

1 ~~determine~~determines, and ~~shall be~~ are entitled to payment for their reasonable expenses incurred in
2 the performance of their duties. The governing body shall fix the reasonable compensation of the
3 secretary and treasurer in its discretion, and shall fix the amounts of bond to be given by the
4 treasurer. All compensation, together with the expenses previously referred to in this section ~~referred~~
5 ~~to~~, shall be paid solely from funds provided under the authority of this article. The sanitary board
6 ~~shall have power to~~ may establish bylaws, rules and regulations for its own ~~government~~ governance.

NOTE: The purpose of this bill is to provide that a sanitary board is not required to have a registered professional engineer serving on the board if the board is supervising construction of a project for which a registered professional engineer is under contract.

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