

Moorefield / Hardy County Wastewater Authority

RESOLUTION

Whereas: at a regularly scheduled meeting of the Hardy County Commission dated May 18<sup>th</sup>, 2010, the Hardy County Commission did pass a Resolution for the Moorefield / Hardy County Wastewater Authority and it being decided to include in said resolution the names of the Board members which came before the County Commission, therefore

Whereas: the County Commission of Hardy is of the opinion that a state of the art wastewater treatment system is needed to meet current and future needs of Residents, businesses and the Potomac River / Chesapeake Bay Watershed initiatives, and

Whereas: the County Commission of Hardy, urged the West Virginia State Legislature to pass legislation for the creation of a regional wastewater authority, and

Whereas: on February 23<sup>rd</sup>, 2010, the Legislature enacted House Bill 4309, in recognition of the mutual interest of the Town of Moorefield, the County Commission of Hardy County, and Hardy County's largest corporate user of public wastewater facilities are hereby authorized and empowered to create a joint endeavor of the three entities and join an authority known as the Moorefield / Hardy County Wastewater Authority.

Whereas: the County Commission of Hardy acknowledges that the Moorefield / Hardy County Wastewater Authority shall have a board of directors consisting of 5 (five) members to be appointed and to serve as a director on staggered terms of 2 (two), 3 (three) or 5 (five) years:

- 1. One member shall be a sitting member of the Town Council selected by the Town Council.
2. One member shall be a sitting member of the County Commission selected by the County Commission; and at a regularly scheduled meeting dated June 15<sup>th</sup>, 2010, Commissioner William E. Keplinger Jr. was nominated and approved as same.
3. One member shall be a representative of Hardy County's largest corporate user of public wastewater facilities and shall be appointed by such corporate user of public wastewater facilities.
4. One member shall be appointed by the Town Council with unanimous consent of the County Commission of Hardy and Hardy County's largest corporate user of public wastewater facilities; and at a Special meeting of the County Commission dated June 24<sup>th</sup>, 2010; the Hardy County Commission did by unanimous consent approve the Town Council appointment of Mr. Lucas Gagnon.
5. One member shall be appointed by the County Commission of Hardy with unanimous consent of the Town Council and Hardy County's largest corporate user of public wastewater facilities; and at a Special meeting of the County Commission dated June 24<sup>th</sup>, 2010, the Hardy County Commission did nominate and approve Mr. Robert Taylor as their appointee.

NOW THEREFORE BE IT RESOLVED THAT:

The County Commission of Hardy orders the creation of the Moorefield / Hardy County Wastewater Authority, as enacted by West Virginia Legislature on February 23<sup>rd</sup>, 2010 in House Bill 4309.

Adopted on this 06<sup>th</sup> day of July, 2010, at a regularly scheduled meeting of the Hardy County Commission in which a quorum was present.

[Signature of Stanley B. Moyer Jr.]
Stanley B. Moyer Jr., President

[Signature of William E. Keplinger Jr.]
William E. Keplinger Jr., Commissioner

Attest: [Signature of Gregory L. Ely]
Gregory L. Ely, Hardy County Clerk
A. J. Wade, Commissioner

Exhibit H



Enrolled Version - Final Version

OTHER VERSIONS - [Introduced Version](#) | [Engrossed Version](#) |**ENROLLED****H. B. 4309**

(By Delegate Michael)

[Passed February 23, 2010; in effect from passage.]

AN ACT to authorize the Town of Moorefield, the Hardy County Commission, and Hardy County's largest corporate user of public wastewater facilities to construct and maintain a state of the art regional wastewater treatment plant, transmission lines and collection facilities for the purpose of collecting, transporting and treating the wastewater from the Town of Moorefield and the unincorporated areas of Hardy County; authorizing the town, the county commission and Hardy County's largest corporate user of public wastewater facilities to create the Moorefield/Hardy County Wastewater Authority 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:***MOOREFIELD/HARDY COUNTY WASTEWATER AUTHORITY .****§1. Town of Moorefield, Hardy County Commission and Hardy County's largest corporate user of public wastewater facilities authorized to create and join the Moorefield/Hardy County Wastewater Authority; powers and duties generally.**

In recognition of the mutual interest of the Town of Moorefield, the county commission of Hardy County, and Hardy County's largest corporate wastewater producer in meeting increasingly stringent wastewater discharge standards, the Town of Moorefield, the county commission of Hardy County, and Hardy County's largest corporate user of public wastewater facilities are hereby authorized and empowered to create a joint endeavor of the three entities and join an authority to be known as the Moorefield/Hardy County Wastewater Authority to own and operate a state of the art regional wastewater treatment plant, transmission lines, collection facilities and associated appurtenances to provide wastewater treatment service for the Town of Moorefield and unincorporated areas of the county. The authority shall have the power and authority to own and operate a wastewater treatment plant, collection facilities, transmission system, and associated appurtenances; to treat and contract for the treatment of wastewater and to provide for the proper maintenance, repair and upgrade to the wastewater system, including the power of eminent domain, to buy, sell or lease real and personal property and to take all other actions as may be necessary to carry out such purposes. The borrowing of money and the notes, bonds and security interests evidencing any borrowing shall be authorized by resolution approved by the authority, shall bear the date or dates, and shall mature at the time or times, in the case of any bonds, as the resolution or resolutions may provide. The notes, bonds and security interests shall bear interest at such rate or rates, be in such denominations, be in the form, either coupon or registered, carry the registration privileges, be executed in the manner, be payable in the medium of payment, at the place or places, and be subject to the terms or conditions of redemption as the resolution or resolutions may provide : *Provided*, That every issue of notes, security interests and bonds shall be limited obligations of the authority payable solely out of any revenues or moneys of the authority, subject only to any agreements with the holders of particular notes, security interests or bonds pledging particular revenues. The notes, security interests and bonds issued by the authority shall be and hereby are made negotiable instruments under the provisions of article eight, chapter forty-six of the Code of West Virginia, 1931, as amended, subject only to the provisions of the notes, security interests or bonds for registration.

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

There shall be a board of directors, consisting of five members. One member shall be a sitting member of the Town Council selected by the Town Council ; one member shall be a sitting member of the county commission selected by the county commission; one member shall be a representative of Hardy County's largest corporate user of public wastewater facilities



and shall be appointed by such corporate user of public wastewater facilities ; one member shall be appointed by the Town Council with unanimous consent of the county commission and Hardy County's largest corporate user of public wastewater facilities ; and, one member shall be appointed by the county commission with unanimous approval of the Town Council and Hardy County's largest corporate user of public wastewater facilities . No later than July 1, 2010, the Town of Moorefield and the county commission shall each appoint one member of the board of directors for a term of three years; the Town Council of the Town of Moorefield and the county commission of Hardy County shall each select one of their members for a term of two years; and, Hardy County's largest corporate user of public wastewater facilities shall appoint one member for a term of five years , all in the manner set forth herein. Although members shall serve from the date of appointment, terms of office shall expire as if said terms had commenced on July 1, 2010. Each successor member of the board of directors shall be appointed by the respective entity that appointed the predecessor member in the same manner as the predecessor was appointed and each successor member shall be appointed for a term of three years, except that the terms of the Town Council person and the county commissioner shall be for a period of two years, and provided further, that any person appointed to fill a vacancy occurring before the expiration of the term shall serve only for the unexpired portion thereof. Any member of the board shall be eligible for reappointment and the appointing entity which appointed the member may remove that member at any time for any reason. There shall be an annual meeting of the board of directors on the second Monday in July of each year and a monthly meeting on the day in each month which the authority may designate in its bylaws. A special meeting may be called by the president or any two members of the board and shall be held only after all of the directors are given notice thereof in writing. At all meetings three members shall constitute a quorum and at each annual meeting of the board of directors it shall elect, from its membership, a president, a vice president, a secretary and a treasurer : *Provided*, That a member may be elected both secretary and treasurer. The board of directors shall adopt those bylaws and rules which it considers necessary for its own guidance and for the administration, supervision and protection of the authority and all of the property belonging to the authority. The board of directors have all the powers necessary, convenient and advisable for the proper operation, equipment and management of the authority; and except as otherwise especially provided in this act, shall have the powers and be subject to the duties which are conferred and imposed upon the cooperating entities by article thirteen-d, chapter sixteen of the Code of West Virginia, 1931, as amended. The qualifications of the directors shall be determined by each participating entity.

**§3. Same--A body corporate.**

The Moorefield/Hardy County Wastewater Authority hereby created shall be a public corporation and governmental instrumentality. It may contract and be contracted with, sue and be sued, plead and be pleaded and shall have and use a common seal.

**§4. Title to property.**

The title to all property, both real and personal, that will provide wastewater service to the parties making up the authority in connection with the operation by it shall vest in the board of directors of the Moorefield/Hardy County Wastewater Authority hereby created.

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

All income realized by the operation of the authority from the collection, transmission and treatment of wastewater or from any other sources shall be used by the board of directors for the support of the Moorefield/Hardy County Wastewater Authority.

**§6. Deposit and disbursement of funds.**

All money collected by the Moorefield/Hardy County Wastewater Authority shall be deposited in a special account for the Moorefield/Hardy County Wastewater Authority, and shall be disbursed by the authority for the purpose of operating a public wastewater system.

**§7. Workers' compensation; social security and public employees' retirement benefits for employees.**

All employees of the Moorefield/Hardy County Wastewater Authority hereby created shall be entitled to the benefits of the provisions of chapter twenty-three, and articles seven and ten, chapter five of the Code of West Virginia, 1931, as amended.

**§8. Effect of future amendments of general law.**

Amendments to article twenty-three, chapter eight of the Code of West Virginia, 1931, as amended, and other general laws shall control this act only to the extent that they do not conflict with the special features hereof, or unless the intent to amend this act is clear and unmistakable.

**§9. Severability.**

If any provision of hereof is held invalid, such invalidity does not affect other provisions hereof which can be given effect without the invalid provision, and to this end the provisions of this act are declared to be severable.



Introduced Version

OTHER VERSIONS - [Engrossed Version](#) | [Enrolled Version - Final Version](#) |

## H. B. 4309

(By Delegate Michael)

[Introduced February 3, 2010; referred to the  
Committee on Political Subdivisions then the Judiciary.]

A BILL to authorize the Town of Moorefield, the Hardy County Commission, and Hardy County's largest corporate user of public wastewater facilities to construct and maintain a state of the art regional wastewater treatment plant, transmission lines and collection facilities for the purpose of collecting, transporting and treating the wastewater from the Town of Moorefield and the unincorporated areas of Hardy County; authorizing the town, the county commission and Hardy County's largest corporate user of public wastewater facilities to create the Moorefield/Hardy County Wastewater Authority 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:*

**MOOREFIELD/HARDY COUNTY WASTEWATER AUTHORITY .**

**§1. Town of Moorefield, Hardy County Commission and Hardy County's largest corporate user of public wastewater facilities authorized to create and join the Moorefield/Hardy County Wastewater Authority; powers and duties generally.**

In recognition of the mutual interest of the Town of Moorefield, the county commission of Hardy County, and Hardy County's largest corporate wastewater producer in meeting increasingly stringent wastewater discharge standards, the Town of Moorefield, the county commission of Hardy County, and Hardy County's largest corporate user of public wastewater facilities are hereby authorized and empowered to create a joint endeavor of the three entities and join an authority to be known as the Moorefield/Hardy County Wastewater Authority to own and operate a state of the art regional wastewater treatment plant, transmission lines, collection facilities and associated appurtenances to provide wastewater treatment service for the Town of Moorefield and unincorporated areas of the county. The authority shall have the power and authority to own and operate a wastewater treatment plant, collection facilities, transmission system, and associated appurtenances; to treat and contract for the treatment of wastewater and to provide for the proper maintenance, repair and upgrade to the wastewater system, including the power of eminent domain, to buy, sell or lease real and personal property and to take all other actions as may be necessary to carry out such purposes. The borrowing of money and the notes, bonds and security interests evidencing any borrowing shall be authorized by resolution approved by the authority, shall bear the date or dates, and shall mature at the time or times, in the case of any bonds, as the resolution or resolutions may provide. The notes, bonds and security interests shall bear interest at such rate or rates, be in such denominations, be in the form, either coupon or registered, carry the registration privileges, be executed in the manner, be payable in the medium of payment, at the place or places, and be subject to the terms or conditions of redemption as the resolution or resolutions may provide : *Provided*, That every issue of notes, security interests and bonds shall be limited obligations of the authority payable solely out of any revenues or moneys of the authority, subject only to any agreements with the holders of particular notes, security interests or bonds pledging particular revenues. The notes, security interests and bonds issued by the authority shall be and hereby are made negotiable instruments under the provisions of article eight, chapter forty-six of the Code of West Virginia, 1931, as amended, subject only to the provisions of the notes, security interests or bonds for registration.

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

There shall be a board of directors, consisting of five members. One member shall be a sitting member of the Town Council selected by the Town Council ; one member shall be a sitting member of the county commission selected by the county commission; one member shall be a representative of Hardy County's largest corporate user of public wastewater facilities



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**§3. Same--A body corporate.**

The Moorefield/Hardy County Wastewater Authority hereby created shall be a public corporation and governmental instrumentality. It may contract and be contracted with, sue and be sued, plead and be impleaded and shall have and use a common seal.

**§4. Title to property.**

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All employees of the Moorefield/Hardy County Wastewater Authority hereby created shall be entitled to the benefits of the provisions of chapter twenty-three, and articles seven and ten, chapter five of the Code of West Virginia, 1931, as amended.

**§8. Effect of future amendments of general law.**

Amendments to article twenty-three, chapter eight of the Code of West Virginia, 1931, as amended, and other general laws shall control this act only to the extent that they do not conflict with the special features hereof, or unless the intent to amend this act is clear and unmistakable.

**§9. Severability.**

If any provision of hereof is held invalid, such invalidity does not affect other provisions hereof which can be given effect without the invalid provision, and to this end the provisions of this act are declared to be severable.

NOTE: The purpose of this bill is to authorize the Town of Moorefield, the Hardy County Commission and Hardy County's largest corporate user of public wastewater facilities to construct and maintain a state of the art regional wastewater treatment plant, transmission lines and collection facilities for the purpose of collecting, transporting and treating the wastewater from the Town of Moorefield and the unincorporated areas of Hardy County; authorizing the Town, the county commission and Hardy County's largest corporate user of public wastewater facilities to create the Moorefield/Hardy County Wastewater Authority to assume ownership of the facilities; membership; powers and duties; board of directors; bylaws; rules; support, maintenance and operation; funds; and severability.

This Act is new; therefore, strike-throughs and underscoring have been omitted.