

ARTICLE 144
Building Commission

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CROSS REFERENCES

Building commissions - see W. Va. Code Art. 8-33

144.01 CREATED.

(a) There is hereby created a Municipal Building Commission for the City, which Commission shall be known as "Nutter Fort Municipal Building Commission".

(b) The Commission shall be a public corporation of the State and shall have perpetual existence.

(Passed 8-27-68)

144.02 MEMBERS.

The Building Commission shall be composed of three members, not more than two of whom shall be from the same political party, and none of whom shall hold any office or employment under the United States of America, the State, or any county or political subdivision thereof, or of any political party. All members shall be residents of the City. No member shall receive any compensation for his services as such, but each member shall be reimbursed by the Commission for any reasonable and necessary expenses actually incurred by him in the discharge of his duties as such member. Members first appointed shall serve, one for an initial term of one year, one for an initial term of three years, and one for an initial term of five years. On the expiration of each initial term, the successor shall be appointed for a term of five years. Vacancies occurring before the expiration of a term shall be filled by appointment by Council for the un-expired term only. Members shall be appointed to the Commission by resolution of Council.

(Passed 8-27-68)

144.03 POWERS.

The Building Commission is empowered to sue and be sued, contract and be contracted with, adopt, use and alter a common seal, make and adopt all necessary, appropriate and lawful bylaws, rules and regulations pertaining to its affairs, elect such officers, appoint such committees and agents and employ and fix the compensation of such employees and contractors as may be necessary for the conduct of the affairs and operations of the Commission, acquire, purchase, own and hold any property, real, personal or mixed, and acquire, equip, construct, maintain and operate public buildings, structures, projects and appurtenant facilities of any type or types for which the City is permitted by law to expend public funds (all hereinafter referred to as "facilities"), apply for, receive and use grants-in-aid, donations, and contributions from any source or sources, including, but not limited to, the United States of America or any agency thereof, and accept and use bequests, devises, gifts and donations from any source whatsoever, sell, encumber or dispose of any property, real, personal or mixed, issue negotiable bonds, notes, debentures or other evidences of indebtedness and provide for the rights of the holders thereof, incur any proper indebtedness and issue any obligations and give any security therefor which it may deem necessary or advisable in connection with exercising powers as provided herein, raise funds by the issuance and sale of revenue bonds in the manner provided by the applicable provisions of West Virginia Code 8-16-1, and the Commission is hereby declared to be a "governing body" within the definition of that term as used in such sections, exercise the power of eminent domain in the manner provided in West Virginia Code Chapter 54 as for business corporations, for the purposes set forth in this article, which purposes are hereby declared public purposes for which private property may be taken, lease its property or any part thereof, for public purposes, to such persons and upon such terms as the Commission deems proper, and do all things reasonable and necessary to carry out the foregoing powers.
(Passed 8-27-68)

144.04 INDEBTEDNESS.

No statutory limitation with respect to the nature or amount of indebtedness which may be incurred by municipalities or other public bodies shall apply to the indebtedness of the Building Commission. No indebtedness of any nature of the Commission shall constitute an indebtedness of the City or a charge against any property of the City. No obligation incurred by the Commission shall give any right against any member of Council or any member of the Commission. The rights of creditors of the Commission shall be solely against the Commission as a corporate body and shall be satisfied only out of property held by it in its corporate capacity.
(Passed 8-27-68)

144.05 SURPLUS FUNDS.

If the Building Commission should realize a surplus of funds over and above the amount required for the maintenance, improvement and operation of its facilities and for meeting all required payments on its obligations and reserves in connection therewith, it shall establish and set aside for future operations, improvements and contingencies a reserve in such amount as the Commission shall deem proper and it shall then apply the residue of such surplus, if any, to the payment of any recognized and established obligations not then due. After all such recognized and established obligations have been paid and discharged in full, the Commission shall, at the end of each fiscal year, being the year commencing July 1, and ending on the following June 30, set aside such reserve for future operations, improvements and contingencies as aforesaid and pay the residue of such surplus, if any, into the General Fund of the City.
(Passed 8-27-68)

144.06 CONTRIBUTIONS; DEPOSIT OF FUNDS; REPORTS; AUDIT.

Council may from time to time make contributions to the Building Commission and contributions may also be received by the Commission from any person desiring to make contributions. The Commission shall also collect such rentals and other charges for the use of its facilities as it may be obligated to do. All funds received by the Commission from any source shall be deposited in such bank or banks as the Commission may determine and shall be withdrawn upon such terms and conditions as the Commission may direct. The Commission shall keep strict account of all its receipts and expenditures and shall report quarterly to the City and to any person which has made a contribution to it within the preceding fiscal year. Such report shall be in writing, shall have been made within sixty days after the end of each quarter, and shall contain an itemized account of such receipts and expenditures during the preceding quarter. Within sixty days after the end of each fiscal year, the Commission shall make an annual report in writing containing an itemized statement of its receipts and expenditures for the preceding year and shall publish the same as a Class 11-0 legal advertisement in compliance with the provisions of West Virginia Code 59-3, the publication area for such publication to be the County. The books, records and accounts of the Commission shall be subject to audit and examination by the State tax department and by any other proper public official or body in the manner provided by law.

(Passed 8-27-68)

144.07 SALE OF FACILITIES.

If all indebtedness of the Building Commission has been paid in full, upon direction in writing to the Commission by Council, the Commission shall sell any or all properties constituting part or all its facilities and deposit the net proceeds thereof, if any, in the General Fund of the City or shall transfer any such properties to the City.

(Passed 8-27-68)

144.08 WORKERS' COMPENSATION.

The Building Commission shall subscribe to the Workers' Compensation Fund of the State and shall pay all necessary premiums required therefore to the end that all eligible employees of the commission shall be covered by Workers' Compensation.

(Passed 8-27-68)