

RESOLUTION OF THE COUNTY COMMISSION OF
BERKELEY COUNTY, WEST VIRGINIA
AUTHORIZING THE CREATION OF A
SOLID WASTE AUTHORITY

WHEREAS, West Virginia Code § 20-9-4 authorizes the County Commission of Berkeley County, West Virginia, on and after January 1, 1989, to establish, with the approval of the West Virginia Resource Recovery - Solid Waste Disposal Authority, a county solid waste authority; and

WHEREAS, the County Commission of Berkeley County adopts the legislative findings contained in West Virginia Code § 20-9-1; and

WHEREAS, the County Commission of Berkeley County, West Virginia desires to obtain the approval of the West Virginia Resource Recovery - Solid Waste Disposal Authority to form a county solid waste authority;

THEREFORE BE IT RESOLVED, by the County Commission of Berkeley County, West Virginia that it shall seek the approval of the West Virginia Resource Recovery - Solid Waste Disposal Authority for the creation of a county solid waste authority; and

THEREFORE BE IT FURTHER RESOLVED by the County Commission of Berkeley County, West Virginia that upon obtaining such approval from the West Virginia Resource Recovery - Solid Waste Disposal Authority, that there is hereby created, effective January 1, 1989, a county solid waste authority, and which shall be known as the "Berkeley County Solid Waste Authority." Said county solid waste authority shall be a public agency, which shall have all of the powers, rights, obligations and duties set forth in West

Virginia Code §§20-9-4, 20-9-5, 20-9-6, 20-9-7, 20-9-10, 20-9-11, and 20-9-12; and

THEREFORE BE IT FURTHER RESOLVED by the County Commission of Berkeley County, West Virginia that a board of directors shall be vested with the management and control of said county solid waste authority, and of its property, operations and affairs of any nature; and

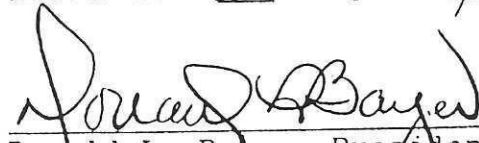
THEREFORE BE IT FURTHER RESOLVED by the County Commission of Berkeley County, West Virginia that the make up of the board of directors of said county solid waste authority, the term of a director's office, and the filling of vacancies in the office of a director shall all be governed by the provisions of West Virginia Code §20-9-4(b); and

THEREFORE BE IT FURTHER RESOLVED by the County Commission of Berkeley County, West Virginia that said directors shall serve without compensation for their services on the board, but shall be reimbursed their actual expenses incurred in the discharge of their duties; and

THEREFORE BE IT FURTHER RESOLVED by the County Commission of Berkeley County, West Virginia, pursuant to West Virginia Code §20-9-6 (c), that the County Commission of Berkeley County shall pay from the general funds in the county treasury its pro rata share of the ordinary and necessary expenses of said county solid waste authority, to the extent that such expenses are not paid by fees, grants and funds from other sources received by the said county solid waste authority: Provided, that the Berkeley County Commission shall not be liable for
~~any expenses of the said county solid waste authority until~~

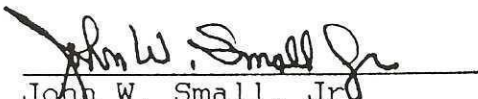
and unless its annual budget is approved by the West Virginia
Resource Recovery - Solid Waste Disposal Authority.

Dated this 2nd day of February, 1989.



Donald L. Bayer, President
BERKELEY COUNTY COMMISSION

ATTEST:


John W. Small, Jr.
County Clerk