WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1951

ENROLLED

HOUSE BILL No. 440

(By Mr. Knight)

PASSED March 10, 1951

In Effect from Passage
ENROLLED

House Bill No. 446
(By Mr. Knight)

[Passed March 10, 1951; in effect from passage.]

AN ACT to amend chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto a new article, designated article eleven, relating to creation of a board of park commissioners by county courts in counties having a population in excess of two hundred thousand persons, to establish, maintain, develop and operate a recreation park, providing its name, defining its powers, providing for the appointment and qualification of its members; the term of office of the members and their qualifications; and the powers and authority of such board of commissioners.

Be it enacted by the Legislature of West Virginia:

That chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, be amended by adding thereto a new article, designated article eleven, to read as follows:

Section 1. County Courts Authorized to Create Board
of Park Commissioners.—The county court of any county in the state of West Virginia having a population in excess of two hundred thousand persons is hereby authorized and empowered, by order entered of record, to create a board of park commissioners for the purpose of establishing, improving, developing, operating and maintaining a county public park system.

Sec. 2. Board, a Body Corporate; Perpetual Existence; Name; Powers.—The board of park commissioners created by the county court, enacted pursuant to the authority of this article, shall be a public corporate board, with perpetual existence and a corporate seal. It shall be known as the board of park commissioners of such county. It shall have the power to receive any gift, grant, donation and bequest or devise; sue and be sued; contract and be contracted with and to do any and all things which may be necessary or convenient to carry out and effectuate the purposes and provisions of this article.

Sec. 3. Members; Qualifications; Appointment; Term; Disqualifications.—The board shall consist of five members, a majority of whom shall constitute a quorum for
the transaction of business. Each member of said board shall be a bona fide resident of the county and shall own real estate within such county. The term of the board membership shall be for six years and until their successors have been appointed and qualified: Provided, however, That the county court in appointing the members of the first board, shall appoint one member for a term of one year, one member for a term of two years, one member for a term of three years, one member for a term of four years and one member for a term of five years. The order of the county court shall fix the date on which the term of such board members shall begin. Any member of the board, who shall cease to be a bona fide resident of the county or a free holder thereof, shall thereby be disqualified as a member of said board and his office shall become vacant. When a vacancy occurs on said board by reason of death, resignation, change of residence from the county or expiration of term, the county court shall appoint a successor or successors who shall fill out the expired term of such member of the board whose term has been vacated.
Sec. 4. Oath of Members; Organization of Board; Secretary.—After appointment, the members of the board shall qualify by taking and filing with the clerk of the county court the oath prescribed by law of public officials; one of the members of said board shall be elected as president, another as vice president, and a secretary shall be elected who need not be a member of the board. Said board of park commissioners shall maintain an office at any place they may designate in the county and have control of the management and operations of all properties which shall be operated in connection with the public park system of such county and shall have power to employ such persons as, in its opinion, may be necessary for the construction, operation, and maintenance of the property under its control, subject, however, to the appropriation of money for such purpose by the county court of such county and its written approval thereof.

Sec. 5. General Powers of the Board.—The board of park commissioners of any county shall have the necessary powers and authority to manage and control all public parks, and recreation facilities owned by the county
5 and used as a part of such public park system, including
6 the right to make rules and regulations concerning the
7 management and control of such parks and to enforce any
8 such rules and regulations so promulgated.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 16th day of March, 1951.

Governor