

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1957



ENROLLED

HOUSE BILL No. 284

(By Mr. Brookston & Mr. Charnock)



PASSED March 6 1957

In Effect from Passage



ENROLLED

House Bill No. 284

(By MR. BROTHERTON and MR. CHARNOCK)

[Passed March 6, 1957; in effect from passage.]

AN ACT to amend and reenact section⁵₁ one, two, three, four and five, article eleven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, 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 park and recreation system for the county, 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 as commissioner.

Be it enacted by the Legislature of West Virginia:

That sections one, two, three, four and five, article eleven, chapter seven of the code of West Virginia, one thousand nine

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hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 1. *County Courts Authorized to Create a Board of Park and Recreation 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 and recreation commissioners for the purpose of establishing, improving, developing, operating and maintaining a county public park and recreation system.

Sec. 2. *Board, a Body Corporate; Perpetual Existence; Name; Powers.*—The board of park and recreation 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 and recreation 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 con-

11 venient to carry out and effectuate the purposes and pro-
12 visions of this article.

Sec. 3. *Members; Qualifications; Appointment; Term;*
2 *Disqualifications.*---The board shall consist of eleven mem-
3 bers a majority of whom shall constitute a quorum for
4 the transaction of business. Each member of said board
5 shall be a bona fide resident of the county and shall own
6 real estate within such county. The term of the board
7 membership shall be for three years and until their suc-
8 cessors have been appointed and qualified: *Provided, how-*
9 *ever,* That the county court in appointing the members
10 of the first board shall appoint three members for a term
11 of one year; four members for a term of two years and
12 four members for a term of three years. The order of
13 the county court shall fix the date on which the term of
14 such board members shall begin. Any member of the
15 board, who shall cease to be a bona fide resident of the
16 county or a freeholder, thereof, shall thereby be dis-
17 qualified as a member of said board and his office shall
18 become vacant. When a vacancy occurs on said board
19 by reason of death, resignation, change of residence from

20 the county or expiration of term, the county court shall
21 appoint a successor or successors who shall fill out the
22 unexpired term of such member of the board whose term
23 has been vacated.

Sec. 4. *Oath of Members; Organization of Board; Sec-*
2 *retary.*—After appointment, the members of the board
3 shall qualify by taking and filing with the clerk of the
4 county court the oath prescribed by law of public officials;
5 one of the members of said board shall be elected as
6 president, another as vice president, and a secretary shall
7 be elected who need not be a member of the board. Said
8 board of park and recreation commissioners shall main-
9 tain an office at any place they may designate in the
10 county and have control of the management and opera-
11 tions of all properties which shall be operated in connec-
12 tion with the public park and recreation system of such
13 county and shall have power to employ such persons as,
14 in its opinion, may be necessary for the construction, op-
15 eration, and maintenance of the property under its con-
16 trol, subject, however, to the appropriation of money for

17 such purpose by the county court of such county and its
18 written approval thereof.

Sec. 5. *General Powers of the Board.*—The board of
2 park and recreation commissioners of any county shall
3 have the necessary powers and authority to manage and
4 control all public parks, and recreation facilities owned
5 by the county and used as a part of such public park and
6 recreation system, including the right to make rules and
7 regulations concerning the management and control of
8 such parks and to enforce any such rules and regulations
9 so promulgated.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

E. H. McCourt
Chairman Senate Committee

William H. Hutcheson, Jr.
Chairman House Committee

Originated in the House of Delegates

Takes effect from passage

J. Howard Meyer
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

Ralph J. Bean
President of the Senate

W. E. Hammy
Speaker, House of Delegates

The within approved this the 15th
day of March, 1957.

Jeff Haderum
Governor



Filed In the Office of the Secretary of State
of West Virginia. **MAR 15 1957**
D. PITT O'BRIEN
SECRETARY OF STATE