ENROLLED

HOUSE BILL No. 284

(By Mr. Brockett and Mr. Charneck)

PASSED March 6, 1957

In Effect Passage
AN ACT to amend and reenact sections 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
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-
Sec. 3. Members; Qualifications; Appointment; Term; Disqualifications.--The board shall consist of eleven 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 three 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 three members for a term of one year; four members for a term of two years and four members for a term of three 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 freeholder, 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
unexpired 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 and recreation commissioners shall main-
tain an office at any place they may designate in the
county and have control of the management and opera-
tions of all properties which shall be operated in connec-
tion with the public park and recreation system of such
county and shall have power to employ such persons as,
in its opinion, may be necessary for the construction, op-
eration, and maintenance of the property under its con-
trol, 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
der park and recreation 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 and used as a part of such public park and
recreation system, including the right to make rules and
regulations concerning the management and control of
such parks and to enforce any such rules and regulations
so promulgated.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

E. H. McCune
Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect from passage

J. Howard House
Clerk of the Senate

W. B. Blundercup
Clerk of the House of Delegates

Ralph J. Bean
President of the Senate

W. E. Hammersly
Speaker, House of Delegates

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

S. H. Hudson
Governor

Filed in the Office of the Secretary of State of West Virginia, MAR 15 1957
D. Pitt O'Brien
Secretary of State