

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1963



# ENROLLED

HOUSE BILL No. 573

(By Mr. Meyers)



PASSED March 9, 1963

In Effect from Passage



Filed in Office of the Secretary of State  
of West Virginia 3-16-63

JOE F. BURDETT  
SECRETARY OF STATE

# 573

**ENROLLED**  
**House Bill No. 573**

(By MR. MOYERS)

[Passed March 9, 1963; in effect from passage.]

AN ACT authorizing the board of education of the county of Braxton to create a 'Four-H Club Development Authority' and providing for the membership and purposes of the authority; for the appointment and removal of members; for the acquisition by the authority of real estate and personal property; for the acquisition, construction, improvement, maintenance and operation of Four-H club facilities; for corporate existence of the authority; for the issuance of mortgage bonds, revenue bonds, other bonds, debentures, notes and securities, and the giving of security for the payment thereof; ~~for the authority to exercise the power of eminent domain;~~ for tax exemption for the

*E. B. Blankenship*  
*clerk*

property, funds and obligations of the authority; for the authority to lease said tracts of land or any part thereof; for the county court of the county of Braxton or the board of education of the county of Braxton to become the lessee of said tracts of land or any part thereof and pay the rental therefor; for contributions to the funds of the authority by the county court of the county of Braxton, the board of education of the county of Braxton and others; for the keeping of the funds and accounts of the authority; for <sup>the</sup> disposition of any surplus funds; for the covering of the employees of the authority by workmen's compensation; and for dissolution of the authority.

AP  
by  
BCH

*Be it enacted by the Legislature of West Virginia:*

**Section 1. Braxton County Four-H Club Development**

2 **Authorized.**—The board of education of the county of  
3 Braxton is hereby authorized to create and establish a  
4 public agency to be known as the “Braxton County  
5 Four-H Club Development Authority” (hereinafter called  
6 the authority) for the purposes and in the manner here-  
7 inafter set forth.

**Sec. 2. Purposes.**—The authority is hereby authorized  
2 and empowered to acquire, equip, construct, improve,  
3 maintain and operate Four-H Club camps and facilities  
4 with all usual and convenient appurtenances, including  
5 but not limited to recreational facilities, such as swim-  
6 ming pools, tennis courts, golf courses and horse riding  
7 stables; and to operate, either directly or on a concession  
8 basis, any activity that is necessary or convenient, cus-  
9 tomary or desirable, and related or incidental to the  
10 above-mentioned camps and recreational facilities in-  
11 cluding but not limited to hotels, restaurants and gift  
12 shops.

**Sec. 3. Members of the Authority.**—The management  
2 and control of the authority, its property, operations,  
3 business and affairs, shall be lodged in a board of five  
4 persons who shall be known as “Members of the Author-  
5 ity”, each of whom shall be appointed for a term of five  
6 years, except that as to the first five appointed to the first  
7 board appointed, the term of one member shall expire  
8 on the first day of July next ensuing and the term of the  
9 next member shall expire on the first day of July two

10 years thereafter, the term of another member shall ex-  
11 pire on the first day of July three years thereafter, the  
12 term of another member shall expire on the first day of  
13 July four years thereafter, and the term of the remaining  
14 member shall expire on the first day of July five years  
15 thereafter.

16 All members shall be appointed by the board of educa-  
17 tion of the county of Braxton and no more than three  
18 shall be members of the same political party, nor shall  
19 they hold any political office of any nature.

20 The members of the authority shall be removable only  
21 for cause.

**Sec. 4. Removal of Member.**—If the board of education  
2 of the county of Braxton desires to remove a member  
3 of the authority it shall notify said member in writing,  
4 stating the reasons for the board of education of the  
5 county of Braxton desiring said removal. Within ten  
6 days of the receipt by the member of the authority of  
7 the written notice of removal, said member, if he so  
8 desires, may have a hearing before the board of education  
9 of the county of Braxton and any such hearing shall be

10 held within ten days of the member's request for said  
11 hearing. Any member so removed shall have the right  
12 to petition the circuit court of Braxton county to review  
13 the action of said board of education.

**Sec. 5. Substitution of Members.**—If any member of the  
2 authority die, or resign, or be removed, or for any other  
3 reason cease to be a member of the authority, the board  
4 of education of the county of Braxton shall appoint an-  
5 other person to fill the unexpired portion of the term  
6 of such member.

**Sec. 6. Qualification of Members of the Authority.**—All  
2 members of the board of the authority shall be citizens  
3 of West Virginia, over thirty years of age, and residents  
4 of Braxton county.

**Sec. 7. Compensation of Members of the Authority.**—  
2 No member of the board of the authority shall receive  
3 any compensation, whether in form of salary, per diem  
4 allowances or otherwise, for or in connection with his  
5 services as member. Each member shall, however, be  
6 entitled to reimbursement by the authority for any neces-

7 sary expenditures in connection with the performance  
8 of his general duties as such member.

**Sec. 8. Authority to be a Public Corporation.**—The au-  
2 thority when created, and the members thereof, shall  
3 constitute and be a public corporation under the name  
4 of “Braxton County Four-H Club Development Author-  
5 ity” and as such shall have perpetual succession, may  
6 contract and be contracted with, sue and be sued, plead  
7 and be impleaded and have and use a common seal.

**Sec. 9. Powers.**—The authority is hereby given power  
2 and authority as follows:

3 (1) To make and adopt all necessary by-laws, rules  
4 and regulations for its organization and operations not  
5 inconsistent with law;

6 (2) To elect its own officers, to appoint committees  
7 and to employ and fix the compensation for personnel  
8 necessary for its operation;

9 (3) To enter into contracts with any person, govern-  
10 mental department, firm or corporation, including both  
11 public and private corporations, and generally to do any  
12 and all things necessary or convenient for the purpose

13 of acquiring, equipping, constructing, maintaining, im-  
14 proving, extending, financing and operating Four-H  
15 camps and recreational facilities and all usual and con-  
16 venient appurtenant activities and facilities in Braxton  
17 county, West Virginia, including but not limited to those  
18 enumerated in section two hereof.

19 (4) To delegate any authority given to it by law to  
20 any of its officers, committees, agents or employees;

21 (5) To apply for, receive and use grants in aid, dona-  
22 tions and contributions from any source or sources, in-  
23 cluding but not limited to the federal government and  
24 any agency thereof, and the state of West Virginia, and  
25 to accept and use bequests, devises, gifts and donations  
26 from any person, firm or corporation;

27 (6) To acquire lands and hold title thereto in its own  
28 name;

29 (7) To purchase, own, hold, sell and dispose of per-  
30 sonal property and to sell, lease or otherwise dispose of  
31 any real estate which it may own;

32 (8) To borrow money and execute and deliver nego-  
33 tiable notes, mortgage bonds, other bonds, debentures,



34 and other evidences of indebtedness therefor, and give  
35 such security therefor as shall be requisite, including  
36 giving a mortgage or deed of trust on its property and  
37 facilities in connection with the issuance of mortgage  
38 bonds;

39 (9) To raise funds by the issuance and sale of revenue  
40 bonds in the manner provided by the applicable pro-  
41 visions of article four-a, chapter eight of the code of West  
42 Virginia, one thousand nine hundred thirty-one, as  
43 amended, it being hereby expressly provided that the  
44 authority is a "municipal authority" within the definition  
45 of that term as used in said article four-a, chapter eight  
46 of the code; and

47 (10) To expend its funds in the execution of the  
48 powers and authority herein given.

**Sec. 10. Indebtedness of the Authority.**—The authority  
2 may incur any proper indebtedness and issue any obli-  
3 gations and give any security therefor which it may  
4 deem necessary or advisable in connection with carry-  
5 ing out its purposes as hereinbefore mentioned. No  
6 statutory limitation with respect to the nature or amount

7 of indebtedness which may be incurred by municipalities  
8 or other public bodies shall apply to indebtedness of the  
9 authority. No indebtedness of any nature of the authority  
10 shall constitute an indebtedness of the county court of  
11 the county of Braxton, nor of said county nor of said  
12 board of education, or a charge against any property of  
13 said county or board. No obligation incurred by the au-  
14 thority shall give any right against any member of the  
15 county court of the county of Braxton or any member  
16 of the said board of education or any member of the board  
17 of authority. The rights of creditors of the authority  
18 shall be solely against the authority as a corporate body  
19 and shall be satisfied only out of property held by it in  
20 its corporate capacity.

**Sec. 11. Agreements in Connection with Obtaining**

2 **Funds.**—The authority may, in connection with obtaining  
3 funds for its purposes, enter into any agreement with any  
4 person, firm or corporation, including the federal govern-  
5 ment, or any agency or subdivision thereof, containing  
6 such provisions, covenants, terms and conditions as the  
7 authority may deem advisable.

**Sec. 12. Property, Bonds and Obligations of Authority**

2 **Exempt From Taxation.**—The authority shall be exempt  
3 from the payment of any taxes or fees to the state or  
4 any subdivisions thereof or to any officer or employee  
5 of the state or of any subdivisions thereof. The property  
6 of the authority shall be exempt from all local and mu-  
7 nicipal taxes. Bonds, notes, debentures and other evi-  
8 dence of indebtedness of the authority are declared to  
9 be issued for a public purpose and to be public instru-  
10 mentalities and, together with interest thereon, shall be  
11 exempt from taxes.

**Sec. 13. County Commissioners Authorized to Convey**

2 **Properties and Facilities to the Authority.**—The county  
3 court of the county of Braxton is hereby authorized to  
4 convey to the authority property owned by the county  
5 of Braxton, together with all the appurtenances and  
6 facilities therewith, such conveyance to be without con-  
7 sideration or for such price and upon such terms and  
8 conditions as the county court of the county of Braxton  
9 shall deem proper.

**Sec. 14. Authority May Lease Property and Facilities**

2 to the County Court of the County of Braxton, The Board  
3 of Education of Braxton County.—The authority may  
4 lease the property on which such camp or camps and fa-  
5 cilities are situated, in whole or in part, and all the appur<sup>to</sup>  
6 tenances and facilities therewith to the county court of  
7 the county of Braxton, to said board of education of  
8 Braxton county or to any other available lessee or lessees  
9 at such rental and upon such terms and conditions as  
10 the authority shall deem proper. If the authority de-  
11 termines to lease the property and its appurtenances and  
12 facilities, as a whole, it shall first offer the same to the  
13 county court of the county of Braxton upon an annual  
14 lease and it shall not lease said property and its appur-  
15 tenances and facilities as a whole to any other lessee  
16 until the county court of the county of Braxton has  
17 notified the authority that it does not desire to lease  
18 said properties, which notice shall be given within thirty  
19 days after notice by the authority of a desire on its  
20 part to lease the property as a whole. The county court  
21 of the county of Braxton is hereby authorized to enter

22 into a lease with the authority for said property and  
23 appurtenances and facilities at such rental and upon  
24 such terms and conditions as it shall deem proper, and  
25 the county court of the county of Braxton is hereby  
26 authorized to levy taxes as provided by law for the  
27 purpose of paying the rent for said property, appur-  
28 tenances and facilities. The authority, however, may  
29 lease one or more portions of its property without first  
30 offering the same to the county court of the county of  
31 Braxton. Such lease shall be for some purpose asso-  
32 ciated with recreational or other related activities.

**Sec. 15. Disposition of Surplus of Authority.**—If the au-  
2 thority should realize a surplus, whether from operating  
3 the property or leasing it for operation, over and above  
4 the amount required for the maintenance, improvement  
5 and operation thereof and for meeting all required pay-  
6 ments on its obligations, it shall set aside such reserve  
7 for future operations, improvements and contingencies  
8 as it shall deem proper and shall then apply the residue  
9 of such surplus, if any, to the payment of any recognized  
10 and established obligations not then due; and after all

11 such recognized and established obligations have been  
12 paid off and discharged in full, the authority shall, at  
13 the end of each fiscal year, set aside the reserve for  
14 future operations, improvements and contingencies, as  
15 aforesaid, and then pay the residue of such surplus, if  
16 any, to the county court of the county of Braxton to  
17 be used by said county court for general county pur-  
18 poses, or to the board of education of Braxton county  
19 for educational purposes as the authority may deem  
20 proper.

**Sec. 16. Contributions to Authority by the County**

2 **Court of the County of Braxton and Others; Funds and**  
3 **Accounts of the Authority.**—Contributions may be made  
4 to the authority from time to time by the county court  
5 of the county of Braxton, the board of education of  
6 Braxton county and by any persons, firms or corporations  
7 that shall desire so to do. All such funds and all other  
8 funds received by the authority shall be deposited in  
9 such bank or banks as the authority may direct and  
10 shall be withdrawn therefrom in such manner as the  
11 authority may direct. The authority shall keep strict

12 account of all its receipts and expenditures and shall  
13 each quarter make a report to the board of educa-  
14 tion of the county of Braxton containing an itemized  
15 account of its receipts and disbursements during the  
16 preceding quarter. Such report shall be made within  
17 sixty days after the termination of the quarter. Within  
18 sixty days after the end of each fiscal year, the authority  
19 shall make an annual report containing an itemized state-  
20 ment of its receipts and disbursements for the preceding  
21 year and such annual report shall be published once a  
22 week for two successive weeks in two newspapers of  
23 opposite politics published in Braxton county, West Vir-  
24 ginia and of general circulation in Braxton county, West  
25 Virginia, if there be two such papers, or otherwise in any  
26 newspaper of general circulation in said county. The  
27 books, records and accounts of the authority shall be  
28 subject to audit and examination by the office of the  
29 state tax commissioner of West Virginia and by any other  
30 proper public official or body in the manner provided by  
31 law.

**Sec. 17. Employees to be Covered by Workmen's Com-**

2 **pensation.**—All employees of the authority eligible there-  
3 under shall be deemed to be within the workmen's com-  
4 pensation act of West Virginia and premiums shall be  
5 paid by the authority to the workmen's compensation  
6 fund as required by law.

**Sec. 18. Dissolution of Authority.**—The authority may

2 at any time pay off and discharge in full all of its in-  
3 debtedness, obligations and liabilities, convey its prop-  
4 erties, appurtenances and facilities to the board of educa-  
5 tion of the county of Braxton and be dissolved. Before  
6 making such conveyance of its properties, the authority  
7 shall first publish notice of its intention so to do and of  
8 its intention to be dissolved, once a week for four suc-  
9 cessive weeks in two newspapers of opposite politics  
10 published in, and of general circulation in Braxton county,  
11 West Virginia, if there be two such papers, or otherwise  
12 in any newspaper of general circulation in said county.  
13 Certificates from the publishers of the papers or paper  
14 showing such publication shall be filed with the board  
15 of education of the county of Braxton on or before the



16 deed conveying said properties is delivered. Any funds  
17 remaining in the hands of the authority at the time of the  
18 conveyance of said properties shall be by the authority  
19 paid over to the board of education of the county of  
20 Braxton to be used by it for purposes in connection with  
21 said properties. Upon the payment of its indebtedness,  
22 obligations and liabilities, the publishing of the notices  
23 aforesaid, the conveyance of its properties and the pay-  
24 ing over to the board of education of the county of Brax-  
25 ton of any funds remaining in its hands, the authority  
26 shall cause a certificate showing its dissolution to be  
27 executed under its name and seal and to be recorded in  
28 the office of the clerk of the county court of Braxton  
29 county and thereupon its dissolution shall be complete.

**Sec. 19. Automatic Termination of the Right to Estab-**

lish the Authority.—If on or before the first day of July,  
3 one thousand nine hundred sixty-three, the board of  
4 education of the county of Braxton shall not have ap-  
5 pointed the members of the authority who are to con-  
6 stitute the board for management of its business and  
7 affairs, as provided in section three hereof, all right to

8 create and establish said authority under this act shall  
9 automatically terminate.

**Sec. 20. Liberal Construction of Act.**—It is the purpose  
2 of this act to provide for the acquisition, construction,  
3 improvement, extension, maintenance and operation of a  
4 Four-H camp or camps and recreational facilities and  
5 appurtenant facilities in a prudent and economical man-  
6 ner, and this act shall be liberally construed as giving  
7 to the authority full and complete power reasonably  
8 required to give effect to the purposes hereof. The pro-  
9 visions of this act are in addition to and not in derogation  
10 of any power existing in the board of education and the  
11 county court of the county of Braxton under any con-  
12 stitutional or statutory provisions which they may now  
13 have, or may hereafter acquire.

**Sec. 21. Provisions Severable.**—The several sections  
2 and provisions of this act are severable, and if any section  
3 or provision hereof shall be held unconstitutional, all the  
4 remaining sections and provisions of this act shall never-  
5 theless remain valid.

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

*Oliver Parker*  
Chairman Senate Committee

*Etchel L. Crandall*  
Chairman House Committee

Originated in the House.

Takes effect *from* passage.

*Harmon Myers*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*Howard W. Carson*  
President of the Senate

*Julius W. Singleton Jr.*  
Speaker House of Delegates

The within *approved* this the *16th*  
day of *March*, 1963.

*W. W. Bannan*  
Governor

