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
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
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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 disposition of any surplus funds; for the covering of
the employees of the authority by workmen's compensa-
tion; and for dissolution of the authority.

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 and empowered to acquire, equip, construct, improve, maintain and operate Four-H Club camps and facilities with all usual and convenient appurtenances, including but not limited to recreational facilities, such as swimming pools, tennis courts, golf courses and horse riding stables; and to operate, either directly or on a concession basis, any activity that is necessary or convenient, customary or desirable, and related or incidental to the above-mentioned camps and recreational facilities including but not limited to hotels, restaurants and gift shops.

Sec. 3. Members of the Authority.—The management and control of the authority, its property, operations, business and affairs, shall be lodged in a board of five persons who shall be known as "Members of the Authority", each of whom shall be appointed for a term of five years, except that as to the first five appointed to the first board appointed, the term of one member shall expire on the first day of July next ensuing and the term of the 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
held within ten days of the member’s request for said hearing. Any member so removed shall have the right to petition the circuit court of Braxton county to review the action of said board of education.

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

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

Sec. 7. Compensation of Members of the Authority.—No member of the board of the authority shall receive any compensation, whether in form of salary, per diem allowances or otherwise, for or in connection with his services as member. Each member shall, however, be entitled to reimbursement by the authority for any neces-
sary expenditures in connection with the performance
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
of acquiring, equipping, constructing, maintaining, improving, extending, financing and operating Four-H camps and recreational facilities and all usual and convenient appurtenant activities and facilities in Braxton county, West Virginia, including but not limited to those enumerated in section two hereof.

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

(5) To apply for, receive and use grants in aid, donations and contributions from any source or sources, including but not limited to the federal government and any agency thereof, and the state of West Virginia, and to accept and use bequests, devises, gifts and donations from any person, firm or corporation;

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

(7) To purchase, own, hold, sell and dispose of personal property and to sell, lease or otherwise dispose of any real estate which it may own;

(8) To borrow money and execute and deliver negotiable notes, mortgage bonds, other bonds, debentures,
and other evidences of indebtedness therefor, and give
such security therefor as shall be requisite, including
giving a mortgage or deed of trust on its property and
facilities in connection with the issuance of mortgage
bonds;

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

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

Sec. 10. Indebtedness of the Authority.—The authority
may incur any proper indebtedness and issue any obli-
gations and give any security therefor which it may
demean necessary or advisable in connection with carry-
ing out its purposes as hereinbefore mentioned. No
statutory limitation with respect to the nature or amount
of indebtedness which may be incurred by municipalities or other public bodies shall apply to indebtedness of the authority. No indebtedness of any nature of the authority shall constitute an indebtedness of the county court of the county of Braxton, nor of said county nor of said board of education, or a charge against any property of said county or board. No obligation incurred by the authority shall give any right against any member of the county court of the county of Braxton or any member of the said board of education or any member of the board of authority. The rights of creditors of the authority shall be solely against the authority as a corporate body and shall be satisfied only out of property held by it in its corporate capacity.

Sec. 11. Agreements in Connection with Obtaining Funds.—The authority may, in connection with obtaining funds for its purposes, enter into any agreement with any person, firm or corporation, including the federal government, or any agency or subdivision thereof, containing such provisions, covenants, terms and conditions as the authority may deem advisable.
Sec. 12. Property, Bonds and Obligations of Authority

2 Exempt From Taxation.—The authority shall be exempt from the payment of any taxes or fees to the state or any subdivisions thereof or to any officer or employee of the state or of any subdivisions thereof. The property of the authority shall be exempt from all local and municipal taxes. Bonds, notes, debentures and other evidence of indebtedness of the authority are declared to be issued for a public purpose and to be public instrumentalities and, together with interest thereon, shall be exempt from taxes.

Sec. 13. County Commissioners Authorized to Convey Properties and Facilities to the Authority.—The county court of the county of Braxton is hereby authorized to convey to the authority property owned by the county of Braxton, together with all the appurtenances and facilities therewith, such conveyance to be without consideration or for such price and upon such terms and conditions as the county court of the county of Braxton shall deem proper.
Sec. 14. Authority May Lease Property and Facilities to the County Court of the County of Braxton, The Board of Education of Braxton County.—The authority may lease the property on which such camp or camps and facilities are situated, in whole or in part, and all the appurtenances and facilities therewith to the county court of the county of Braxton, to the board of education of Braxton county or to any other available lessee or lessees at such rental and upon such terms and conditions as the authority shall deem proper. If the authority determines to lease the property and its appurtenances and facilities, as a whole, it shall first offer the same to the county court of the county of Braxton upon an annual lease and it shall not lease said property and its appurtenances and facilities as a whole to any other lessee until the county court of the county of Braxton has notified the authority that it does not desire to lease said properties, which notice shall be given within thirty days after notice by the authority of a desire on its part to lease the property as a whole. The county court 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
such recognized and established obligations have been
paid off and discharged in full, the authority shall, at
the end of each fiscal year, set aside the reserve for
future operations, improvements and contingencies, as
aforesaid, and then pay the residue of such surplus, if
any, to the county court of the county of Braxton to
be used by said county court for general county pur-
poses, or to the board of education of Braxton county
for educational purposes as the authority may deem
proper.

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

**Court of the County of Braxton and Others; Funds and**

**Accounts of the Authority.**—Contributions may be made
to the authority from time to time by the county court
of the county of Braxton, the board of education of
Braxton county and by any persons, firms or corporations
that shall desire so to do. All such funds and all other
funds received by the authority shall be deposited in
such bank or banks as the authority may direct and
shall be withdrawn therefrom in such manner as the
authority may direct. The authority shall keep strict
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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 Compensation.—All employees of the authority eligible thereunder shall be deemed to be within the workmen's compensation act of West Virginia and premiums shall be paid by the authority to the workmen's compensation fund as required by law.

Sec. 18. Dissolution of Authority.—The authority may at any time pay off and discharge in full all of its indebtedness, obligations and liabilities, convey its properties, appurtenances and facilities to the board of education of the county of Braxton and be dissolved. Before making such conveyance of its properties, the authority shall first publish notice of its intention so to do and of its intention to be dissolved, once a week for four successive weeks in two newspapers of opposite politics published in, and of general circulation in Braxton county, West Virginia, if there be two such papers, or otherwise in any newspaper of general circulation in said county. Certificates from the publishers of the papers or paper showing such publication shall be filed with the board of education of the county of Braxton on or before the
 deed conveying said properties is delivered. Any funds
remaining in the hands of the authority at the time of the
conveyance of said properties shall be by the authority
paid over to the board of education of the county of
Braxton to be used by it for purposes in connection with
said properties. Upon the payment of its indebtedness,
obligations and liabilities, the publishing of the notices
aforesaid, the conveyance of its properties and the pay-
ing over to the board of education of the county of Brax-
tion of any funds remaining in its hands, the authority
shall cause a certificate showing its dissolution to be
executed under its name and seal and to be recorded in
the office of the clerk of the county court of Braxton
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,
one thousand nine hundred sixty-three, the board of
education of the county of Braxton shall not have ap-
pointed the members of the authority who are to con-
stitute the board for management of its business and
affairs, as provided in section three hereof, all right to
create and establish said authority under this act shall automatically terminate.

Sec. 20. Liberal Construction of Act.—It is the purpose of this act to provide for the acquisition, construction, improvement, extension, maintenance and operation of a Four-H camp or camps and recreational facilities and appurtenant facilities in a prudent and economical manner, and this act shall be liberally construed as giving to the authority full and complete power reasonably required to give effect to the purposes hereof. The provisions of this act are in addition to and not in derogation of any power existing in the board of education and the county court of the county of Braxton under any constitutional or statutory provisions which they may now have, or may hereafter acquire.

Sec. 21. Provisions Severable.—The several sections and provisions of this act are severable, and if any section or provision hereof shall be held unconstitutional, all the remaining sections and provisions of this act shall nevertheless remain valid.
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.

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, 1963.

Governor