

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967



## ENROLLED

HOUSE BILL No. 1089

(By Mr. Moyers)



PASSED March 8 1967

In Effect from Passage



FILED IN THE OFFICE  
ROBERT D. BAILEY  
SECRETARY OF STATE  
THIS DATE 3-16-67

#1089

**ENROLLED**  
**House Bill No. 1089**  
(By MR. MOYERS)

[Passed March 8, 1967; in effect from passage.]

AN ACT to amend and reenact sections one, two, eight, nine, thirteen, sixteen and twenty, chapter one hundred ninety-six, acts of the Legislature, regular session, one thousand nine hundred sixty-three, relating to the Braxton county four-H club development authority.

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

That sections one, two, eight, nine, thirteen, sixteen and twenty, chapter one hundred ninety-six, acts of the Legislature, regular session, one thousand nine hundred sixty-three, be amended and reenacted to read as follows:

**§1. Board of education authorized to create.**

- 1 The board of education of the county of Braxton is
- 2 hereby authorized to create and establish a public agency

3 to be known as the<sup>H</sup> Braxton County recreation Develop-  
4 ment Authority” (hereinafter called the authority), to  
5 succeed to all the rights, interests and authority herein-  
6 before vested in the Braxton county four-H club develop-  
7 ment authority, for the purposes and in the manner here-  
8 inafter set forth.

**§2. Purposes.**

1 The authority is hereby authorized to acquire, equip,  
2 construct, improve, maintain and operate county youth  
3 camps and general public recreational areas and facilities  
4 in Braxton county with all usual and convenient appur-  
5 tenances, including but not limited to recreational facili-  
6 ties, such as swimming pools, tennis courts, golf courses  
7 and horse riding stables; and to operate, either directly  
8 or on a concession basis, any activity that is necessary  
9 or convenient, customary or desirable, and related or  
10 incidental to the above-mentioned camps and recreational  
11 areas and facilities, including but not limited to hotels,  
12 restaurants and gift shops.

**§8. Authority to be a public corporation.**

1 The authority when created, and the members thereof,

2 shall constitute and be a public corporation under the  
3 name of "Braxton County Recreational Development  
4 Authority" and as such shall have perpetual succes-  
5 sion, may contract and be contracted with, sue and be  
6 sued, plead and be impleaded and have and use a com-  
7 mon seal.

**§9. Powers.**

1 The authority is hereby given power and authority  
2 as follows:

3 (1) To make and adopt all necessary by-laws, rules  
4 and regulations for its organization and operation 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  
12 any and all things necessary or convenient for the pur-  
13 pose of acquiring, equipping, constructing, maintain-  
14 ing, improving, extending, financing and operating

15 county youth camps and general public recreational  
16 areas and facilities and all usual and convenient appur-  
17 tenant activities and facilities in Braxton county, West  
18 Virginia, including but not limited to those enumerated  
19 in section two hereof;

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

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

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

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

33 (8) To borrow money and execute and deliver nego-  
34 tiable notes, mortgage bonds, other bonds, debentures,  
35 and other evidences of indebtedness therefor, and give

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

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

48 (10) To expend its funds in the execution of the pow-  
49 ers and authority herein given.

**§13. County commissioners authorized to convey properties  
and facilities to the authority.**

1 The county court of the county of Braxton is hereby  
2 authorized to convey to the newly created author-  
3 ity property owned by the county of Braxton, together  
4 with all the appurtenances and facilities therewith, such  
5 conveyance to be without consideration or for such price

6 and upon such terms and conditions as the county court  
7 of the county of Braxton shall deem proper.

**§16. Contributions to authority; funds and accounts; publica-  
tion of annual report.**

1 Contributions may be made to the authority from time  
2 to time by the county court of the county of Braxton,  
3 the board of education of Braxton county, the federal  
4 government, and by any persons, firms or corporations  
5 that shall desire so to do. All such funds and all other  
6 funds received by the authority shall be deposited  
7 in such bank or banks as the authority may direct and  
8 shall be withdrawn therefrom in such manner as the  
9 authority may direct. The authority shall keep strict  
10 account of all its receipts and expenditures and shall  
11 each quarter make a report to the board of education  
12 of the county of Braxton containing an itemized account  
13 of its receipts and disbursements during the preceding  
14 quarter. Such report shall be made within sixty days  
15 after the termination of the quarter. Within sixty days  
16 after the end of each fiscal year, the authority shall make  
17 an annual report containing an itemized statement of

18 its receipts and disbursements for the preceding year  
19 and such annual report shall be published once a week  
20 for two successive weeks in two newspapers of oppo-  
21 site politics published in Braxton county, West Vir-  
22 ginia, and of general circulation in Braxton county,  
23 West Virginia, if there be two such papers, or other-  
24 wise in any newspaper of general circulation in said  
25 county. The books, records and accounts of the author-  
26 ity shall be subject to audit and examination by the  
27 office of the state tax commissioner of West Virginia  
28 and by any other proper public official or body in the  
29 manner provided by law.

**§20. Liberal construction of act.**

1 It is the purpose of this act to provide for the acquisi-  
2 tion, construction, improvement, extension, maintenance  
3 and operation of a camp or camps and recreational facili-  
4 ties and appurtenant facilities in a prudent and economi-  
5 cal manner, and this act shall be liberally construed as  
6 giving to the authority full and complete power reason-  
7 ably required to give effect to the purposes hereof. The  
8 provisions of this act are in addition to and not in dero-



9 gation of any power existing in the board of education  
10 and the county court of the county of Braxton under  
11 any constitutional or statutory provisions which they  
12 may now have, or may hereafter acquire.

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

William J. Jumper  
Chairman Senate Committee

Clayton C. Davidson  
Chairman House Committee

Originated in the House.

Takes effect from passage.

Thomas Meyer  
Clerk of the Senate

A. Blankenship  
Clerk of the House of Delegates

Howard E. Carson  
President of the Senate

H. L. T. T. T. T. T.  
Speaker House of Delegates

The within approved this the 16

day of March, 1967.

Heete C. Smith  
Governor



PRESENTED TO THE  
GOVERNOR

Date 3/13/67

Time 4:32 p.m.