

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1971

ENROLLED

SENATE BILL NO. 188

(By Mr. McCourt, Mr. President)

PASSED MARCH 10, 1971

In Effect NINETY DAYS FROM Passage



FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 4-2-71

188

ENROLLED

Senate Bill No. 188

(By Mr. McCourt, Mr. President)

[Passed March 10, 1971; in effect ninety days from passage.]

AN ACT to amend article two, chapter ten of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section four-a, relating to the creation of park and recreation boards as public bodies corporate, providing for the dissolution of such boards, prescribing the powers and authority of such boards, requiring annual accounting, prohibiting the incurring of indebtedness and requiring bond covering officers and employees.

Be it enacted by the Legislature of West Virginia:

That article two, chapter ten of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended

by adding thereto a new section, designated section four-a, to read as follows:

ARTICLE 2. PUBLIC RECREATION AND PLAYGROUNDS.

§10-2-4a. Public corporation created; name; dissolution; powers; authority; annual accounting; debts prohibited; general powers and bonded officers or employees.

1 Subject to the provisions of this section, and subject
2 further to the terms and conditions of any agreement
3 mentioned in section three of this article insofar as such
4 terms and conditions are not contrary to the provisions
5 of this section, any park and recreation board created
6 by a governing body or bodies pursuant to this article
7 shall be a public body corporate by the name of "The
8 _____ Park and Recreation Board" by which name
9 it may sue or be sued, contract and be contracted with,
10 take and hold title to any property other than real
11 property and operate and manage programs under this
12 article upon real property owned or leased by the govern-
13 ing body or bodies which create such board or by an-
14 other public body corporate.

15 The board shall have a corporate seal and perpetual
16 existence: *Provided*, That the board may be dissolved by
17 the affirmative vote of at least sixty percent of the per-
18 sons elected to the governing body or bodies and: *Pro-*
19 *vided, however*, That a governing body may withdraw
20 from any board created by agreement of two or more
21 governing bodies upon the affirmative vote of at least
22 sixty percent of the persons elected to such governing
23 body.

24 Such dissolution or withdrawal shall be effective only
25 upon June thirtieth of any year and any action to dis-
26 solve or withdraw must be completed by city or county
27 ordinance or board of education order not later than
28 March thirty-first of such year. In the event of such
29 dissolution or withdrawal the property of the board shall
30 promptly be appraised by the assessor of the county in
31 his reasonable discretion at current value and shall there-
32 upon be apportioned among the parties in proportion to
33 the contributions to the board after the effective date
34 of this section from the general funds of each governing

35 body or by such other means as are agreed upon by all
36 interested parties.

37 The board shall have the power and authority to adopt
38 bylaws determining its name, providing for the selection
39 and terms of its officers, personnel policy and other-
40 wise governing the operation of the board, and the powers
41 and duties of its officers, which bylaws shall not be
42 effective until approved by resolution of every governing
43 body or bodies.

44 The board shall have power and authority to receive
45 any gift, federal grant, other grant, donation or bequest
46 and to receive income and other funds, whether in cash
47 or check, whether appropriated by governing body or
48 bodies to the board or derived from programs under the
49 direction and control of the board, to deposit, invest,
50 manage and disburse, all such funds, income or receipts,
51 including interest or income earned thereon or there-
52 from, to obtain one or more insurance policies affording
53 coverage to it, to the public and to the governing bodies
54 for loss of or damage to the property and facilities and

55 programs under its control and affording public and em-
56 ployee liability coverage for the board and the governing
57 body or bodies, their officers, agents and employees as
58 the need therefor may arise.

59 The board shall annually at a time convenient to each
60 governing body report to such body upon all receipts
61 and disbursements of the board, the scope and location
62 of its activities and such other information as such govern-
63 ing body may by resolution request and shall at the
64 same time present a proposed budget showing projected
65 receipts and disbursements, describing the programs and
66 their anticipated costs and giving such other information
67 as any governing body shall by resolution request, which
68 annual report shall be a public record.

69 Any governing body or bodies are hereby authorized to
70 contribute funds to any board, to appropriate matching
71 funds for a federal grant or other grant to such board
72 and to join with such board in executing any neces-
73 sary application or contract for such federal grant or
74 other grant and to give such assurances and commitments
75 as may be necessary or convenient thereto: *Provided*

76 *further*, That under no circumstances whatever shall any
77 action under this section of a governing body or the
78 board give rise to or create any indebtedness on the part
79 of the governing body or board, except that the govern-
80 ing body or bodies may separately or by joint agreement
81 enter into such revenue bond financing agreements as
82 have heretofore been lawful.

83 The board shall have power and authority to do any
84 and all things necessary or convenient to carry out and
85 effectuate the purposes and provisions of this section and
86 shall furnish the governing body or bodies a blanket
87 surety bond covering those individuals authorized by the
88 board to sign checks in its behalf, in a penal sum of not
89 less than twenty-five thousand dollars.

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

James H. Bruce
Chairman Senate Committee

Phyllis J. Ruttledge
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

Howard Myers
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

E. Sprount
President of the Senate

Loos F. Boiarisky
Speaker House of Delegates

The within *approved* this the *1st*
day of *April*, 1971.

Arch A. Shaw, Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/13/71

Time 3:45 p.m.

RECEIVED

APR 2 11 58 PM '71

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA