WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1975

ENROLLED
SENATE BILL NO. 252
(By Mr. Rogerson)

PASSED March 7, 1975
In Effect ninety days from Passage
AN ACT authorizing the county commission of Marshall county to create a Marshall county activities authority; providing for the purposes of the authority; providing for management and control to be vested in the board; providing for the appointment and terms of members and the appointment for vacancies and removal of members of the board; relating to the call of meetings and the determination of a quorum; providing for the payment of expenses; providing that the authority be a public corporation; providing powers of the board to make general administrative rules and to enter into contracts and hire employees; providing for the receipt of grants in aid and other sources of income; providing for the purchase, sale and disposal of personal and real property; providing for the borrowing of money and security therefor; providing for the issuance of bonds; providing an exemption from taxes; providing for the disposition of surplus; providing for contributions to the authority and publication of an annual report; providing for the dissolution of the authority; relating to liberal construction of the act; and providing a severability clause.

Be it enacted by the Legislature of West Virginia:

§1. County commission authorized to create; name.
1 The county commission of Marshall county is hereby authorized to create and establish a public agency to be known as the “Marshall county activities development authority” (hereinafter called the authority) to develop the real property conveyed to the county commission of
6 Marshall county by chapter ninety-four, acts of the Leg-
7islature, regular session, one thousand nine hundred
8seventy-four, consistent with the purposes hereinafter
9set forth.

§2. Purposes.
1The purposes for which the authority is created are to
2promote, develop and advance activities of a social,
3recreational, business, cultural, educational or agricul-
4tural nature for the citizens of Marshall county. The
5authority is hereby authorized and empowered to acquire,
6equip, construct, improve, maintain and operate meeting
7or activities facilities and Four-H club camps with all
8usual and convenient appurtenances, including but not
9limited to recreational facilities. Such operation may be
10managed directly or on a concession basis. The authority
11may engage in any activity that is necessary or conven-
12tient, customary or desirable, and related or incidental to
13such activities facility or Four-H camp.

§3. Management and control vested in board; appointment and
1terms of members; vacancies; removal of members;
2meetings; quorum.
3The management and control of the authority, its
4property, operations, business and affairs shall be lodged
5in a board of seven persons who shall be known as
6“members of the authority,” each of whom shall be
7appointed for a term of three years, except that as to the
8first seven appointed to the first board appointed, the
9terms of two members shall expire on the first day of
10July next ensuing, the terms of the next two members
9shall expire on the first day of July two years thereafter,
10and the term of three members shall expire on the first
11day of July three years thereafter. Each member shall
12hold office until the expiration of the term for which
13such member is appointed or until a successor shall have
14been duly appointed and shall have qualified. Vacancies
15on the board shall be filled by appointment by the county
16commission for the unexpired term of the member whose
17office shall be vacant.
18Each member of the board shall be a citizen of the
19United States and a resident of Marshall county: Pro-
vided, however, That at least two members of the board shall be members of the Marshall county Four-H leader's organization and at least one member of the board shall be a member of a Marshall county home demonstration club.

The county commission may at any time remove any member of the board by an order duly entered of record and may appoint a successor.

The board shall elect from its membership a president and a secretary who shall serve at the will and pleasure of the board. The majority of the board shall constitute a quorum, and meetings shall be held at the call of the president or upon request of two members at such time and place as designated in such call or request.

§4. Payment of expenses of members.

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 necessary expenditures in connection with the performance of his general duties as such member.

§5. Authority to be a public corporation.

The authority when created, and the members thereof, shall constitute and be a public corporation under the name of “Marshall county activities development authority” and as such shall have perpetual succession, may contract and be contracted with, sue and be sued, plead and be impleaded and have and use a common seal.


The authority is hereby given power and authority as follows:

(1) To make and adopt all necessary bylaws, rules and regulations for its organization and operations not inconsistent with law.

(2) To elect its own officers, to appoint committees and to employ and fix the compensation for personnel necessary for its operation.
(3) To enter into contracts with any person, governmental department, firm or corporation, including both public and private corporations, and generally to do any 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 Marshall 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 raise funds by the issuance and sale of revenue bonds in the manner provided by the applicable provisions of article sixteen, chapter eight of this code.

(9) To expend its funds in the execution of the powers and authority herein given, which expenditures, by the means authorized herein, are hereby determined and declared as a matter of legislative finding to be for a public purpose and use, in the public interest, and for the general welfare of the people of West Virginia.

§7. Indebtedness of the authority.

The authority may incur any proper indebtedness and issue any obligations and give any security therefor which it may deem necessary or advisable in connection with carrying out its purposes as hereinbefore mentioned. No statutory limitation with respect to the nature or amount of indebtedness which may be incurred by municipali-
ties 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
commission of Marshall county. No obligation incurred
by the authority shall give any right against any member
of the county commission of Marshall county. 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.

The authority may, in connection with obtaining funds
for its purposes, enter into any agreement with any
person, firm or corporation, including any federal, state
or local government, or any agency or subdivision there-
of, containing such provisions, covenants, terms and con-
ditions as the authority may deem advisable.

§9. Property, bonds and obligations of authority 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 pur-
pose and to be public instrumentalities and, together
with interest thereon, shall be exempt from taxes.

§10. County commissioner authorized to convey properties
and facilities to the authority.
The county commission of Marshall county is hereby
authorized to convey to the authority property owned by
the county of Marshall, together with all the appur-
tenances and facilities therewith, such conveyance to be
without consideration or for such price and upon such
terms and conditions as the county commission of Mar-
shall county shall deem proper.

§11. Disposition of surplus of authority.
If the authority should realize a surplus, whether from
operating the property or leasing it for operation, over
and above the amount required for the maintenance, improvement and operation thereof and for meeting all required payments on its obligations, it shall set aside such reserve for future operations, improvements and contingencies as it shall deem proper and shall then apply the residue of such surplus, if any, to the payment of any recognized 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 afore-said, and then pay the residue of such surplus, if any, to the county commission of Marshall county to be used by said county commission for general county purposes.

§12. Contributions to authority; funds and accounts; publication of annual report.

Contributions may be made to the authority from time to time by the county commission of Marshall county or 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 account of all its receipts and expenditures and shall each quarter make a report to the county commission of Marshall county containing an itemized account of its receipts and disbursements during the preceding quarter. Such report shall be made within sixty days after the termination of the quarter. Within sixty days after the end of each fiscal year, the authority shall make an annual report containing an itemized statement of its receipts and disbursements for the preceding year and such annual report shall be published once a week for two successive weeks in two newspapers of opposite politics published in Marshall county, West Virginia, and of general circulation in Marshall county, West Virginia, if there be two such papers, or otherwise in any newspaper of general circulation in said county. The books, records and accounts of the authority shall be subject to audit and examination by the office of the state tax com-
1 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 county commission of Marshall county 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 Marshall 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 county commission of Marshall county 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 county commission of Marshall county 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 paying over to the county commission of Marshall county 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 commission of Marshall county and thereupon its dissolution shall be complete.

§14. Liberal construction of act.
1 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 addi-
tion to and not in derogation of any power existing in the board of education and the county commission of Marshall county under any constitutional or statutory provisions which they may now have, or may hereafter acquire.

§15. **Provisions severable.**
1 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.

James L. Harris
Chairman Senate Committee

Clarence C. Christians
Chairman House Committee

Originated in the Senate.

Takes effect ninety days from passage.

J. D. Coleman
 Clerk of the Senate

Clerk of the House of Delegates

W. E. Brockett
President of the Senate

Speaker House of Delegates

The within _____________ day of _______________________, 1975, approved this the 22nd day of Thrusd, 1975.

A. W. Shank
Governor