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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1975

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ENROLLED

SENATE BILL NO. 252

(By Mr. Rogerson)

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PASSED March 7, 1975

In Effect ninety days from Passage

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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
2 authorized to create and establish a public agency to be
3 known as the "Marshall county activities development
4 authority" (hereinafter called the authority) to develop
5 the real property conveyed to the county commission of

6 Marshall county by chapter ninety-four, acts of the Leg-
7 islature, regular session, one thousand nine hundred
8 seventy-four, consistent with the purposes hereinafter
9 set forth.

§2. Purposes.

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

§3. Management and control vested in board; appointment and terms of members; vacancies; removal of members; meetings; quorum.

1 The management and control of the authority, its
2 property, operations, business and affairs shall be lodged
3 in a board of seven persons who shall be known as
4 "members of the authority," each of whom shall be
5 appointed for a term of three years, except that as to the
6 first seven appointed to the first board appointed, the
7 terms of two members shall expire on the first day of
8 July next ensuing, the terms of the next two members
9 shall expire on the first day of July two years thereafter,
10 and the term of three members shall expire on the first
11 day of July three years thereafter. Each member shall
12 hold office until the expiration of the term for which
13 such member is appointed or until a successor shall have
14 been duly appointed and shall have qualified. Vacancies
15 on the board shall be filled by appointment by the county
16 commission for the unexpired term of the member whose
17 office shall be vacant.

18 Each member of the board shall be a citizen of the
19 United States and a resident of Marshall county: *Pro-*

20 *vided, however,* That at least two members of the board
21 shall be members of the Marshall county Four-H leader's
22 organization and at least one member of the board shall
23 be a member of a Marshall county home demonstration
24 club.

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

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

§4. Payment of expenses of members.

1 No member of the board of the authority shall receive
2 any compensation, whether in form of salary, per diem
3 allowances or otherwise, for or in connection with his
4 services as member. Each member shall, however, be
5 entitled to reimbursement by the authority for any
6 necessary expenditures in connection with the perform-
7 ance of his general duties as such member.

§5. 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 "Marshall county activities development author-
4 ity" and as such shall have perpetual succession, may
5 contract and be contracted with, sue and be sued, plead
6 and be impleaded and have and use a common seal.

§6. Powers.

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

3 (1) To make and adopt all necessary bylaws, rules and
4 regulations for its organization and operations not incon-
5 sistent 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
13 acquiring, equipping, constructing, maintaining, improv-
14 ing, extending, financing and operating Four-H camps and
15 recreational facilities and all usual and convenient ap-
16 purtenant activities and facilities in Marshall county, West
17 Virginia, including but not limited to those enumerated
18 in section two hereof.

19 (4) To delegate any authority given to it by law to any
20 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,
23 including but not limited to the federal government and
24 any agency thereof, and the state of West Virginia, and to
25 accept and use bequests, devises, gifts and donations from
26 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 personal
30 property and to sell, lease or otherwise dispose of any
31 real estate which it may own.

32 (8) To raise funds by the issuance and sale of revenue
33 bonds in the manner provided by the applicable provi-
34 sions of article sixteen, chapter eight of this code.

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

§7. Indebtedness of the authority.

1 The authority may incur any proper indebtedness and
2 issue any obligations and give any security therefor which
3 it may deem necessary or advisable in connection with
4 carrying out its purposes as hereinbefore mentioned. No
5 statutory limitation with respect to the nature or amount
6 of indebtedness which may be incurred by municipali-

7 ties or other public bodies shall apply to indebtedness of
8 the authority. No indebtedness of any nature of the
9 authority shall constitute an indebtedness of the county
10 commission of Marshall county. No obligation incurred
11 by the authority shall give any right against any member
12 of the county commission of Marshall county. The rights
13 of creditors of the authority shall be solely against the
14 authority as a corporate body and shall be satisfied only
15 out of property held by it in its corporate capacity.

§8. Agreements in connection with obtaining funds.

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

§9. Property, bonds and obligations of authority exempt from taxation.

1 The authority shall be exempt from the payment of
2 any taxes or fees to the state or any subdivisions thereof
3 or to any officer or employee of the state or of any
4 subdivisions thereof. The property of the authority shall
5 be exempt from all local and municipal taxes. Bonds,
6 notes, debentures and other evidence of indebtedness of
7 the authority are declared to be issued for a public pur-
8 pose and to be public instrumentalities and, together
9 with interest thereon, shall be exempt from taxes.

§10. County commissioner authorized to convey properties and facilities to the authority.

1 The county commission of Marshall county is hereby
2 authorized to convey to the authority property owned by
3 the county of Marshall, together with all the appur-
4 tenances and facilities therewith, such conveyance to be
5 without consideration or for such price and upon such
6 terms and conditions as the county commission of Mar-
7 shall county shall deem proper.

§11. Disposition of surplus of authority.

1 If the authority should realize a surplus, whether from
2 operating the property or leasing it for operation, over

3 and above the amount required for the maintenance,
4 improvement and operation thereof and for meeting all
5 required payments on its obligations, it shall set aside
6 such reserve for future operations, improvements and con-
7 tingencies as it shall deem proper and shall then apply the
8 residue of such surplus, if any, to the payment of any
9 recognized and established obligations not then due; and
10 after all such recognized and established obligations have
11 been paid off and discharged in full, the authority shall, at
12 the end of each fiscal year, set aside the reserve for future
13 operations, improvements and contingencies, as afore-
14 said, and then pay the residue of such surplus, if any,
15 to the county commission of Marshall county to be used
16 by said county commission for general county purposes.

**§12. 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 commission of Marshall county or
3 by any persons, firms or corporations that shall desire so
4 to do. All such funds and all other funds received by the
5 authority shall be deposited in such bank or banks as the
6 authority may direct and shall be withdrawn therefrom
7 in such manner as the authority may direct. The authority
8 shall keep strict account of all its receipts and expendi-
9 tures and shall each quarter make a report to the county
10 commission of Marshall county containing an itemized
11 account of its receipts and disbursements during the pre-
12 ceding quarter. Such report shall be made within sixty
13 days after the termination of the quarter. Within sixty
14 days after the end of each fiscal year, the authority shall
15 make an annual report containing an itemized statement
16 of its receipts and disbursements for the preceding year
17 and such annual report shall be published once a week
18 for two successive weeks in two newspapers of opposite
19 politics published in Marshall county, West Virginia, and
20 of general circulation in Marshall county, West Virginia,
21 if there be two such papers, or otherwise in any news-
22 paper of general circulation in said county. The books,
23 records and accounts of the authority shall be subject to
24 audit and examination by the office of the state tax com-

missioner of West Virginia and by any other proper public official or body in the manner provided by law.

§13. 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 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.

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-

9 tion to and not in derogation of any power existing in the
10 board of education and the county commission of Mar-
11 shall county under any constitutional or statutory pro-
12 visions which they may now have, or may hereafter ac-
13 quire.

§15. **Provisions severable.**

1 The several sections and provisions of this act are
2 severable, and if any section or provision hereof shall be
3 held unconstitutional, all the remaining sections and
4 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. Davis
Chairman Senate Committee

Clarence C. Christian Jr.
Chairman House Committee

Originated in the Senate.

Takes effect ninety days from passage.

J. C. O'Connell
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

H. B. Rothkopf
President of the Senate

Lewis F. H. Thomas
Speaker House of Delegates

The within approved this the 22nd
th
day of March, 1975.

Anna. Thayer
Governor

PRESENTED TO THE
GOVERNOR

Date 3/18/75
Time 4:55 p.m.