WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1988

ENROLLED

SENATE BILL NO. 211

(By Senators _______)

PASSED February 29, 1988
In Effect ninety days from Passage
AN ACT to establish the Taylor County Park and Recreation District; definitions; park district generally, board of park commissioners; composition; terms; conflicts; compensation; expenses; vacancies; oaths; elections; meetings; commission a public corporate body; perpetual existence; seal; powers; comprehensive plan; financing; providing for additional levies on certain governing authorities; law enforcement; title to property.

Be it enacted by the Legislature of West Virginia:

TAYLOR COUNTY PARK AND RECREATION DISTRICT.

§1. Definitions.

1. Unless the context clearly indicates otherwise:
   2. “Commissioners” means the members of the Taylor County park and recreation district as defined hereinafter.
   3. “Control” means the right and authority to manage, direct, order and otherwise exercise dominion over.
   4. “Taylor County Park and Recreation District” means both the geographical area within the boundaries of the county of Taylor, established on the effective date of this act and the public corporate entity created herein.
   5. “Park system” means any and all indoor and outdoor park, recreation, and conservation areas and facilities.
which are or in the future may be owned, operated or leased in the park district. Said areas and facilities may include, by way of illustration and not as a limitation: Regional, community and neighborhood parks and playgrounds; athletic facilities and play fields such as sports centers, stadiums, arenas, gymnasiums and physical fitness centers; aquatic facilities such as swimming pools, lakes, ponds, water parks, water amusements, beaches, waterfronts, boat docks, boat houses and boat launching ramps; court areas for net games such as basketball, volleyball, badminton, tennis, handball, racketball, squash and platform tennis; picnic facilities such as groves, shelters and lodges; golf courses, skating rinks, stables and riding paths; gardens; botanic gardens, arboretums, nature centers, zoos, aviaries and environmental interpretive centers; museums, historic landmarks and historic districts; snack bars, restaurants, lounges and gift shops; camps and overnight lodges; theater; performing arts and crafts centers; recreation centers; mechanical and electronic games centers; dance halls; amusements; parkways and boulevards; and other public parks and recreational areas and facilities.

“Public office” means any elective office, whether federal, state or municipal, where the office holder is elected by the public at large and is obligated to perform duties as an office holder.

§2. Taylor County park and recreation district; board of park commissioners; powers; composition; terms of office; political affiliation; compensation; expenses; no commissioner may be personally interested in contracts or property controlled by board.

(a) There is hereby created the Taylor County park and recreation district and the board of park commissioners of Taylor County which shall operate said district, which district shall be supported by the county commission of Taylor County and the city of Grafton and the board of education of Taylor County as a joint endeavor of the three governing bodies in the manner hereinafter provided.

(b) The board of park commissioners of Taylor County shall establish, own, develop and operate a park system for the benefit, health, safety, welfare, pleasure and relaxation of the inhabitants of the Taylor County park and recreation
district and shall hereafter be known as the Taylor County
park and recreation district.
(c) The park district shall be governed by a board
composed of nine commissioners. The commissioners shall
be appointed as follows: Three by the Taylor County
commission; three by the Taylor County board of
education; and three by the city council of Grafton. The
term of each commissioner shall be three years and the
terms of all commissioners shall be staggered so that one
commissioner shall be appointed by each of the three
appointive bodies at the beginning of each fiscal year
ending the thirtieth day of June.
(d) The commissioners in office upon the effective date
of this act shall continue in office for the term for which
they were originally appointed and shall accede to the
powers and authority conferred upon them by this act.
(e) No commissioner shall hold any elected public office
while serving as commissioner.
(f) Commissioners shall receive no compensation for
their services as commissioners, but they shall be entitled to
reimbursement for all reasonable and necessary expenses
actually incurred in the performance of their duties as
commissioners.
(g) Commissioners shall have no personal financial
interest, directly or indirectly, in any contract entered into
by the park district, or hold any remunerative position in
connection with the establishment, construction,
 improvement, extension, development, maintenance or
operation of any of the property under their control as
commissioners.
§3. Title to property.
The title to all property, both real and personal, which has
been maintained and supervised by the predecessor of the
park district known as the Grafton-Taylor County board of
parks recreation commission, and which property is
devoted to public recreational purposes by the county of
Taylor and the city of Grafton, shall, on the effective date of
this act, vest in the Taylor County park and recreation
district and board of park commissioners hereby created.
§4. Vacancies in office of park commissioners.
Any vacancy which may occur in the office of an
appointed commissioner, by death, resignation, refusal to
serve, or otherwise, shall be filled by the appointive agency
which appointed the person creating such vacancy and the
person so appointed shall hold office for the remainder of
the unexpired term of commissioner.

§5. Oath of commissioners; election of officers; election of
other officers.

(a) After the appointment, and before entering upon his
duties as commissioner, each new commissioner shall take
the following oath as administered by the clerk of the
county commission of Taylor County.

“I ................................ do solemnly swear
that I will faithfully perform the duties as a member of the
Taylor County Park and Recreation District during the
term for which I was appointed, to the best of my ability
according to law.”

(b) At the park district’s first meeting and every year
thereafter, it shall elect one of its members as president, and
another as vice-president, and another as secretary and
another as treasurer. The park district shall have the power
to appoint from among its members such other officers as it
deems necessary and to delegate such duties and authority
to these other officers as is consistent with carrying out the
purposes of this charter. Any officer may be removed from
office, upon adequate notice and hearing, although not
relieved of his duties as a commissioner, by a vote of the
majority of commissioners present and voting.

§6. Meetings; quorum; parliamentary authority; office.

(a) The commissioners shall select a regular time and
place for meetings of the park district which meetings shall
be open to the public. Minutes of commission meetings shall
be open to any bona fide resident of the park district upon
request. Not less than five members shall constitute a
quorum to transact business. Special meetings, also open to
the public, may be called by the president, or at the request
of three members, by the secretary. The concurrence of five
members of the park district shall be required to decide all
questions involving the expenditure of money.

(b) All meetings of the park district shall be conducted
under the rules of parliamentary procedure as established
by the Roberts Rules of Order.
(c) The park district shall have and maintain an office in a location of its own choosing which office shall be open to the public during normal business hours.

§7. Park district a public corporate body; perpetual existence; seal; powers.

The Taylor County park and recreation district shall be a public corporate body, and shall have perpetual existence and a common seal. The park district shall have powers to:

(1) Appropriate and expend funds from the sources of income derived from the enactment of this charter for the purposes of establishing, constructing, improving, extending, developing, maintaining and operating, or any combination of the foregoing, a public park system for the park district; however, it may not expend funds on or appropriate funds to external agencies, public or private, for any purpose whatsoever. In accordance with section seven, item seventeen, the park district may contract with other agencies for direct services received or for joint endeavors in which the park district is an active participant;

(2) Purchase, hold, own, sell, convey or lease or take lease of real or personal property;

(3) Receive any gift, grant, donation, bequest, devise or trust funds;

(4) Sue and be sued, subject to the provisions of article twelve-a, chapter twenty-nine of the West Virginia code;

(5) Contract and be contracted with;

(6) Do any and all things and acts which may be necessary, appropriate, convenient or incidental to carry out and effectuate the purposes and provisions of this charter;

(7) Retain complete and exclusive control and management of all of the properties owned by the park district and dispose of the same as in the park district's opinion will best serve the purposes of this charter and the interests of the public;

(8) Acquire in the park district's name by purchase, lease or otherwise such lands, structures of bodies of water, located anywhere within Taylor County as the park district shall determine to be necessary, appropriate, convenient or incidental to the establishment, construction,
improvement, extension, development, maintenance or
operation of a park system;
(9) Establish, construct, improve, extend, develop,
maintain and operate a park system;
(10) Employ such persons as, in its opinion, may be
necessary for the establishment, construction,
improvement, extension, development, maintenance,
operation or management of the property under its control,
at such wages, salaries or fees as it shall deem proper, and
the park district shall have full control of all employees;
(11) Promulgate those ordinances, rules and regulations
necessary to maintain the property belonging to the park
district as places of beauty, education and recreation or
necessary to promote the health, property, lives, decency,
morality and good order of the independent park district,
its inhabitants and members of the general public making
use of such property owned or controlled by the park
district, or necessary to regulate the use of or driving upon
the property owned or controlled by the park district;
(12) Abate, or cause to be abated, all nuisances affecting
the park district's property or persons thereupon;
(13) Regulate or prohibit the placing of signs,
billboards, posters and advertisements upon the park
district's property, or adjacent thereto;
(14) Keep the park district's property in good order and
free from obstruction for the use and benefit of the public;
(15) Construct, improve, maintain, repair, operate, curb
or recurb, pave or repave, grade or regrade, surface or
resurface roads, bridges, sewers, culverts, sidewalks, public
ways, easements and other public works upon lands
controlled or owned by the park district;
(16) Enter into contracts, agreements, leases and other
legal obligations extending beyond a period of one fiscal
year: Provided, That the contract, agreement, lease or other
legal obligation does not require the expenditure of tax
revenues;
(17) Enter into intergovernmental agreements as any
municipal corporation would be so entitled to enter into
according to law and under such conditions as are required
by law of municipal corporations before they enter
intergovernmental agreements: Provided, That every such
intergovernmental agreement shall, prior to and as a
condition precedent to its becoming effective be submitted
to the attorney general of the state of West Virginia who shall determine whether the agreement is in proper form and is compatible with the laws of this state; and

(18) Spend moneys of the park district to effectuate the purposes set forth herein.

§7a. Comprehensive plan.

No later than the first day of January, one thousand nine hundred ninety, the park district shall prepare and make public a comprehensive plan as to the future development of the park district.


The park district shall have the following powers to:

(1) Make charges to the public for services offered or goods sold by the park district.

(a) Charges for services may be in the forms of, but not limited to: Admission and entrance fees; exclusive use and rental fees; user fees; license and permit fees; equipment rental; program maintenance fees; instructor fees; special accommodation fees; amusement fees; and restricted membership fees.

(b) Charges for goods sold may be in the forms of, but not limited to: Beverages and foods; novelties and gifts; clothing; athletic equipment and supplies; and other items that may pertain to the operation and maintenance of the park district.

(2) Levies for support, maintenance and operation.

In order to ensure adequate support for the maintenance and operation of the park district the following governing authorities shall, upon written request by the park district, levy annually as follows within the respective taxing districts of the governing authorities, on each one hundred dollars of assessed valuation of the property taxable in the area served by it according to the last assessment for state and county purposes, amounts not exceeding the following amounts for fiscal year beginning July first, one thousand nine hundred eighty-eight:

(a) The county commission of Taylor County, for the first year of the act and annually thereafter: Class I, 0.3 cents; Class II, 0.6 cents; Class III and Class IV, 1.2 cents. 

Provided, That the amounts levied shall not exceed twenty-five thousand dollars annually.
(b) The board of education of Taylor County, for the first year of the act and annually thereafter: Class I, 0.3 cents; Class II, 0.6 cents; Class III and IV, 1.2 cents: Provided, That the amounts levied shall not exceed fourteen thousand dollars annually.

(c) The city of Grafton, for the first year of the act and annually thereafter: Class I, 0.3 cents; Class II 0.6 cents; and Class IV, 1.2 cents: Provided, That the amounts levied shall not exceed twenty-five thousand dollars annually.

In addition to the aforesaid amounts which upon written request by said board the governing authorities shall levy, each such governing authority may support the park district with any other general or special revenues or excess levies. All income realized by the operation of the park district from any sources other than the above levies shall be used by the board of directors for support of the park district.

All money collected or appropriated by the foregoing governing authority for park district purposes shall be paid quarterly to Taylor County park and recreation district and shall be disbursed by that board for the purpose of operating such park district.

Whenever the county commission and the requisite majority of the legal votes cast at the election thereon shall authorize in the manner prescribed by law, the issuance of bonds for the purpose of establishing, constructing, improving, extending, developing, maintaining or operating, or any combination of the foregoing, a system of public parks and recreational facilities for the city or county, or for refunding any outstanding bonds, the proceeds of which were applied to any of said purposes, said bonds shall be issued and delivered to the park district to be by it sold in the manner prescribed by law, and the proceeds thereof shall be paid into the treasury of the park district, and the same shall be applied and utilized by the park district for the purposes prescribed by the ordinance authorizing the issuance of such bonds. In any ordinance for the issuance of bonds for such purposes, it shall be a sufficient statement of the purposes for creating the debt to specify that the same is for purposes of establishing, constructing, improving, extending, developing, maintaining or operating, or any combination of the foregoing, a public park and recreation system for the city.
or county, without specifying the particular establishment, construction, improvement, extension, development, maintenance or operation contemplated; but an ordinance for refunding bonds shall designate the issue and the number of bonds which it is proposed to refund.

(3) Sue and be sued; make contracts and guarantees; incur liabilities; borrow or lend money for any time period deemed advisable by the commission, sell, mortgage, lease, exchange, transfer or otherwise dispose of its property; or pledge its property as collateral or security for any time period deemed advisable by the commission.

(4) Create trusts of such kind as will expedite the efficient management of the property and other assets owned or controlled by the park district. The trustee, whether individual or corporate, in any such trust shall have a fiduciary relationship with the park district and may be removed by the park district for good cause shown or for a breach of the fiduciary relationship with the park district.

§9. Law enforcement.

(a) The park district is authorized and empowered to employ as many park rangers as the park district shall deem proper and necessary. Park rangers shall have the power to make arrests for violations of ordinances promulgated by the park district upon the property under the jurisdiction of the park district. Park rangers may not carry a gun without obtaining a license therefor as required by law.

(b) For violations of park district ordinances, jurisdiction of all warrants relating thereto to be issued is hereby granted to such courts as have criminal jurisdiction of misdemeanors committed upon property which is owned or controlled by the park district.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within ...............this the ..........day of ..........1988.

Governor