WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2005

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ENROLLED

House Bill No. 2782
(By Delegates Beach, Perry, Marshall and Houston)

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Passed April 9, 2005

In Effect Ninety Days from Passage
AN ACT to amend and reenact §8-21-3 and §8-21-7 of the Code of West Virginia, 1931, as amended, relating to municipal board of park and recreation commissioners generally; increasing the number of members the governing body may appoint to a board of park and recreation commissioners to not more than seven; and providing for the appointment of not more than three members from the governing body if the board of park and recreation commissioners consists of six or seven members; clarifying the preparation of all public documents and records.

Be it enacted by the Legislature of West Virginia:

That §8-21-3 and §8-21-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 21. BOARD OF PARK AND RECREATION COMMISSIONERS.

§8-21-3. Members; quorum; qualifications; election or appointment; terms; disqualification.
The board shall consist of not less than three nor more than seven members as may be provided by charter provision or ordinance, a majority of whom shall constitute a quorum for the transaction of business, except as hereinafter in this article provided. Each member of the board must be a resident and freeholder of the city. It may be provided either by charter provision or by ordinance for the appointment of the members thereof by the governing body, but unless and until such provision is made, the members of the board shall be elected by the qualified voters of the city at appropriate regular municipal elections. Membership on the governing body may not disqualify any member for election to the board. If provision is made for the appointment of members as aforesaid and the board consists of three or four members, one member of the governing body, if otherwise qualified, may be appointed by the governing body; if the board consists of five members not more than two members of the governing body so qualified may be so appointed and if the board consists of six or seven members not more than three members of the governing body so qualified may be so appointed. The term of the board membership of any member of the governing body so appointed shall continue during his or her term as a member of the governing body and until his or her successor is appointed or elected and qualified. The terms of other appointed or of elected members shall be for six years, and until their successors have been duly appointed or elected and qualified: Provided, That notwithstanding the fact that there be no charter provision or ordinance for appointment of the members of the board, the governing body of the city shall appoint the members of the first board, such appointees to serve, one for a term of six years, one for a term of four years, and one for a term of two years. The date upon which the terms of the board members shall begin shall be specified by ordinance. When any member of the board, during his or her term of office, shall cease to be a resident and freeholder of the
city, he or she shall thereby be disqualified as a member of the board and his or her office shall thereupon become vacant.

§8-21-7. Office; powers.

The governing body shall furnish said board an office in the city building where it may hold its meetings and keep its records. Provided, That English shall be the official language of the State of West Virginia and that the governing body, as defined in §8-1-2, may use the English language in the preparation of all public documents and records. Any board operating under the provisions of this article shall have complete and exclusive control and management of all of the properties which shall be operated in connection with the public park and recreation system for the city, and shall have power to employ such persons as, in its opinion, may be necessary for the establishment, construction, improvement, extension, development, maintenance or operation of the property under its control, at such wages or salaries as it shall deem proper, and shall have full control of all employees.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is disapproved this the ___ day of April, 2005.

Governor
PRESENTED TO THE GOVERNOR

APR 14 2005

Time 10:45