

1 BRAXTON COUNTY RECREATIONAL DEVELOPMENT AUTHORITY.

2 §1. ~~Board of Education authorized to create~~ Braxton County
3 Recreational Development Authority continued.

4 ~~The board of education of the county of Braxton is hereby~~
5 ~~authorized to create and establish a public agency to be known as~~
6 ~~the "Braxton County Recreational Development Authority"~~
7 ~~(hereinafter called the authority), to succeed to all rights,~~
8 ~~interests and authority hereinbefore vested in the Braxton County~~
9 ~~Four-h Club Development Authority, The Braxton County Recreational~~
10 ~~Development Authority is continued for the purposes and in the~~
11 ~~manner hereinafter set forth provided in this act.~~

12 §2. **Acquisition, construction, maintenance, etc. of the county**
13 **Four-H youth camps and recreational areas and facilities.**

14 The authority is hereby authorized to acquire, equip,
15 construct, improve, maintain and operate county Four-H youth camps
16 and general public recreational areas and facilities in Braxton
17 County with all usual and convenient appurtenances, including, but
18 not limited to, recreational facilities, such as swimming pools,
19 tennis courts, golf courses and horse riding stables; and to
20 operate, either directly or on a concession basis, any activity
21 that is necessary or convenient, customary or desirable, and
22 related or incidental to the above-mentioned camps and recreational
23 areas and facilities, including, but not limited to, hotels,
24 restaurants and gift shops.

25 §3. **Members of the authority.**

1 (a) The management and control of the authority, its property,
2 operations, business and affairs, ~~shall be~~ is lodged in a board of
3 five ~~persons who shall be known as "Members of the Authority"~~
4 members each of whom shall be appointed for a term of five years.
5 ~~except that as to the first five appointed to the first board~~
6 ~~appointed, the term of one member shall expire on the first day of~~
7 ~~July next ensuing and the term of the next member shall expire on~~
8 ~~the first day of July two years thereafter, the term of another~~
9 ~~member shall expire on the first day of July three years~~
10 ~~thereafter, the term of another member shall expire on the first~~
11 ~~day of July four years thereafter, and the term of the remaining~~
12 ~~member shall expire on the first day of July five years thereafter.~~
13 After June 30, 2012, as terms expire or vacancies are filled,
14 appointments shall be made by the Braxton County Commission so that
15 no more than two of these members represent any one magisterial
16 district located within Braxton County.

17 (b) Effective July 1, 2012, the board shall include two
18 additional members, bringing the total board membership to seven.
19 One member shall be a member of and appointed by the Braxton County
20 Commission. One member shall be a member of and appointed by the
21 Braxton County Board of Education. These members serve for
22 five-year terms or for as long as the member continues to serve on
23 the county commission or board of education, respectively,
24 whichever is shorter.

25 **§4. Removal of members.**

26 (a) The Braxton County Commission may remove a member of the

1 authority whom it appointed in the manner set forth in subsection
2 (c) of this section.

3 (b) The Braxton County Board of Education may remove a member
4 of the authority whom it appointed in the manner set forth in
5 subsection (c) of this section.

6 (c) (1) The appointing body shall notify the member whom it
7 desires to remove in writing, stating the reasons for the removal.

8 (2) Within ten days of the receipt of the written notice of
9 removal, the member may request a hearing before the appointing
10 body.

11 (3) The appointing body shall hold a hearing within ten days
12 of the receipt of the member's request.

13 (4) Any member who is removed may petition the Braxton County
14 Circuit Court to review the removal action.

15 **§5. Substitution of members.**

16 If any member of the authority dies, ~~or~~ resigns, or ~~be~~ is
17 removed, or for any other reason ceases to be a member of the
18 authority, the ~~Board of Education of the county of Braxton~~
19 appointing body shall appoint another person to fill the unexpired
20 portion of the term of ~~such~~ the member.

21 **§6. Qualification of members. ~~of the Authority~~**

22 All members ~~of the board of the authority~~ shall must be
23 ~~citizens of West Virginia, over thirty years of age and residents~~
24 of Braxton County and of legal voting age.

25 **§7. Payment of expenses of members.**

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

8 **§8. Public corporation.**

9 The authority ~~when created, and the members thereof, shall~~
10 ~~constitute and be~~ is a public corporation ~~under~~ with the name of
11 "Braxton County Recreational Development Authority" and as such
12 ~~shall have~~ has perpetual succession, may contract and be contracted
13 with, sue and be sued, plead and be impleaded and have and use a
14 common seal.

15 **§9. Powers generally.**

16 (a) The authority ~~is hereby given power and authority as~~
17 ~~follows~~ may:

18 (1) ~~To~~ Make and adopt all necessary bylaws, rules and
19 regulations for its organization and operation not inconsistent
20 with law;

21 (2) ~~To~~ Elect its own officers, to appoint committees and ~~to~~
22 employ and fix the compensation for personnel necessary for its
23 operation;

24 (3) ~~To~~ Enter into contracts with any person, governmental
25 department, firm or corporation, including both public and private
26 corporations, and generally to do any and all things necessary or

1 convenient for the purpose of acquiring, equipping, constructing,
2 maintaining, improving, extending, financing and operating county
3 youth camps and general public recreational areas and facilities
4 and all usual and convenient appurtenant activities and facilities
5 in Braxton County, West Virginia, including, but not limited to,
6 those enumerated in section two ~~hereof~~ of this act;

7 (4) ~~To~~ Delegate any authority given to it by law to any of its
8 officers, committees, agents or employees;

9 (5) ~~To~~ Apply for, receive and use grants-in-aid, donations
10 and contributions from any source or sources, including, but not
11 limited to, the federal government and any agency ~~thereof~~ of the
12 federal government, and the State of West Virginia, and to accept
13 and use bequests, devises, gifts and donations from any person,
14 firm or corporation;

15 (6) ~~To~~ Acquire lands and hold title thereto in its own name;

16 (7) ~~To~~ Purchase, own, hold, sell and dispose of personal
17 property and to sell, lease or otherwise dispose of any real estate
18 which it may own;

19 (8) ~~To~~ Borrow money and execute and deliver negotiable notes,
20 mortgage bonds, other bonds, debentures, and other evidences of
21 indebtedness therefor, and give ~~such~~ security therefor as ~~shall be~~
22 is requisite, including giving a mortgage or deed of trust on its
23 property and facilities in connection with the issuance of mortgage
24 bonds;

25 (9) ~~To~~ Raise funds by the issuance and sale of revenue bonds
26 in the manner provided by the applicable provisions of article

1 ~~four-a~~ sixteen, chapter eight of the Code of West Virginia, one
2 thousand nine hundred thirty-one, as amended, it being hereby
3 expressly provided that the authority is a "municipal authority"
4 within the definition of that term as defined in section two,
5 article one, chapter eight of the Code of West Virginia, and used
6 in ~~said article four-a~~ article sixteen, chapter eight of the code;
7 and

8 (10) ~~To~~ Expend its funds in the execution of ~~the~~ its powers
9 and authority. ~~herein given~~

10 (b) The buying, selling, trading of land must have a majority
11 vote of the Braxton County Commission, the Braxton County Board of
12 Education, and the five members of the Braxton County Recreational
13 Development Authority appointed under subsection (a), section three
14 of this act.

15 **§10. Indebtedness of the authority.**

16 The authority may incur any proper indebtedness and issue any
17 obligations and give any security ~~therefor~~ which it ~~may deem~~
18 considers necessary or advisable in connection with carrying out
19 its purposes. ~~as hereinbefore mentioned~~ No statutory limitation
20 with respect to the nature or amount of indebtedness which may be
21 incurred by municipalities or other public bodies ~~shall apply~~
22 applies to indebtedness of the authority. No indebtedness of any
23 nature of the authority ~~shall constitute~~ is an indebtedness of the
24 ~~County court of the county of Braxton~~ County Commission, nor of
25 ~~said the~~ the county nor of ~~said the~~ the board of education, or a charge
26 against any property of ~~said the~~ the county or board. No obligation

1 incurred by the authority ~~shall give~~ gives any right against any
2 member or the ~~County court of the county of~~ Braxton County
3 Commission or any member of the ~~said~~ board of education or any
4 member of the board or authority. The rights of creditors of the
5 authority ~~shall be~~ are solely against the authority as a corporate
6 body and ~~shall~~ may be satisfied only out of property held by it in
7 its corporate capacity.

8 **§11. Agreements in connection with obtaining funds.**

9 The authority may, in connection with obtaining funds for its
10 purpose, enter into any agreement with any person, firm or
11 corporation, including the federal government, or any agency or
12 subdivision ~~thereof~~ of the federal government, containing ~~such~~
13 provisions, covenants, terms and conditions as ~~the authority may~~
14 ~~deem~~ it considers advisable.

15 **§12. Property, bonds and obligations of authority exempt from**
16 **taxation.**

17 The authority ~~shall be~~ is exempt from the payment of any taxes
18 or fees to the state or any subdivisions ~~thereof~~ of the state or to
19 any officer or employee of the state or of any subdivisions ~~thereof~~
20 of the state. The property of the authority ~~shall be~~ is exempt
21 from all local and municipal taxes. Bonds, notes, debentures and
22 other evidence of indebtedness of the authority are declared to be
23 issued for a public purpose and to be public instrumentalities and,
24 together with interest thereon, ~~shall be~~ are exempt from taxes.

25 **§13. County ~~court~~ commission authorized to convey properties and**

1 **facilities to authority.**

2 The ~~court of the county of~~ Braxton County Commission is hereby
3 authorized to convey to the ~~newly created~~ authority property owned
4 by ~~the county of~~ Braxton County, together with all the
5 appurtenances and facilities therewith, ~~such the~~ conveyance to be
6 without consideration or for ~~such a~~ price and ~~upon such~~ with terms
7 and conditions as the ~~court of the county of~~ Braxton shall deem
8 Braxton County Commission considers proper.

9 **§14. Property and facilities may be leased to the ~~court of the~~
10 ~~county of~~ Braxton County Commission, the Braxton County
11 Board of Education of ~~Braxton county~~ or others.**

12 The authority may lease the property on which ~~such the~~ camp or
13 camps and facilities are situated, in whole or in part, and all the
14 appurtenances and facilities therewith, to the ~~court of the county~~
15 ~~of~~ Braxton County Commission, to ~~said the~~ Braxton County Board of
16 Education ~~of Braxton county~~ or to any other available lessee or
17 lessees at such rental and upon such terms and conditions as the
18 authority ~~shall deem~~ considers proper. If the authority determines
19 to lease the property and its appurtenances and facilities, as a
20 whole, it shall first offer the same to the ~~County court of the~~
21 ~~county of~~ Braxton County Commission upon an annual lease and it
22 ~~shall~~ may not lease ~~said the~~ property and its appurtenances and
23 facilities as a whole to any other lessee until the ~~County court of~~
24 ~~the county of~~ Braxton County Commission has notified the authority
25 that it does not desire to lease said properties, which notice

1 shall be given within thirty days after notice by the authority of
2 a desire on its part to lease the property as a whole. The ~~county~~
3 ~~court of the county of~~ Braxton County Commission is hereby
4 authorized to enter into a lease with the authority for ~~said the~~
5 property and appurtenances and facilities at such rental and upon
6 such terms and conditions as it ~~shall deem~~ considers proper, and
7 the ~~county court of the county of~~ Braxton County Commission is
8 ~~hereby authorized to~~ may levy taxes as provided by law for the
9 purpose of paying the rent for ~~said the~~ property, appurtenances and
10 facilities. The authority, however, may lease one or more portions
11 of its property without first offering the same to the ~~county court~~
12 ~~of the county of~~ Braxton Such County Commission. The lease shall
13 be for some purpose associated with recreational or other related
14 activities.

15 **§15. Disposition of surplus of authority.**

16 If the authority should realize a surplus, whether from
17 operating the property or leasing it for operation, over and above
18 the amount required for the maintenance, improvement and operation
19 thereof and for meeting all required payments on its obligations,
20 is shall set aside ~~such~~ a reserve for future operations,
21 improvements and contingencies as it ~~shall deem~~ considers proper
22 and ~~shall~~ then apply the residue of ~~such~~ the surplus, if any, to
23 the payment of any recognized and established obligations not then
24 due; and after all ~~such~~ its recognized and established obligations
25 have been paid off and discharged in full, the authority shall, at
26 the end of each fiscal year, set aside the reserve for future

1 operations, improvements and contingencies, ~~as aforesaid,~~ and then
2 pay the residue of ~~such~~ the surplus, if any, to the ~~county court of~~
3 ~~the county of~~ Braxton County Commission to be used by ~~said the~~
4 county ~~court~~ commission for general county purposes. ~~or to the~~
5 ~~Board of Education of Braxton county for educational purposes as~~
6 ~~the authority may deem proper.~~

7 **§16. Contributions; funds and accounts; publication of annual**
8 **report.**

9 Contributions may be made to the authority from time to time
10 by the ~~county court of the county of~~ Braxton County Commission, the
11 Braxton County Board of Education ~~of Braxton county~~, the federal
12 government, and by any persons, firms or corporations that ~~shall~~
13 desire to do so. All ~~such~~ those funds and all other funds received
14 by the authority shall be deposited in ~~such~~ a bank or banks as the
15 authority ~~may direct~~ directs and shall be withdrawn ~~therefrom in~~
16 ~~such manner~~ as the authority ~~may direct~~ directs. The authority
17 shall keep strict account of all its receipts and expenditures and
18 shall each quarter make a report to the ~~Board of Education of the~~
19 ~~county of~~ Braxton County Commission containing an itemized account
20 of its receipts and disbursements during the preceding quarter.
21 ~~Such~~ The report shall be made within ~~sixty~~ thirty days after the
22 termination of the quarter. Within ~~sixty~~ thirty days after the end
23 of the fiscal year, the authority shall make an annual report
24 containing an itemized statement of its receipts and disbursements
25 for the preceding year and ~~such~~ the annual report shall be
26 published once a week for two successive weeks in two newspapers or

1 opposite politics published in Braxton County, West Virginia, if
2 there ~~be~~ are two such papers, or otherwise in any newspaper of
3 general circulation in ~~said~~ the county. The books, records and
4 accounts of the authority ~~shall be~~ are subject to audit and
5 examination by the ~~office of the state tax commissioner of West~~
6 Virginia State Auditor, acting as the Chief Inspector and by any
7 other proper public official or body in the manner provided by law.

8 **§17. Employees to be covered by ~~workermen's~~ workers' compensation.**

9 All ~~employees of the authority eligible thereunder shall be~~
10 ~~deemed to be within the workmen's compensation act of West Virginia~~
11 ~~and premiums shall be paid by the authority to the workmen's~~
12 ~~compensation fund as required by law.~~ The authority is an employer
13 subject to the requirements of chapter twenty-three of the Code of
14 West Virginia.

15 **§18. Dissolution of authority.**

16 The authority may at any time pay off and discharge in full
17 all of its indebtedness, obligations and liabilities, convey its
18 properties, appurtenances and facilities to the ~~Board of Education~~
19 ~~of the county of Braxton~~ County Commission and be dissolved.
20 Before making such conveyance of its properties, the authority
21 shall first publish notice of its intention so to do and of its
22 intention to be dissovled, once a week for four successive weeks in
23 two newspapers of opposite politcs published in, and of general
24 circulation in Braxton County, West Virginia, if there ~~be~~ are two
25 such papers, or otherwise in any newspaper of general circulation
26 in ~~said~~ the county. Certificates from the publishers shall be

1 filed with the ~~Board of Education of the county of~~ Braxton County
2 Commission on or before the deed conveying ~~said~~ the properties is
3 delivered. Any funds remaining in the hands of the authority at
4 the time of the conveyance of ~~said~~ the properties shall be ~~by the~~
5 ~~authority~~ paid over to the ~~Board of Education of the county of~~
6 Braxton County Commission to be used by it for purposes in
7 connection with ~~said~~ the properties. Upon the payment of its
8 indebtedness, obligations and liabilities, the publishing of the
9 notices aforesaid, the conveyance of its properties and the paying
10 over to the ~~Board of Education of the county of~~ Braxton County
11 Commission of any funds remaining in its hands, the authority shall
12 cause a certificate showing its dissolution to be executed under
13 its name and seal and to be recorded in the office of the clerk of
14 the ~~court of~~ Braxton County Commission and thereupon its
15 dissolution shall be complete.

16 **§19. Construction of act; additional powers of board of education**
17 **and county court commission.**

18 It is the purpose of this act to provide for the acquisition,
19 construction, improvement, extension, maintenance and operation of
20 a camp or camps and recreational facilities and appurtenant
21 facilities in a prudent and economical manner. ~~and~~ This act shall
22 be liberally construed as giving to the authority full and complete
23 power reasonably required to give effect to ~~the~~ its purposes.
24 ~~thereof~~ The provisions of this act are in addition to and not in
25 derogation of any power existing in the Braxton County Board of
26 Education and the ~~court of the county of~~ Braxton County Commission

1 under any constitutional or statutory provisions which they may now
2 have, or may ~~hereafter~~ acquire.

3 **§20. Provisions severable.**

4 The several sections and provisions of this act are severable,
5 and if any section or provision ~~hereof shall be~~ of this act is held
6 unconstitutional, all the remaining sections and provisions of this
7 act shall nevertheless remain valid.

NOTE: The purpose of this bill is to modify the membership of
the Braxton County Recreational Development Authority and to
require the approval of the Braxton County Commission and the
Braxton County Board of Education on land transactions conducted by
the authority.

Strike-throughs indicate language that would be stricken from
the present law, and underscoring indicates new language that would
be added.