

1 **ENROLLED**

2 **Senate Bill No. 561**

3 (BY SENATORS WILLIAMS, UNGER, SYPOLT AND MILLER)

4 \_\_\_\_\_  
5 [Passed April 11, 2013; in effect from passage.]  
6 \_\_\_\_\_

7  
8  
9  
10 AN ACT to establish the Tucker County Cultural District Authority;  
11 providing legislative findings; forming the Tucker County  
12 Cultural District Authority; providing for appointment of  
13 members; providing for organization and bylaws; requiring  
14 quarterly meetings; providing for quorum; authorizing proxy  
15 voting; providing for parliamentary procedure; providing for  
16 certain powers and duties of the board; establishing funding  
17 priorities; allowing public and private partnerships; granting  
18 certain specific authority to the president of the authority;  
19 requiring cooperation of state agencies; and allowing various  
20 municipalities, boards, commissions, agencies and others to  
21 assist the authority.

22 *Be it enacted by the Legislature of West Virginia:*

23 **TUCKER COUNTY CULTURAL DISTRICT AUTHORITY.**

1 **§1. Legislative Intent.**

2 The Legislature finds and declares that:

3 (1) The many and varied outdoor recreational activities in  
4 Tucker County, West Virginia, have long been an important element  
5 in a mature tourism industry for this state.

6 (2) The two great state parks at Blackwater Falls and Canaan  
7 Valley, the Canaan Valley National Wildlife Refuge, the Blackwater  
8 Canyon, the Monongahela National Forest making up fifty percent of  
9 land in Tucker County, and the towns of Parsons, Thomas, Davis,  
10 Hambleton and Hendricks, are sources of pride to all West  
11 Virginians and mainstays of the important tourism industry in this  
12 state.

13 (3) Tucker County, West Virginia, is the home to a growing  
14 number of artists, artisans and patrons of the performing arts.  
15 The burgeoning cultural tourism opportunities offered by the  
16 performing arts compliment and enhance the outdoor recreational  
17 activities already existing in the area.

18 (4) There is strong community-based support in Tucker County  
19 to encourage, develop and enhance the various aspects of the  
20 cultural tourism component of the regional economy. Opportunities  
21 exist to create, expand and compliment areas of cultural,  
22 historical, archeological and industrial heritage and educational  
23 interest in Tucker County.

24 (5) The creation of additional employment and investment

1 opportunities for the present and future residents of Tucker County  
2 is a desirable goal.

3 **§2. Tucker County Cultural District Authority established.**

4 (a) The Tucker County Cultural District Authority is  
5 established.

6 (b) The Tucker County Cultural District Authority consists of  
7 seven members, all of whom must be citizens and residents of Tucker  
8 County. One of the members shall be a member of the Tucker County  
9 commission, and six members shall be laypersons with a demonstrated  
10 interest in cultural tourism in Tucker County, recommended by the  
11 Tucker County Commission and appointed by the Governor.

12 (c) Initial appointments shall be staggered for one year, two  
13 years and three years, divided equally or as nearly as possible  
14 between these terms. After that, terms of appointment shall be for  
15 four years. Lay members may be appointed for successive terms.  
16 All members, unless otherwise removed, serve until their terms  
17 expire or successors have been appointed. A vacancy caused by the  
18 death, resignation or removal of a member prior to the expiration  
19 of his or her term shall be filled only for the remainder of the  
20 unexpired term.

21 (d) The authority shall elect from its membership a president,  
22 vice president, secretary and treasurer.

23 (e) The authority shall create bylaws that establish the  
24 duties and obligations of the officers and members, including those

1 authorized by this act.

2 (f) No member of the authority may be paid for being a member,  
3 nor may any member be reimbursed for any expense related to his or  
4 her membership or travel for meetings.

5 **§3. Meetings.**

6 (a) The authority shall meet at a time and place designated by  
7 the president at least quarterly or as otherwise determined by the  
8 president. Additional meetings may be held when called by the  
9 president or when requested in writing by at least three members of  
10 the authority.

11 (b) Four members present at a meeting of the authority is a  
12 quorum.

13 (c) Each member of the authority is entitled to one vote. A  
14 member may assign his or her vote by written proxy.

15 (d) Robert's Rules of Order is the parliamentary guide for the  
16 conduct of all meetings.

17 **§4. General duties and powers.**

18 (a) The Tucker County Cultural District Authority is  
19 authorized to:

20 (1) Plan and execute an ongoing and continuous program for the  
21 development and enhancement of artistic, cultural, historical and  
22 recreational attractions that will promote culture, education and  
23 tourism in Tucker County;

24 (2) Plan and execute a program for the restoration and

1 development of the Cottrill's Opera House in Thomas, West Virginia,  
2 so as to preserve and enhance the building as a significant  
3 cultural, historical and educational source of importance in this  
4 state;

5 (3) Complete a comprehensive plan with a cost-benefit analysis  
6 for the entire cultural district in Tucker County, including, but  
7 not limited to, a large venue indoor/outdoor multiple-use  
8 performance hall;

9 (4) Review all available funding sources and direct the  
10 president to apply for any grants, allocations, gifts or other  
11 sources of funding that may be used to further the goals of the  
12 authority;

13 (5) Within the limit of available funds, from any source,  
14 whether public or private:

15 (A) Apply the initial public funds received to the completion  
16 of the Cottrill's Opera House in Thomas, West Virginia, as the  
17 first and foremost priority of the authority;

18 (B) Award grants and stipends for the encouragement of the  
19 arts in the public schools of Tucker County; and

20 (C) Award grants and stipends to individuals, not-for-profit  
21 entities and other cooperatives for projects that further the  
22 development of the arts in Tucker County;

23 (6) Perform other functions and employ individuals as  
24 necessary to carry out the goals and purposes of the authority as

1 specified in this act;

2 (7) Own or operate, individually or in conjunction with  
3 another public agency or private person, firm or corporation,  
4 facilities and equipment considered necessary or convenient for the  
5 implementation of the duties and goals of the authority; and

6 (8) Report to the Tucker County commission on at least an  
7 annual basis, or as requested by the commission, as to the progress  
8 of any plan, program or objective of the authority.

9 (b) The president of the authority, with the advice and  
10 written consent or authorization of the authority, is authorized  
11 to:

12 (1) Apply for grants and other endowments in support of the  
13 artistic, historical or educational programs in the cultural  
14 district and the goals and objectives of the authority;

15 (2) Receive and disburse funds from governmental and  
16 nongovernmental sources in furtherance of the goals and objectives  
17 of the authority;

18 (3) Set up financial accounts as required and submit financial  
19 reports quarterly to the authority;

20 (4) Make and execute contracts as authorized by the authority;  
21 and

22 (5) Perform other duties as authorized by the authority that  
23 are consistent with the goals and objectives of the authority.

24 **§5. Cooperation of state agencies.**

1           (a) All state and local governmental personnel and agencies  
2 shall cooperate to the fullest extent with the authority to  
3 accomplish any plan, project or program developed by the authority.  
4 Those agencies shall assist in the effective development of  
5 cultural, historical, education and recreational activities in  
6 Tucker County that will result in the area becoming a significant  
7 area for tourism, culture and education.

8           (b) Tucker County, the towns of Davis, Hambleton, Hendricks,  
9 Parsons and Thomas and any other municipality in the county, and  
10 any board, commission, authority, agency or other office created  
11 under authority thereof, may, in its discretion, engage in any  
12 activity or undertaking designed to assist the authority in the  
13 proper and effective development of the goals, plans, programs or  
14 projects of the authority consistent with the guidelines provided  
15 in this act.