

ORDINANCE NO. 450 OF THE CITY OF BUCKHANNON, AN ORDINANCE
ESTABLISHING A GOVERNING BOARD FOR THE CITY'S COLONIAL THEATRE;
SETTING THE NUMBER AND QUALIFICATIONS OF BOARD MEMBERS;
ENUMERATING ITS RESPONSIBILITIES AND SETTING ITS AUTHORITY;
ESTABLISHING THAT BOARD MEMBERS SERVE AT-WILL AND NOT FOR A TERM

WHEREAS, the Council of the City of Buckhannon, by Ordinance No. 411 adopted on December 1, 2016, authorized the purchase of that property located at 48 East Main Street, in Buckhannon; and,

WHEREAS, by deed dated January 3, 2017 and recorded in the office of the Clerk of the County Commission of Upshur County, West Virginia in Deed Book 539, at page 615; and,

WHEREAS, the Council of the City of Buckhannon has dedicated the property located at 48 East Main Street for use as a theater and public space dedicated to local visual and performing arts, restoring its name as the Colonial Theatre, and owning and operating the same for the benefit of the artistic, educational, and cultural benefit of the greater Buckhannon-Upshur community; and,

WHEREAS, the City Council now deems it to be reasonable, necessary and appropriate to establish a governing board for the operations of the said Colonial Theatre, delegating certain functions to said board.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF BUCKHANNON, AS FOLLOWS:

ARTICLE I - COMPOSITION OF COLONIAL THEATRE BOARD OF DIRECTORS; COMPENSATION; CONDUCT OF MEETINGS:

- (A) There shall be a Board of five (5) Directors, appointed by the Council of the City of Buckhannon, each Director serving at the will and pleasure of the Council.
- (B) Board members are not required to be residents of the City of Buckhannon, but shall be residents of Upshur County, West Virginia.
- (C) No fewer than three (3) Directors shall be active in the Buckhannon-Upshur arts community.
- (D) Directors will not be monetarily compensated for their service on the Board; however, Directors shall be entitled to reimbursement for their expenses as are approved in advance by the Board.
- (E) The Board shall conduct itself as a public agency, observing the requirements of open meetings laws, ethics acts, and other directives the City of Buckhannon is required to observe. The Board may establish its own rules of procedure, including setting the frequency of its meetings (which frequency shall be no less than annually), provided that those rules are written and are ratified by the City Council. The Board may establish its own committees as it deems necessary and proper.

ARTICLE II – DUTIES OF THE BOARD:

(A) The Board shall establish policies with respect to the use of the Colonial Theatre, including policies regarding usage fees, priorities of use, the establishment of form agreements, and operating guidelines; *Provided*, that the City of Buckhannon will have first priority in use of the Colonial Theatre, and will be exempt from the payment of any facility rental fees. Policies adopted or modified by the Board shall be subject to the approval or ratification of the City Council, which approval or ratification may be by motion and recorded in the minutes of the Council.

(B) The Board may recommend to the City Council such matters, such as the hiring of full- and part-time staff and capital improvements, that it may deem advisable. The City Council reserves to itself the power to approve or disapprove such recommendations.

(C) The City of Buckhannon shall approve or disapprove all expenditures for the Colonial Theatre, and all revenue generated by the Board’s operation of the Theatre shall be remitted to the City of Buckhannon.

(D) The Board may negotiate agreements with donors, which agreements may include the right of a donor to direct the naming of facilities within the Theatre pursuant to the terms thereof; however, any such donor agreement is subject to the approval of the City Council.

ARTICLE III - EFFECTIVE DATE: This Ordinance shall be deemed effective thirty (30) days following the second (2nd) reading, passage and adoption by the Council of the City of Buckhannon, i.e., April 17, 2021.

FIRST READING: March 4, 2021
SECOND READING, PASSAGE AND ADOPTION: March 18, 2021



Robert N. Skinner, III, Mayor

CERTIFICATE OF ENACTMENT

I, Randall Sanders, City Recorder, do hereby certify that the foregoing Ordinance No. 450 was lawfully ordained and enacted by the Council of the City of Buckhannon at a regular session of the said Council assembled on March 18, 2021.



Randall Sanders, City Recorder