

**ORDINANCE NO. 456 OF THE CITY OF BUCKHANNON, AN ORDINANCE
ESTABLISHING THE BUCKHANNON PARKS AND RECREATION ADVISORY
BOARD; SETTING THE NUMBER AND QUALIFICATIONS OF BOARD MEMBERS;
ENUMERATING ITS RESPONSIBILITIES AND SETTING ITS AUTHORITY,
INCLUDING ITS AUTHORITY TO ADVISE ON MANAGEMENT OF THE STOCKERT
YOUTH AND COMMUNITY CENTER; AND ESTABLISHING THAT BOARD
MEMBERS SERVE AT-WILL AND NOT FOR A TERM**

WHEREAS, the Council of the City of Buckhannon through multiple ordinances enacted over the years, and through deed of purchase and dedication, has acquired a number of properties throughout the city for the purposes of establishing and maintaining city parks, or other facilities in addition to parks who are intended for the recreational use of residents of and visitors to the City of Buckhannon; and,

WHEREAS, the City Council now deems it to be reasonable, necessary and appropriate to establish an advisory board to assist the administration of the city in the management of the said city parkland and recreational properties; and,

WHEREAS, the City Council intends that the board established by this Ordinance shall only be an advisory board, without the powers or authority granted to Parks and Recreation Commissions pursuant to Chapter 8, Article 21 of the Code of West Virginia, 1931, as amended, which powers and authority the City Council expressly retains to itself.

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

ARTICLE I - COMPOSITION OF THE BUCKHANNON PARKS AND RECREATION ADVISORY BOARD. COMPENSATION. CONDUCT OF MEETINGS:

(A) A Board of seven (7) members, appointed by the Council of the City of Buckhannon, is established to advise the City Council and the City's administrative staff in its management and operation of the City's park and recreation properties. Each Board member shall serve at the will and pleasure of the Council. The Council may fill vacancies on the Board as frequently as they may arise; however, the term of each Board member shall expire at 11:59 p.m. each June 30, or thereafter upon appointment of his or her successor. Each seat on the Board shall be subject to reappointment by the Council on or after July 1, annually.

(B) Board members are not required to be residents of the City of Buckhannon, but shall be residents of Upshur County, West Virginia.

(C) Board members will not be monetarily compensated for their service on the Board; however, they shall be entitled to reimbursement for their expenses as are approved in advance by the Board.

(D) 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 subcommittees as it deems necessary and proper.

ARTICLE II – DUTIES OF THE BOARD:

(A) The Board shall recommend policies with respect to the use of the City's parks and the Stockert Youth and Community Center, 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 any of the aforesaid parks or of the Stockert Youth and Community Center, and will be exempt from the payment of any facility rental fees. Policies recommended 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, acting through its City Council, shall approve or disapprove all expenditures for its parks and for the Stockert Youth and Community Center, and all revenue generated by the Board's operation of the said parks or the said Stockert Youth and Community Center 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 aforesaid properties pursuant to the terms thereof; however, any such donor agreement is subject to the final approval or ratification of the City Council.

(E) The Board may not under any condition enjoy a separate corporate entity apart from the City of Buckhannon; it may not take title to real or personal property in its name, nor in the name of the City; it may not collect revenue separately from the City; it may not hire, fire, promote, or discipline any employee; nor may it enjoy management or control of any City property separately from the City of Buckhannon acting through its City Council.

ARTICLE III – CLARIFICATION OF MUNICIPAL INTENT

(A) The City Council, for purposes of clarity, establishes its intent that the Board established herein is not a "Board of Park and Recreation Commissioners" as that term is used in Chapter 8, Article 21 of the Code of West Virginia, 1931, as amended.

(B) The City Council reserves to itself all powers enumerated to boards of park and recreation commissioners in Chapter 8, Article 21 of the Code of West Virginia, 1931, as

amended, and states – for purposes of clarity – that the Board established in this ordinance is an advisory board only.

ARTICLE IV - 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., June 16, 2022.

FIRST READING:	May 5, 2022
SECOND READING, PASSAGE AND ADOPTION:	May 17, 2022

Robert N. Skinner, III, Mayor

CERTIFICATE OF ENACTMENT

I, Randall H. Sanders, City Recorder, do hereby certify that the foregoing Ordinance No. 456 was lawfully ordained and enacted by the Council of the City of Buckhannon at a regular session of the said Council assembled on May 17, 2022.

Randall H. Sanders, City Recorder