

ORDINANCE NO. 461 OF THE CITY OF BUCKHANNON, AN ORDINANCE  
AMENDING ORDINANCE NOS. 320, 350, AND 432, REDUCING THE SIZE OF THE  
CITY'S STOCKERT YOUTH AND COMMUNITY CENTER BOARD OF DIRECTORS  
BY DECREASING THE NUMBER OF AT-LARGE MEMBERS; PROVIDING FOR THE  
BOARD'S OPERATIONS; AND PROVIDING FOR THE FREQUENCY OF BOARD  
MEETINGS

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WHEREAS, since July 1, 2004, the City of Buckhannon has exclusively owned and operated the Stockert Youth Center, subsequently renamed by the City of Buckhannon as the Stockert Youth and Community Center, sometimes hereinafter referred to as "SYCC," located at 79 East Main Street, in Buckhannon; and,

WHEREAS, pursuant to City of Buckhannon Ordinance No. 320, the City formally established the CC board of directors consisting of nine (9) members including three (3) at-large members; and,

WHEREAS, pursuant to City of Buckhannon Ordinance No. 350, the City expanded the membership of the SYCC board of directors from nine (9) members to ten (10); and,

WHEREAS, pursuant to City of Buckhannon Ordinance No. 432, the City expanded the membership of the SYCC board of directors from ten (10) members to eleven (11); and,

WHEREAS, the Council of the City of Buckhannon now desires to reduce the SYCC board of directors, to provide for a board of eleven (9) members, including three (3) at-large members; and,

WHEREAS, the City Council deems it reasonable, necessary, and appropriate to reduce the number of members of the SYCC Board of Directors and amend Ordinance Nos. 320, 350, and 432 in order that the community's Stockert Youth and Community Center – and hence the youth of Buckhannon and Upshur County – may best be served.

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

ARTICLE I - COMPOSITION OF SYCC BOARD OF DIRECTORS;  
COMPENSATION; CONDUCT OF MEETINGS; AND QUORUM:

(A) The City Council shall be advised as to the management and operation of the Stockert Youth and Community Center by a Board of nine (9) Directors, all of whom shall have the privilege of voting on any matters coming before the Board, the composition of which shall be determined in the following manner:

(1) The City Council shall appoint three (3) Directors who shall be:

(A) the Mayor of the City of Buckhannon, who shall serve as Chair;

(B) the City Recorder of the City of Buckhannon, who shall serve as Vice Chair, and who shall conduct and preside over Board meetings in the absence of the Mayor. In any event whereby the City Recorder is acting as Mayor, then the City Recorder shall nominate another member of the City Council to serve as a Director, which nomination shall then be confirmed by the City Council; and,

(C) one member of the City Council who shall be nominated by the Mayor, and confirmed by the City Council.

(2) The Upshur County Commission shall appoint one (1) Director who shall be one of the duly seated Commissioners serving on the Commission, said member to be appointed by the Commission, and whose term shall be for that member's term of office or until otherwise designated by the County Commission.

(3) The Upshur County Board of Education shall appoint one (1) Director who shall be one of the duly seated members of the Board of Education, said member to be appointed by the Board of Education, and whose term shall be for that member's term of office or until otherwise designated by the Board of Education.

(4) West Virginia Wesleyan College shall appoint one (1) Director who shall be either an administrator or faculty member of the College who is actively involved with the student service and volunteer programs at the College, said member to be appointed by the President of the College, and who shall serve for a one-year term, from each July 1 through the ensuing June 30, but who may be reappointed by the College's President.

(5) The Mayor shall nominate three (3) at-large members from the community, at least two of whom shall be residents of the City of Buckhannon, subject to the confirmation of the City Council, which three (3) at-large members shall be appointed to serve for a term of two (2) years each. Two (2) at-large members shall serve with their two-year terms expiring on June 30 of even numbered years, and one (1) at-large member shall serve with his or her two-year terms expiring on June 30 of odd numbered years. Nothing herein shall prevent any at-large member from being reappointed indefinitely to the SYCC Board of Directors, and further nothing herein shall prevent any at-large member from having affiliation or involvement with any of the City, the County, the Board of Education, or West Virginia Wesleyan College.

(6) Notwithstanding term of service designations, all of the three (3) at-large municipal appointees shall be deemed to serve at the will and pleasure of the City Council, may be appointed without regard to political affiliation, and may be removed at the will and pleasure of the City Council.

(7) In the event of any death, resignation, inability or unwillingness to serve further on the part of any City Council selected member, except the Mayor, the City Council shall then appoint a successor member to serve for the unexpired term. In the event of any death, resignation, inability or unwillingness to serve further on the part of any County Commission, Board of Education, or College selected member, such appointing authority shall then promptly appoint a successor member to serve for the unexpired term, and shall further promptly apprise the City Council in writing of its successor member appointment.

(8) The members of the SYCC Board of Directors shall not receive any compensation for their service on the Board, however, Directors shall be entitled to reimbursement for their expenses as are approved in advance by the Board.

(9) In addition to being a voting member of the Board, the City Recorder shall serve as the secretary or clerk of the Board, and shall keep the minutes of all meetings, which minutes shall be maintained for public inspection at Buckhannon's City Hall. Various City officials, including but not limited to City Engineers, Street Commissioner,

City Attorney and City Technology Officer shall be available to attend SYCC Board meetings upon the Board's request.

(10) Meetings shall be convened upon the call of the Chair no less frequently than quarterly, and in accordance with the West Virginia Open Governmental Proceedings Act, the date and time of which meetings shall be communicated to the City Council during an open session of the Council, and posted at City Hall

(11) All meetings shall be open to the public and conducted pursuant to the West Virginia Open Governmental Proceedings Act and other open meetings statutes, as said statutes are set forth pursuant to Chapter 6, Article 9A, Section 1 et seq. of the West Virginia Code, and as may be amended.

(12) The attendance at any meeting of any five (5) of the nine (9) members of the Board, including *ex officio* members, shall be deemed to constitute a quorum.

(13) The Board may seek the guidance, subject to advance approval by the City Council, of such engineers, architects, inspectors, managers, attorneys and such other individuals as in the Board's judgment may be necessary to assist the Board in carrying out its functions.

ARTICLE II - SUPERSEDING PROVISIONS:

The provisions of this Ordinance shall supersede all other Ordinances and/or Resolutions of the City of Buckhannon conflicting with the provisions hereof insofar as the City's ownership, operation and composition of the board of directors of The Stockert Youth and Community Center are concerned. All other provisions of previously enacted Ordinances or Resolutions not amended hereby shall be deemed as remaining and continuing in full force and effect.

ARTICLE III - EFFECTIVE DATE: Pursuant to the Charter of the City of Buckhannon, this Ordinance shall be deemed effective by the Council of the City of Buckhannon thirty (30) days following the second (2nd) reading, passage and adoption by the Council of the City of Buckhannon, i.e., December 3, 2022.

FIRST READING:	October 18, 2022
SECOND READING, PASSAGE AND ADOPTION:	November 3, 2022

Robert N. Skinner, III, Mayor

CERTIFICATE OF ENACTMENT

I, Randall H. Sanders, City Recorder, do hereby certify that the foregoing Ordinance No. 461 was lawfully ordained and enacted by the Council of the City of Buckhannon at a regular session of the said Council assembled on November 3, 2022.

Randall H. Sanders, City Recorder