

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 3004**

4 (By Delegates Morgan, Reynolds, Craig, Sobonya, Miller, C.,
5 Perdue and Stephens)
6

7 (Originating in the House Committee on the Judiciary)

8 [February 25, 2011]
9

10 A BILL to repeal sections 2a, 11, 12 and 13 of chapter 26 of the
11 Acts of the Legislature, regular session, 1925 (municipal
12 charters), section 12 of which was amended by chapter 132,
13 Acts of the Legislature, regular session, 1972; to repeal
14 section 6a of chapter 194, Acts of the Legislature, regular
15 session, 1983, as amended by chapter 110 of the Acts of the
16 Legislature, regular session, 2003; and to amend and reenact
17 sections 1, 2, 3, 4, 5, 6, 7, 8 and 9 of chapter 26 of the
18 Acts of the Legislature, regular session, 1925 (municipal
19 charters), section 10 of which was amended by chapter 122 of
20 the Acts of the Legislature, regular session, 1933, sections
21 1, 5, 6 and 9 of which were amended by chapter 194, Acts of
22 the Legislature, regular session, 1983, section 8 of which was
23 amended by chapter 175, Acts of the Legislature, regular
24 session, 1991, sections 2, 3, and 4 of which were amended by
25 chapter 110, Acts of the Legislature, regular session, 2003,

1 and section 7 of which was amended by chapter 131, Acts of the
2 Legislature, regular session, 2005, all relating to the
3 Greater Huntington Park and Recreation District; requiring a
4 public hearing when the comprehensive plan is updated;
5 requiring that persons employed as park rangers meet certain
6 law-enforcement qualifications; and making technical
7 corrections.

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

9 That sections 2a, 11, 12 and 13 of chapter 26 of the Acts of
10 the Legislature, regular session, 1925 (municipal charters),
11 section 12 of which was amended by chapter 132, Acts of the
12 Legislature, regular session, 1972, be repealed; that section 6a of
13 chapter 194, Acts of the Legislature, regular session, 1983, as
14 amended by chapter 110 of the Acts of the Legislature, regular
15 session, 2003, be repealed; that sections 1, 2, 3, 4, 5, 6, 7, 8,
16 and 9 of chapter 26 of the Acts of the Legislature, regular
17 session, 1925 (municipal charters), section 10 of which was amended
18 by chapter 122 of the Acts of the Legislature, regular session,
19 1933, sections 1, 5, 6 and 9 of which were amended by chapter 194,
20 Acts of the Legislature, regular session, 1983, section 8 of which
21 was amended by chapter 175, Acts of the Legislature, regular
22 session, 1991, sections 2, 3, and 4 of which were amended by
23 chapter 110, Acts of the Legislature, regular session, 2003, and
24 section 7 of which was amended by chapter 131, Acts of the

1 Legislature, regular session, 2005, be amended and reenacted, all
2 to read as follows:

3 **GREATER HUNTINGTON PARK AND RECREATION DISTRICT**

4 **§1. Definitions.**

5 ~~Unless the context clearly indicates otherwise~~ The following
6 terms have the following meanings:

7 (a) "Commissioners" or "Park Board" means the members of the
8 Greater Huntington Park and Recreation District Board as ~~defined~~
9 ~~hereinafter~~ set forth in section two of this act.

10 (b) "Control" means the right and authority to manage, direct,
11 order and otherwise exercise dominion over.

12 (c) "Greater Huntington Park and Recreation District" or "Park
13 District" means ~~both~~ the geographical area within the boundaries of
14 the county of Cabell and Westmoreland tax district in the county of
15 Wayne established on the effective date of the initial enactment of
16 this act. ~~and the public corporate entity created herein.~~

17 (d) "Park system" means any and all indoor and outdoor park,
18 recreation, and conservation areas and facilities which are or in
19 the future may be owned, operated or leased in the ~~park district~~
20 Park District. ~~Said~~ The areas and facilities may include, by way
21 of illustration and not as a limitation: Regional, community, and
22 neighborhood parks and playgrounds; athletic facilities and play
23 fields such as sports centers, stadiums, arenas, gymnasiums and
24 physical fitness centers; aquatic facilities such as swimming

1 pools, lakes, ponds, water parks, water amusements, beaches,
2 waterfronts, boat docks, boat houses, and boat launching ramps,
3 court areas for net games such as basketball, volleyball,
4 badminton, tennis, handball, racquetball, squash and platform
5 tennis; picnic facilities such as groves, shelters and lodges; golf
6 courses, skating rinks; stables and riding paths; gardens, botanic
7 gardens, arboretums, nature centers, zoos, aviaries and
8 environmental interpretive centers; museums, historic landmarks and
9 historic districts; snack bars, restaurants, lounges and gift
10 shops, camps and overnight lodges; theaters; performing arts and
11 crafts centers; recreation centers; mechanical and electronic games
12 centers; dance halls, amusements; parkways and boulevards; and
13 cemeteries, and other public parks and recreational areas and
14 facilities.

15 (e) "Public office" means any elective office, whether
16 federal, state or municipal, where the office holder is elected by
17 the public at large and is obligated to perform duties as an office
18 holder.

19 **§2. Greater Huntington Park and Recreation District; composition;**
20 **terms of office; political affiliation; compensation;**
21 **expenses; prohibition against commissioners holding other**
22 **elected offices or being personally interested in contracts**
23 **or property controlled by board.**

24 (a) The purpose of the ~~Board of Park Commissioners of the City~~

1 ~~of Huntington as heretofore created and established by the acts~~
2 ~~hereby amended and reenacted, shall be~~ Greater Huntington Park and
3 Recreation District Board is to establish, own, develop and operate
4 a park system for the benefit, health, safety, welfare, pleasure
5 and relaxation of the inhabitants of the Greater Huntington Park
6 and Recreation District. ~~and shall hereafter be known as the~~
7 ~~Greater Huntington Park and Recreation District.~~

8 (b) The Park ~~District shall be governed by~~ Board shall consist
9 of eleven commissioners, ten of whom shall be elected from Cabell
10 County, but no more than two of whom shall be elected from any one
11 magisterial district, and one of whom shall be elected from
12 Westmoreland magisterial district in the county of Wayne. The
13 commissioners shall be elected pursuant to ~~paragraph one~~
14 subdivision (1) of this subsection. ~~(b) of this section~~

15 (1) Commissioners of the Park District shall be nominated and
16 elected in the general election for state officers on the first
17 Tuesday after the first Monday in November and in the manner
18 prescribed by law for the nomination and election of district
19 officers, except as provided in ~~subsection (b)~~ this section.

20 (A) At the general election in the year 1984, there shall be
21 elected six commissioners. One commissioner shall be elected from
22 the Westmoreland Magisterial District in the County of Wayne. Five
23 commissioners shall be elected from the County of Cabell. In
24 Westmoreland District of ~~Cabell~~ Wayne County, the person receiving

1 the highest number of votes shall be elected for a term of six
2 years. In Cabell County, the three persons receiving the highest
3 number of votes shall be elected for a term of six years, the
4 person receiving the next highest number of votes shall be elected
5 for a term of four years, and the remaining elected commissioner
6 shall be elected for a term of two years.

7 (B) Beginning at the general election in the year 1986 and
8 every sixth year thereafter, there shall be elected three
9 commissioners who shall be elected for a term of six years.

10 (C) Beginning at the general election in the year 1988 and
11 every sixth year thereafter, there shall be elected three
12 commissioners who shall be elected for a term of six years.

13 (D) Beginning at the general election in the year 1990 and
14 every sixth year thereafter, there shall be elected four
15 commissioners who shall be elected for a term of six years.

16 (E) Beginning at the general election in the year, 2004, and
17 every sixth year thereafter, there shall be elected four
18 commissioners from the county of Cabell who shall be elected for a
19 term of six years.

20 (F) Beginning at the general election in the year, 2006, and
21 every sixth year thereafter, there shall be elected three
22 commissioners from the county of Cabell who shall be elected for a
23 term of six years.

24 (G) Beginning at the general election in the year, 2008, and

1 every sixth year thereafter, there shall be elected four
2 commissioners who shall be elected for a term of six years. One
3 commissioner shall be elected from the Westmoreland magisterial
4 district in the county of Wayne. Three commissioners shall be
5 elected from the county of Cabell.

6 (2) The commissioners in office upon the effective date of
7 this act under the authority of the acts hereby amended and
8 reenacted, shall continue in office for the term for which they
9 were elected.

10 (c) No elected commissioner shall hold any other elected or
11 appointed public office.

12 (d) Commissioners shall receive no compensation for their
13 services as commissioners, but they shall be entitled to
14 reimbursement for all reasonable and necessary expenses actually
15 incurred in the performance of their duties as commissioners.

16 (e) Commissioners ~~shall have no~~ may not have any personal
17 financial interest, directly or indirectly, in any contract entered
18 into by the ~~park district~~ Park District, or hold any remunerative
19 position in connection with the establishment, construction,
20 improvement, extension, development, maintenance or operation of
21 any of the property under their control as commissioners.

22 **§3. Vacancies in office of park commissioners.**

23 Any vacancy which may occur in the office of an elected
24 commissioner, by death, resignation, refusal to serve, or

1 otherwise, shall be filled by the Park ~~district~~ Board at its first
2 regular meeting ~~thereafter~~ within sixty days after the vacancy, by
3 appointment of a ~~suitable~~ qualified person, and the person ~~so~~
4 appointed shall hold office until the next election for
5 commissioners, when a person shall be elected for the remainder of
6 the unexpired term of commissioner.

7 **§4. Oath of commissioners; election of officers; election of other**
8 **officers; duties of officers; bond required of secretary**
9 **and treasurer; secretary pro tempore.**

10 (a) After appointment or election, and before entering upon
11 his or her duties as commissioner, each new commissioner shall take
12 the following oath as administered by the county clerk of Cabell or
13 Wayne County as appropriate and convenient:

14 "I do solemnly swear that I will
15 faithfully perform the duties as a member of the Greater Huntington
16 Park and Recreation District Board during the term for which I was
17 elected, to the best of my ability according to law."

18 (b) At the Park ~~district's~~ Board's first meeting and every
19 year thereafter, it shall elect one of its members as president,
20 and another member as vice-president. The Park ~~district~~ Board shall
21 elect a secretary who need not be a member of the Park ~~district~~
22 Board, as well as elect a member of the Park ~~district~~ Board who
23 shall serve as treasurer. The Park ~~district~~ Board shall have the
24 power to appoint from among its members such other officers as it

1 ~~deems~~ considers necessary and to delegate ~~such~~ duties and authority
2 to ~~these other~~ the officers ~~as is~~ consistent with ~~carrying out~~ the
3 purposes of this act. Any officer may be removed from office, upon
4 adequate notice and hearing, although not relieved of his or her
5 duties as a commissioner, by a vote of the majority of
6 commissioners present and voting.

7 (c) The officers of the Park ~~district~~ Board shall have the
8 following specified duties and any duty which is reasonably
9 inferred therefrom and which is consistent with carrying out the
10 purposes of this ~~charter~~ act.

11 (1) ~~President~~ — The President shall perform ~~such~~ the duties
12 ~~as that~~ ordinarily devolve upon the ~~president~~ presiding officer of
13 a deliberative body, ~~except that he~~ and shall have ~~a~~ one vote upon
14 each ~~and every~~ question, as every other commissioner, and ~~but he~~
15 ~~shall have only one vote on each question. Additionally, the~~
16 ~~president~~ shall:

17 (a) (A) Act as chief administrative officer and legal
18 representative of the Park ~~district~~ Board;

19 (b) (B) Represent and speak for the Park ~~district~~ Board to
20 other organizations and to the public;

21 (c) (C) Appoint committees and delegate duties; and

22 (d) (D) Sign letters or documents necessary to carry out the
23 will of the Park ~~district~~ Board.

24 (2) ~~Vice-President~~ — The Vice-President shall assume the

1 duties of the ~~president~~ President in case of the absence or
2 incapacity of the president and shall become president on the
3 death, resignation or permanent incapacity of the president as
4 determined by the Park ~~district~~ Board.

5 (3) ~~Secretary~~ The Secretary shall be the chief recording
6 and corresponding officer and the custodian of the records of the
7 Park ~~district~~ Board, ~~The duties of the secretary shall be to:~~ and
8 shall:

9 (a) (A) Take ~~careful and authentic~~ notes of the proceedings of
10 the meetings; ~~as a basis for preparing the minutes;~~

11 (b) (B) Prepare and certify the correctness of the minutes and
12 enter them in the official minute book;

13 (c) (C) Read or circulate the minutes to the commissioners for
14 correction and approval;

15 (d) (D) Enter any corrections approved by the commissioners in
16 the minute book and initial them;

17 (e) (E) Record and attest by his or her signature the approved
18 minutes as the official minutes of the Park ~~district~~ Board, with
19 the date of approval;

20 (f) (F) Provide the presiding officer of the assembly with the
21 exact wording of a pending motion or of one previously acted on
22 when directed by the presiding officer;

23 (g) (G) Prepare a list of members and call the roll when
24 directed by the presiding officer;

1 ~~(h)~~ (H) Read all papers, documents or communications as
2 directed by the presiding officer;

3 ~~(i)~~ (I) Bring to each meeting the minute book or its
4 electronic equivalent, a copy of ordinances, rules and policies, a
5 list of the members, a list of standing and special committees, and
6 a copy of the parliamentary authority adopted by the organization;

7 ~~(j)~~ (J) Search the minutes for information requested by
8 officers or members;

9 ~~(k)~~ (K) Assist the presiding officer before each meeting in
10 preparing a detailed agenda;

11 ~~(l)~~ (L) Preserve all records, reports and official documents
12 of the Park ~~district~~ Board except those specifically assigned to
13 the custody of others as well as preserve all papers containing
14 evidence of title, contracts and obligations;

15 ~~(m)~~ (M) Prepare and send required notices of meetings and
16 proposals;

17 ~~(n)~~ (N) Provide the chairman of each special committee with a
18 list of his or her committee members, a copy of the motion
19 referring the subject to the committee, and instructions and other
20 documents that may be useful;

21 ~~(o)~~ (O) Provide the chairman of each standing committee with
22 a copy of all proposals referred to it, instructions, or material
23 that may be useful;

24 ~~(p)~~ (P) Authenticate official documents by his or her

1 signature;

2 ~~(q)~~ (Q) Carry on the official correspondence of the Park
3 ~~district Board~~ Board as directed, except correspondence assigned to other
4 officers;

5 ~~(r)~~ (R) Make available the minute book or its electronic
6 equivalent for public inspection as a public record; and

7 ~~(s)~~ (S) Codify and preserve all ordinances enacted by the Park
8 ~~district Board~~ Board.

9 For this service the secretary, who is not a commissioner, may
10 receive such compensation as the Park ~~district Board~~ Board may allow.
11 Before entering upon the duties of his or her office, the secretary
12 shall enter into a bond with one or more sureties ~~deemed~~ considered
13 sufficient by the Park ~~district Board~~ Board and approved by the Park
14 ~~district Board~~ Board, conditioned upon the faithful performance of his or
15 her duties. The bond ~~to~~ shall be payable to the Greater Huntington
16 Park and Recreation District Board in such ~~penal~~ sum as the Park
17 ~~district Board~~ Board determines, ~~which bond and~~ and shall be filed with the
18 Park ~~district Board~~ Board for safekeeping. In the secretary's absence,
19 the Park ~~district Board~~ Board may appoint a secretary pro tempore.

20 (4) ~~Treasurer~~ The treasurer shall be responsible for the
21 collection, safekeeping, investing and expenditure of all funds and
22 assets of the Park ~~district Board~~ Board, and for keeping an accurate
23 financial record ~~thereof~~ which ~~record~~ shall be available for public
24 inspection. Before entering upon the duties of his or her office,

1 the treasurer shall enter into a bond with one or more sureties
2 ~~deemed~~ considered sufficient by the Park ~~district~~ Board, and
3 approved by the Park ~~district~~ Board, conditioned upon the faithful
4 discharge of his or her duties and the ~~account~~ accounting for and
5 paying over, as may be required, all moneys which may come into his
6 or her possession by virtue of his or her office. ~~Such~~ The bond
7 shall be in such ~~penal~~ sum as the Park ~~district~~ Board may require,
8 payable to the Greater Huntington Park and Recreation District
9 Board and filed with the Park ~~district~~ Board for safekeeping.

10 **§5. Meetings; quorum; parliamentary authority; office.**

11 (a) The commissioners shall select a regular time and place
12 for meetings of the Park ~~district~~ Board which ~~meetings~~ shall be
13 open to the public. Minutes of commission meetings shall be open
14 to ~~any bona fide resident of the park district~~ the public upon
15 request. ~~Not less than~~ Six members ~~shall~~ constitute a quorum to
16 transact business. Additional or special meetings, also open to
17 the public, may be called by the president, or at the request of
18 four members, by the secretary. The concurrence of six members of
19 the Park ~~district~~ Board ~~shall be~~ is required to decide all
20 questions involving the expenditure of money.

21 (b) All meetings of the Park ~~district~~ Board shall be conducted
22 under the rules of parliamentary procedure as established by the
23 Sturgis Standard Code of Parliamentary Procedure.

24 (c) The Park ~~district~~ Board shall ~~have and~~ maintain an office

1 in a location of its ~~own~~ choosing which ~~office~~ shall be open to the
2 public during normal business hours.

3 **§6. Park Board established as a public corporate body; perpetual**
4 **existence; seal; powers.**

5 (a) The Greater Huntington Park and Recreation Park District
6 Board ~~shall be~~ is a public corporate body, although not a municipal
7 corporation, and shall have perpetual existence and a common seal.

8 (b) In addition to the powers set forth in section seven of
9 this act, the Park ~~district~~ Board ~~shall have powers to~~ may:

10 (1) Appropriate and expend funds from the sources of income
11 derived from the enactment of this ~~charter~~ act for the purposes of
12 establishing, constructing, improving, extending, developing,
13 maintaining and operating, or any combination of the foregoing, a
14 public park system for the ~~park district; however~~ Park District:
15 Provided, That it may not expend funds on or appropriate funds to
16 external agencies, public or private, for any purpose whatsoever:
17 Provided, however, That in accordance with ~~section six, item four~~
18 this section, the Park ~~district~~ Board may contract with other
19 agencies for direct services received or for joint endeavors in
20 which the Park ~~district~~ Board is an active participant;

21 (2) Purchase, hold, own, sell, convey or lease or take lease
22 of real or personal property;

23 (3) Receive any gift, grant, donation, bequest, devise or
24 trust funds;

1 (4) Sue and be sued;

2 (5) Contract and be contracted with;

3 (6) Do any and all things and acts which may be necessary,
4 appropriate, convenient or incidental to carry out and effectuate
5 the purposes and provisions of this ~~charter act~~;

6 (7) Retain complete and exclusive control and management of
7 all of the properties owned by the Park ~~district~~ Board and dispose
8 of the same as in the Park ~~district's~~ Board's opinion will best
9 serve the purposes of this ~~charter act~~ and the interests of the
10 public;

11 (8) Acquire in the Park ~~district's~~ Board's name by purchase,
12 lease, or by exercise of the power of eminent domain, or otherwise,
13 such lands, structures or bodies of water, located anywhere within
14 the ~~state of West Virginia~~ Park District as the Park ~~district~~ Board
15 shall determine to be necessary, appropriate, convenient or
16 incidental to the establishment, construction, improvement,
17 extension, development, maintenance or operation of a park system;

18 (9) Establish, construct, improve, extend, develop, maintain
19 and operate a park system;

20 (10) Employ ~~such~~ persons as, in its opinion, may be necessary
21 for the establishment, construction, improvement, extension,
22 development, maintenance, operation or management of the property
23 under its control, at ~~such~~ wages, salaries or fees as it ~~shall deem~~
24 considers proper, and the Park ~~district~~ Board shall have full

1 control of all employees;

2 (11) Promulgate ~~those~~ ordinances, rules and regulations
3 necessary to maintain the property belonging to the Park ~~district~~
4 Board as places of beauty, education and recreation or necessary to
5 promote the health, property, lives, decency, morality and good
6 order of the ~~independent park district~~ Park District, its
7 inhabitants and members of the general public making use of ~~such~~
8 property owned or controlled by the Park ~~district~~ Board, or
9 necessary to regulate the use of or driving upon the property owned
10 or controlled by the Park ~~district~~ Board;

11 (12) Abate, or cause to be abated, all nuisances affecting the
12 Park ~~district's~~ Board's property or persons ~~thereupon~~ on the
13 property;

14 (13) Regulate or prohibit the placing of signs, billboards,
15 posters and advertisements upon the Park ~~district's~~ Board's
16 property; ~~or adjacent thereto~~;

17 (14) Keep the Park ~~district's~~ Board's property in good order
18 and free from obstruction for the use and benefit of the public;

19 (15) Construct, improve, maintain, repair, operate, curb or
20 recurb, pave or repave, grade or regrade, surface or resurface
21 roads, bridges, sewers, culverts, sidewalks, public ways, easements
22 and other public works upon lands controlled or owned by the Park
23 ~~district~~ Board;

24 (16) Enter into contracts, agreements, leases and other legal

1 obligations extending beyond a period of one fiscal year:
2 *Provided*, That the contract, agreement, lease or other legal
3 obligation does not require the expenditure of tax revenues;

4 (17) Enter into intergovernmental agreements as any municipal
5 corporation would be ~~so~~ entitled to enter into according to law and
6 under ~~such~~ conditions as are required by law of municipal
7 corporations before they enter intergovernmental agreements:

8 *Provided*, That every ~~such~~ intergovernmental agreement shall, prior
9 to and as a condition precedent to its becoming effective, be
10 submitted to the Attorney General of the state of West Virginia who
11 shall determine whether the agreement is in proper form and is
12 compatible with the laws of this state;

13 (18) Provide by contract with the City of Huntington, Town of
14 Milton, Village of Barboursville, and the counties of Cabell and
15 Wayne for the joint construction of sewers and other public works
16 upon property owned or controlled by the board, to be paid for by
17 joint funds; ~~and~~

18 (19) Spend moneys of the Park ~~district~~ Board to effectuate the
19 purposes set forth in this ~~charter~~ act; and

20 (20) Prepare, update at least every five years, and make
21 public a comprehensive plan as to the ongoing development of the
22 Park District: *Provided*, That the Park Board shall conduct at least
23 one public hearing in the Park District for the purpose of
24 obtaining citizen input prior to developing or updating the

1 comprehensive plan.

2 **§7. Charges, revenues, fees, levies, assessments and bonds for the**
3 **support, maintenance and operation of parks.**

4 (a) The Park district Board ~~shall have the following powers to~~
5 may:

6 (1) ~~Make charges to~~ Charge the public for services offered or
7 goods sold by the Park ~~district~~ Board, as follows:

8 ~~(a)~~ (A) Charges for services may be in the form of, but not
9 limited to, admission and entrance fees, exclusive use and rental
10 fees, user fees, license and permit fees, equipment rental, program
11 maintenance fees, instructor fees, special accommodation fees,
12 amusement fees, restricted membership fees, and cemetery service
13 fees;

14 ~~(b)~~ (B) Charges for goods sold may be in the forms of, but not
15 limited to, beverages and foods, novelties and gifts, clothing,
16 athletic equipment and supplies, cemetery plots, crypts, monuments,
17 memorials, markers, vaults and any other forms of merchandise sold
18 in connection with the burial of the dead, and other items that may
19 pertain to the operation and maintenance of the Park District.

20 (2) Impose upon the users of the park system reasonable
21 service fees in addition to the service fees authorized by
22 paragraph ~~(a)~~ (A) , subdivision (1) of this ~~section~~ subsection. As
23 used in this section, "users" means any persons to whom the park
24 system is made available.

1 ~~(a)~~ (A) The board of directors of the ~~park district~~ Park
2 District may adopt one or more resolutions establishing the amount
3 and manner of collection of the fees and providing for reasonable
4 penalties for failure to pay service fees. No resolution imposing
5 a service fee is effective until it is ratified by a majority of
6 the legal votes cast by the qualified voters of the district at a
7 primary or general election.

8 ~~(b)~~ (B) In addition to meeting the ballot and election
9 requirements set forth in subdivision (3) of this ~~section~~
10 subsection, the ballot question must set forth the service fee, the
11 manner in which it will be imposed and the general use to which the
12 proceeds of the service fee shall be put. From time to time, the
13 board may submit additional resolutions imposing additional service
14 fees to the district's electors for approval pursuant to this
15 section.

16 (3) Issue revenue bonds or refunding revenue bonds for the
17 district, in the manner prescribed by ~~the applicable provisions of~~
18 sections seven, ten, twelve and sixteen, article sixteen, chapter
19 eight of ~~the Code of West Virginia, 1931, as amended~~ this code. No
20 revenue bonds, except for refunding revenue bonds, may be issued
21 under this section until all questions connected with the bonds are
22 first submitted to a vote of the qualified electors of the district
23 for which the bonds are to be issued, and receive a majority of all
24 the votes cast for and against the issuance. The ballot question

1 must set forth:

2 ~~(a)~~ (A) The necessity for issuing the bonds;

3 ~~(b)~~ (B) Purpose or purposes for which the proceeds of bonds
4 are to be expended;

5 ~~(c)~~ (C) Total indebtedness, bonded or otherwise;

6 ~~(d)~~ (D) Amount of the proposed bond issue;

7 ~~(e)~~ (E) Maximum term of bonds and series;

8 ~~(f)~~ (F) Maximum rate of interest;

9 ~~(g)~~ (G) Date of election; and

10 ~~(h)~~ (H) That the ~~park district~~ Park District is authorized to
11 collect fees to provide funds for the payment of the interest upon
12 the bonds and the principal at maturity, and the approximate amount
13 of fees necessary for this purpose.

14 ~~(i)~~ (4) Notice of any election shall be given by publication,
15 within fourteen consecutive days next preceding the date of the
16 election, of the resolution imposing the service fee as a Class II
17 legal advertisement in compliance with the provisions of article
18 three, chapter fifty-nine of this code and the publication area for
19 publication shall be the district. All of the provisions of the
20 general election laws of this State concerning primary or general
21 elections, when not in conflict with the provisions of this
22 section, shall apply to elections hereunder, insofar as
23 practicable.

24 ~~(4)~~ (5) Annually levy on each \$100 of the assessed valuation

1 of the property taxable in ~~said park district~~ the Park District,
2 within the corporate boundaries of the City of Huntington according
3 to the last assessment ~~thereof~~ for state and county purposes, as
4 follows:

5 (A) On Class I property, 1.5¢; on Class II property, 3¢; on
6 Class IV property, 6¢. The Park ~~district~~ Board may levy a lesser
7 amount, in which case the above levies shall be reduced
8 proportionately. ~~These~~ The levies shall be made at the time and in
9 the manner provided by article eight, chapter eleven of ~~the code of~~
10 ~~West Virginia, one thousand nine hundred thirty-one, as amended;~~
11 this code, except that the levies shall be included in the maximum
12 rates for the City of Huntington as established by law.

13 (B) After the Park ~~district~~ Board has made the levy, it shall
14 certify to the Finance Director of the city of Huntington the
15 amount of the ~~said~~ levy, and the Finance Director shall ~~thereupon~~
16 extend the levy upon the tax tickets. ~~and~~ All levies made by the
17 Park ~~district~~ Board shall be collected by the Finance Director who
18 shall occupy a fiduciary relationship with the Park ~~district~~ Board.
19 ~~and then such~~ Levy funds shall be paid to the Park ~~district~~ Board
20 upon written order of the Park ~~district~~ Board, signed by the
21 President of the Park ~~district~~ Board and countersigned by the
22 Secretary of the Park ~~district~~ Board.

23 (6) Assess the cost of improvements to or construction of
24 streets, sidewalks, sewers, curbs, alleys, public ways or

1 easements, or portions thereof, upon the abutting property owners
2 whose property lies within the Park District. The assessments
3 require approval of a majority of the commissioners present and
4 voting, and shall be commenced and conducted in the manner
5 prescribed by article eighteen, chapter eight of this code.

6 (7) Sue and be sued; make contracts and guarantees; incur
7 liabilities; borrow or lend money for any time period considered
8 advisable by the commission; sell, mortgage, lease, exchange,
9 transfer or otherwise dispose of its property; or pledge its
10 property as collateral or security for any time period considered
11 advisable by the commission.

12 (8) Create trusts as will expedite the efficient management of
13 the property and other assets owned or controlled by the Park
14 Board. The trustee, whether individual or corporate, has a
15 fiduciary relationship with the Park Board and may be removed by
16 the Park Board for good cause shown or for a breach of the
17 fiduciary relationship with the Park Board.

18 ~~Levies for support, maintenance and operation.~~

19 ~~(5)~~ (b) In order to ensure adequate support for the
20 maintenance and operation of the ~~park district~~ Park District, the
21 following governing authorities shall, upon written request by the
22 ~~Park district~~ Board, levy annually as follows within the respective
23 taxing districts of the governing authorities, on each \$100 of
24 assessed valuation of the property taxable in the area served by it

1 according to the last assessment for state and county purposes,
2 amounts not exceeding the following amounts for fiscal year
3 beginning July 1, 1983:

4 ~~(a)~~ (1) The county commission of Cabell County, for the first
5 year of the act and annually thereafter: Class ~~one~~ I, 0.433¢; ~~class~~
6 ~~two~~ Class II, 0.866¢; ~~class three and class four~~ Class III and
7 Class IV, 1.73¢.

8 ~~(b)~~ (2) The county commission of Wayne County, for the first
9 year of the act and annually thereafter; Class ~~one~~ I, 0.0066¢;
10 ~~class two~~ Class II, 0.0132¢; ~~class three and class four~~ Class III
11 and Class IV, 0.0266¢.

12 ~~(c)~~ (3) The board of education of the county of Cabell shall
13 provide funds available to the board through special and excess
14 levies for the first year of the act and annually thereafter: Class
15 ~~one~~ I, 0.433¢; ~~class two~~ Class II, 0.866¢; ~~class three and class~~
16 ~~four~~ Class III and Class IV, 1.73¢.

17 ~~(d)~~ (4) The city of Huntington, for the first year of the act
18 and annually thereafter: Class ~~one~~ I, 1.3¢; ~~class two~~ Class II, 2.6
19 cents; ~~class three and four~~ Class III and Class IV, 5.2¢.

20 ~~(e)~~ (5) The town of Milton, for the first year of the act and
21 annually thereafter: Class ~~one~~ I, 1.3¢; ~~class two~~ Class II, 2.6¢;
22 ~~class three and class four~~ Class III and Class IV, 5.2¢.

23 (c) In addition to the ~~aforsaid~~ amounts set forth in
24 subsection (b) of this section, which, upon written request by ~~said~~

1 the board, the governing authorities shall levy, each ~~such~~
2 governing authority may support the ~~park district~~ Park District
3 with any other general or special revenues or excess levies.

4 (1) All income realized by the operation of the Park ~~district~~
5 Board from any sources other than the ~~above~~ levies shall be used by
6 the board of directors for support of the ~~park district~~ Park
7 District.

8 (2) All money collected or appropriated by the foregoing
9 governing authorities for ~~park district~~ Park District purposes
10 shall be deposited in a special account of the Park ~~district~~ Board
11 and shall be disbursed by that board for the purpose of operating
12 ~~such~~ Park ~~district~~ Board.

13 ~~(4) Assess the cost of improvements to or construction of~~
14 ~~streets, sidewalks, sewers, curbs, alleys, public ways or~~
15 ~~easements, or portions thereof, upon the abutting property owners~~
16 ~~whose property lies within the park district. Such assessments~~
17 ~~shall require approval of a majority of the commissioners present~~
18 ~~and voting, and shall be commenced and conducted in such manner as~~
19 ~~is prescribed by article eighteen, chapter eight of the code of~~
20 ~~West Virginia, one thousand nine hundred thirty one, as amended.~~

21 (5) (d) The municipalities of Huntington and Milton and the
22 counties of Cabell and Wayne ~~are hereby empowered, and authorized~~
23 ~~to~~ may issue, in the manner prescribed by law, revenue bonds or
24 general obligation bonds, for the purpose of raising funds to

1 establish, construct, improve, extend, develop, maintain or
2 operate, a system of public parks and recreational facilities for
3 the city or counties, or to refund any bonds of the city or
4 counties, the proceeds of which were expended in the establishing,
5 constructing, improving, extending, developing, maintaining or
6 operating of ~~such~~ any part of all of the public park and recreation
7 system. ~~or any part thereof.~~

8 (1) Any bonds issued ~~for any of the purposes stated in this~~
9 ~~section~~ pursuant to this subsection shall contain in the title or
10 subtitle ~~thereto~~ the words "public park and recreation bonds," in
11 order to identify the same, and shall be of ~~such~~ the form,
12 denomination and maturity and shall bear ~~such~~ the rate of interest
13 as ~~shall be~~ fixed by ordinance of the governing body of the city or
14 counties.

15 (2) The governing body may provide for the issuance of bonds
16 for other lawful purposes of the city or counties in the same
17 ordinance in which provision shall be made for the issuance of
18 bonds under the provisions of this section.

19 (3) The Park ~~district~~ Board shall pay all of the costs and
20 expenses of any election which shall be held to authorize the
21 issuance of public park and recreation bonds only.

22 (4) The costs and expenses of holding an election to authorize
23 the issuance of public park and recreation bonds and bonds for
24 other city or county purposes shall be paid by the Park ~~district~~

1 Board and the city or counties respectively, in the proportion that
2 the public park and recreation bonds bear to the total amount of
3 bonds authorized.

4 ~~(5) Whenever the governing body of the city or counties and~~
5 ~~the requisite majority of the legal votes cast at the election~~
6 ~~thereon shall authorize in the manner prescribed by law, the~~
7 ~~issuance of bonds for the purpose of establishing, constructing,~~
8 ~~improving, extending, developing, maintaining, or operating, or any~~
9 ~~combination of the foregoing, a system of public parks and~~
10 ~~recreational facilities for the city or counties, or for refunding~~
11 ~~any outstanding bonds, the proceeds of which were applied to any of~~
12 ~~said purposes, said bonds shall be issued and The bonds issued~~
13 ~~pursuant to this subsection shall be delivered to the Park ~~district~~~~
14 ~~Board to be ~~by it~~ sold in the manner prescribed by law, and the~~
15 ~~proceeds thereof shall be paid into the treasury of the Park~~
16 ~~~~district~~ Board, and the same shall be applied and utilized by the~~
17 ~~Park ~~district~~ Board for the purposes prescribed by the ordinance~~
18 ~~authorizing the issuance of such bonds.~~

19 ~~(6) In any ordinance for the issuance of bonds ~~for such~~~~
20 ~~purposes pursuant to this subsection, it shall be a sufficient~~
21 ~~statement of the purposes for creating the debt to specify that the~~
22 ~~same is for the purpose of establishing, constructing, improving,~~
23 ~~extending, developing, maintaining or operating, or any combination~~
24 ~~of the foregoing, a public park and recreation system for the city~~

1 or counties, without specifying the particular establishment,
2 construction, improvement, extension, development, maintenance or
3 operation contemplated; but an ordinance for refunding bonds shall
4 designate the issue and the number of bonds which it is proposed to
5 refund.

6 ~~(6) Sue and be sued: make contracts and guarantees; incur~~
7 ~~liabilities; borrow or lend money for any time period deemed~~
8 ~~advisable by the commission, sell, mortgage, lease, exchange,~~
9 ~~transfer or otherwise dispose of its property; or pledge its~~
10 ~~property as collateral or security for any time period deemed~~
11 ~~advisable by the commission.~~

12 ~~(7) Create trusts of such kind as will expedite the efficient~~
13 ~~management of the property and other assets owned or controlled by~~
14 ~~the park district. The trustee, whether individual or corporate, in~~
15 ~~any such trust shall have a fiduciary relationship with the park~~
16 ~~district and may be removed by the park district for good cause~~
17 ~~shown or for a breach of the fiduciary relationship with the park~~
18 ~~district.~~

19 **§8. Law enforcement.**

20 (a) The Park District ~~is authorized and empowered to employ~~
21 ~~as many park rangers as the park district shall deem proper and~~
22 ~~necessary. Park rangers shall have the power may employ park~~
23 ~~rangers to make arrests for violations of ordinances promulgated by~~
24 the ~~park district~~ Park District upon the property under the

1 jurisdiction of the ~~park district~~. Park District: Provided, That
2 any person so employed as a park ranger must be certified or
3 certifiable as having met the minimum entry level law enforcement
4 qualification and training program requirements pursuant to the
5 provisions of article twenty-nine, chapter thirty of this code.

6 Park rangers may not carry a gun without obtaining a license
7 therefor as required by law.

8 (b) Police officers employed by the city of Huntington, town
9 of Milton, ~~village of Barboursville,~~ members of the West Virginia
10 ~~division of public safety~~ State Police and sheriff's deputies in
11 Cabell and Wayne counties ~~are hereby authorized and empowered to or~~
12 other law-enforcement agency authorized by law may make arrests for
13 violations of ordinances promulgated by the Park ~~district~~ Board
14 ~~upon~~ on property within the ~~park district~~ Park District which is
15 under the jurisdiction of the Park ~~district~~ Board. and All of the
16 foregoing officers of the law, except members of the Huntington
17 police department, ~~are hereby authorized and empowered to~~ may make
18 arrests for violations of ordinances promulgated by the Park
19 ~~district~~ Board ~~upon~~ on property under the jurisdiction of the ~~park~~
20 ~~district~~ Park District which is outside of the Park ~~district~~ Board.

21 (c) For violations of ~~park district~~ Park District ordinances,
22 jurisdiction of all warrants ~~relating thereto to be issued~~ is
23 ~~hereby~~ granted to ~~such~~ the courts ~~as~~ which have criminal
24 jurisdiction of misdemeanors committed ~~upon~~ on property which is

1 owned or controlled by the Park ~~district~~ Board.

2 **§9. Title to property.**

3 (a) The title of all parks, parkways, playgrounds, athletic
4 fields, cemeteries, boulevards and other property, real, personal
5 and mixed, vested in the board of park commissioners under the
6 powers and authority of the acts hereby amended and reenacted shall
7 be and remain vested in the Greater Huntington Park and Recreation
8 District Board as herein ~~reconstituted~~ defined.

9 (b) Notwithstanding any provisions of this ~~charter act~~ to the
10 contrary, the Park ~~district~~ Board ~~is hereby authorized and~~
11 ~~empowered to~~ may grant and convey to any municipality, town,
12 village, county or to the State of West Virginia, all right, title,
13 control and interest, jurisdiction and maintenance of any streets
14 or boulevards owned by the Park ~~district~~ Board, whenever the Park
15 ~~district deems~~ Board considers such action to be necessary or
16 convenient and proper and in the best interests of the inhabitants
17 of the ~~park district~~ Park District.