

H. B. 3004

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

[Introduced February 3, 2011; referred to the
Committee on Government Organization then Finance.]

A BILL to repeal sections 2a, 11, 12 and 13 of chapter 26 of the Acts of the Legislature, regular session, 1925 (municipal charters), section 12 of which was amended by chapter 132, Acts of the Legislature, regular session, 1972; to repeal section 6a of chapter 194, Acts of the Legislature, regular session, 1983, as amended by chapter 110 of the Acts of the Legislature, regular session, 2003; and to amend and reenact sections 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of chapter 26 of the Acts of the Legislature, regular session, 1925 (municipal charters), section 10 of which was amended by chapter 122 of the Acts of the Legislature, regular session, 1933, sections 1, 5, 6 and 9 of which were amended by chapter 194, Acts of the Legislature, regular session, 1983, section 8 of which was amended by chapter 175, Acts of the Legislature, regular session, 1991, sections 2, 3, and 4 of which were amended by 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
4 a public hearing when the comprehensive plan is updated;
5 requiring that persons employed as park rangers meet certain
6 law-enforcement qualifications; limiting liability for damages
7 in the absence of willful and wanton misconduct; and making
8 technical corrections.

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

10 That sections 2a, 11, 12 and 13 of chapter 26 of the Acts of
11 the Legislature, regular session, 1925 (municipal charters),
12 section 12 of which was amended by chapter 132, Acts of the
13 Legislature, regular session, 1972, be repealed; that section 6a of
14 chapter 194, Acts of the Legislature, regular session, 1983, as
15 amended by chapter 110 of the Acts of the Legislature, regular
16 session, 2003, be repealed; that sections 1, 2, 3, 4, 5, 6, 7, 8,
17 9 and 10 of chapter 26 of the Acts of the Legislature, regular
18 session, 1925 (municipal charters), section 10 of which was amended
19 by chapter 122 of the Acts of the Legislature, regular session,
20 1933, sections 1, 5, 6 and 9 of which were amended by chapter 194,
21 Acts of the Legislature, regular session, 1983, section 8 of which
22 was amended by chapter 175, Acts of the Legislature, regular
23 session, 1991, sections 2, 3, and 4 of which were amended by
24 chapter 110, Acts of the Legislature, regular session, 2003, and
25 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
25 pools, lakes, ponds, water parks, water amusements, beaches,

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

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

18 **§2. Greater Huntington Park and Recreation District; composition;**
 19 **terms of office; political affiliation; ~~no commissioner may~~**
 20 **~~hold another elected public office;~~ compensation; expenses;**
 21 **~~no commissioner may be~~ prohibition against commissioners**
 22 **holding other elected offices or being personally**
 23 **interested in contracts 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
25 the highest number of votes shall be elected for a term of six

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

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

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

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

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

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

23 (G) Beginning at the general election in the year, 2008, and
24 every sixth year thereafter, there shall be elected four
25 commissioners who shall be elected for a term of six years. One

1 commissioner shall be elected from the Westmoreland magisterial
2 district in the county of Wayne. Three commissioners shall be
3 elected from the county of Cabell.

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

8 (c) No elected commissioner shall hold any other elected or
9 appointed public office.

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

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

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

21 Any vacancy which may occur in the office of an elected
22 commissioner, by death, resignation, refusal to serve, or
23 otherwise, shall be filled by the Park ~~district~~ Board at its first
24 regular meeting ~~thereafter~~ within sixty days after the vacancy, by
25 appointment of a ~~suitable~~ qualified person, and the person ~~so~~

1 appointed shall hold office until the next election for
2 commissioners, when a person shall be elected for the remainder of
3 the unexpired term of commissioner.

4 **§4. Oath of commissioners; election of officers; election of other**
5 **officers; duties of officers; bond required of secretary**
6 **and treasurer; secretary pro tempore.**

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

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

15 (b) At the Park ~~district's~~ Board's first meeting and every
16 year thereafter, it shall elect one of its members as president,
17 and another member as vice-president. The Park ~~district~~ Board shall
18 elect a secretary who need not be a member of the Park ~~district~~
19 Board, as well as elect a member of the Park ~~district~~ Board who
20 shall serve as treasurer. The Park ~~district~~ Board shall have the
21 power to appoint from among its members such other officers as it
22 ~~deems~~ considers necessary and to delegate ~~such~~ duties and authority
23 to ~~these other~~ the officers ~~as is~~ consistent with ~~carrying out~~ the
24 purposes of this act. Any officer may be removed from office, upon

1 adequate notice and hearing, although not relieved of his or her
 2 duties as a commissioner, by a vote of the majority of
 3 commissioners present and voting.

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

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

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

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

18 ~~(c)~~ (C) Appoint committees and delegate duties; and

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

21 (2) ~~Vice-President~~ — The Vice-President shall assume the
 22 duties of the ~~president~~ President in case of the absence or
 23 incapacity of the president and shall become president on the
 24 death, resignation or permanent incapacity of the president as
 25 determined by the Park ~~district~~ Board.

1 (3) ~~Secretary~~ The Secretary shall be the chief recording
2 and corresponding officer and the custodian of the records of the
3 Park district Board, ~~The duties of the secretary shall be to: and~~
4 shall:

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

7 ~~(b)~~ (B) Prepare and certify the correctness of the minutes and
8 enter them in the official minute book;

9 ~~(c)~~ (C) Read or circulate the minutes to the commissioners for
10 correction and approval;

11 ~~(d)~~ (D) Enter any corrections approved by the commissioners in
12 the minute book and initial them;

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

16 ~~(f)~~ (F) Provide the presiding officer of the assembly with the
17 exact wording of a pending motion or of one previously acted on
18 when directed by the presiding officer;

19 ~~(g)~~ (G) Prepare a list of members and call the roll when
20 directed by the presiding officer;

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

23 ~~(i)~~ (I) Bring to each meeting the minute book or its
24 electronic equivalent, a copy of ordinances, rules and policies, a
25 list of the members, a list of standing and special committees, and

- 1 a copy of the parliamentary authority adopted by the organization;
- 2 ~~(j)~~ (J) Search the minutes for information requested by
3 officers or members;
- 4 ~~(k)~~ (K) Assist the presiding officer before each meeting in
5 preparing a detailed agenda;
- 6 ~~(l)~~ (L) Preserve all records, reports and official documents
7 of the Park ~~district~~ Board except those specifically assigned to
8 the custody of others as well as preserve all papers containing
9 evidence of title, contracts and obligations;
- 10 ~~(m)~~ (M) Prepare and send required notices of meetings and
11 proposals;
- 12 ~~(n)~~ (N) Provide the chairman of each special committee with a
13 list of his or her committee members, a copy of the motion
14 referring the subject to the committee, and instructions and other
15 documents that may be useful;
- 16 ~~(o)~~ (O) Provide the chairman of each standing committee with
17 a copy of all proposals referred to it, instructions, or material
18 that may be useful;
- 19 ~~(p)~~ (P) Authenticate official documents by his or her
20 signature;
- 21 ~~(q)~~ (Q) Carry on the official correspondence of the Park
22 ~~district~~ Board as directed, except correspondence assigned to other
23 officers;
- 24 ~~(r)~~ (R) Make available the minute book or its electronic
25 equivalent for public inspection as a public record; and

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

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

14 (4) ~~Treasurer~~ — The treasurer shall be responsible for the
15 collection, safekeeping, investing and expenditure of all funds and
16 assets of the Park ~~district~~ Board, and for keeping an accurate
17 financial record ~~thereof~~ which ~~record~~ shall be available for public
18 inspection. Before entering upon the duties of his or her office,
19 the treasurer shall enter into a bond with one or more sureties
20 ~~deemed~~ considered sufficient by the Park ~~district~~ Board, and
21 approved by the Park ~~district~~ Board, conditioned upon the faithful
22 discharge of his or her duties and the ~~account~~ accounting for and
23 paying over, as may be required, all moneys which may come into his
24 or her possession by virtue of his or her office. ~~Such~~ The bond
25 shall be in such ~~penal~~ sum as the Park ~~district~~ Board may require,

1 payable to the Greater Huntington Park and Recreation District
2 Board and filed with the Park ~~district~~ Board for safekeeping.

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

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

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

17 (c) The Park ~~district~~ Board shall ~~have and~~ maintain an office
18 in a location of its ~~own~~ choosing which ~~office~~ shall be open to the
19 public during normal business hours.

20 **§6. Park district Board established as a public corporate body;**
21 **perpetual existence; seal; powers.**

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

25 (b) In addition to the powers set forth in section seven of

1 this act, the Park ~~district~~ Board ~~shall have powers to~~ may:

2 (1) Appropriate and expend funds from the sources of income
3 derived from the enactment of this ~~charter~~ act for the purposes of
4 establishing, constructing, improving, extending, developing,
5 maintaining and operating, or any combination of the foregoing, a
6 public park system for the ~~park district~~: however Park District:

7 Provided, That it may not expend funds on or appropriate funds to
8 external agencies, public or private, for any purpose whatsoever:

9 Provided, however, That in accordance with ~~section six, item four~~
10 this section, the Park ~~district~~ Board may contract with other
11 agencies for direct services received or for joint endeavors in
12 which the Park ~~district~~ Board is an active participant;

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

15 (3) Receive any gift, grant, donation, bequest, devise or
16 trust funds;

17 (4) Sue and be sued;

18 (5) Contract and be contracted with;

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

22 (7) Retain complete and exclusive control and management of
23 all of the properties owned by the Park ~~district~~ Board and dispose
24 of the same as in the Park ~~district's~~ Board's opinion will best
25 serve the purposes of this ~~charter~~ act and the interests of the

1 public;

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

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

11 (10) Employ ~~such~~ persons as, in its opinion, may be necessary
12 for the establishment, construction, improvement, extension,
13 development, maintenance, operation or management of the property
14 under its control, at ~~such~~ wages, salaries or fees as it ~~shall deem~~
15 considers proper, and the Park ~~district~~ Board shall have full
16 control of all employees;

17 (11) Promulgate ~~those~~ ordinances, rules and regulations
18 necessary to maintain the property belonging to the Park ~~district~~
19 Board as places of beauty, education and recreation or necessary to
20 promote the health, property, lives, decency, morality and good
21 order of the ~~independent park district~~ Park District, its
22 inhabitants and members of the general public making use of ~~such~~
23 property owned or controlled by the Park ~~district~~ Board, or
24 necessary to regulate the use of or driving upon the property owned
25 or controlled by the Park ~~district~~ Board;

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

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

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

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

14 (16) Enter into contracts, agreements, leases and other legal
15 obligations extending beyond a period of one fiscal year:
16 *Provided*, That the contract, agreement, lease or other legal
17 obligation does not require the expenditure of tax revenues;

18 (17) Enter into intergovernmental agreements as any municipal
19 corporation would be ~~so~~ entitled to enter into according to law and
20 under ~~such~~ conditions as are required by law of municipal
21 corporations before they enter intergovernmental agreements:
22 *Provided*, That every ~~such~~ intergovernmental agreement shall, prior
23 to and as a condition precedent to its becoming effective, be
24 submitted to the Attorney General of the state of West Virginia who
25 shall determine whether the agreement is in proper form and is

1 compatible with the laws of this state;

2 (18) Provide by contract with the City of Huntington, Town of
3 Milton, Village of Barboursville, and the counties of Cabell and
4 Wayne for the joint construction of sewers and other public works
5 upon property owned or controlled by the board, to be paid for by
6 joint funds; ~~and~~

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

9 (20) Prepare, update at least every five years, and make
10 public a comprehensive plan as to the ongoing development of the
11 Park District: Provided, That the Park Board shall conduct at least
12 one public hearing in the Park District for the purpose of
13 obtaining citizen input prior to developing or updating the
14 comprehensive plan.

15 **§7. Financing and financial powers Charges, revenues, fees, levies,**
16 **assessments and bonds for the support, maintenance and**
17 **operation of parks.**

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

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

22 ~~(a)~~ (A) Charges for services may be in the form of, but not
23 limited to, admission and entrance fees, exclusive use and rental
24 fees, user fees, license and permit fees, equipment rental, program

1 maintenance fees, instructor fees, special accommodation fees,
2 amusement fees, restricted membership fees, and cemetery service
3 fees;

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

10 (2) Impose upon the users of the park system reasonable
11 service fees in addition to the service fees authorized by
12 paragraph ~~(a)~~ (A) , subdivision (1) of this ~~section~~ subsection. As
13 used in this section, "users" means any persons to whom the park
14 system is made available.

15 ~~(a)~~ (A) The board of directors of the ~~park district~~ Park
16 District may adopt one or more resolutions establishing the amount
17 and manner of collection of the fees and providing for reasonable
18 penalties for failure to pay service fees. No resolution imposing
19 a service fee is effective until it is ratified by a majority of
20 the legal votes cast by the qualified voters of the district at a
21 primary or general election.

22 ~~(b)~~ (B) In addition to meeting the ballot and election
23 requirements set forth in subdivision (3) of this ~~section~~
24 subsection, the ballot question must set forth the service fee, the
25 manner in which it will be imposed and the general use to which the

1 proceeds of the service fee shall be put. From time to time, the
 2 board may submit additional resolutions imposing additional service
 3 fees to the district's electors for approval pursuant to this
 4 section.

5 (3) Issue revenue bonds or refunding revenue bonds for the
 6 district, in the manner prescribed by ~~the applicable provisions of~~
 7 sections seven, ten, twelve and sixteen, article sixteen, chapter
 8 eight of ~~the Code of West Virginia, 1931, as amended~~ this code. No
 9 revenue bonds, except for refunding revenue bonds, may be issued
 10 under this section until all questions connected with the bonds are
 11 first submitted to a vote of the qualified electors of the district
 12 for which the bonds are to be issued, and receive a majority of all
 13 the votes cast for and against the issuance. The ballot question
 14 must set forth:

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

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

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

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

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

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

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

23 ~~(h)~~ (H) That the ~~park district~~ Park District is authorized to
 24 collect fees to provide funds for the payment of the interest upon
 25 the bonds and the principal at maturity, and the approximate amount

1 of fees necessary for this purpose.

2 ~~(i)~~ (4) Notice of any election shall be given by publication,
 3 within fourteen consecutive days next preceding the date of the
 4 election, of the resolution imposing the service fee as a Class II
 5 legal advertisement in compliance with the provisions of article
 6 three, chapter fifty-nine of this code and the publication area for
 7 publication shall be the district. All of the provisions of the
 8 general election laws of this State concerning primary or general
 9 elections, when not in conflict with the provisions of this
 10 section, shall apply to elections hereunder, insofar as
 11 practicable.

12 ~~(4)~~ (5) Annually levy on each \$100 of the assessed valuation
 13 of the property taxable in ~~said park district~~ the Park District,
 14 within the corporate boundaries of the City of Huntington according
 15 to the last assessment ~~thereof~~ for state and county purposes, as
 16 follows:

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

25 (B) After the Park ~~district~~ Board has made the levy, it shall

1 certify to the Finance Director of the city of Huntington the
2 amount of the ~~said~~ levy, and the Finance Director shall ~~thereupon~~
3 extend the levy upon the tax tickets. ~~and~~ All levies made by the
4 Park ~~district~~ Board shall be collected by the Finance Director who
5 shall occupy a fiduciary relationship with the Park ~~district~~ Board.
6 ~~and then such~~ Levy funds shall be paid to the Park ~~district~~ Board
7 upon written order of the Park ~~district~~ Board, signed by the
8 President of the Park ~~district~~ Board and countersigned by the
9 Secretary of the Park ~~district~~ Board.

10 (6) Assess the cost of improvements to or construction of
11 streets, sidewalks, sewers, curbs, alleys, public ways or
12 easements, or portions thereof, upon the abutting property owners
13 whose property lies within the Park District. The assessments
14 require approval of a majority of the commissioners present and
15 voting, and shall be commenced and conducted in the manner
16 prescribed by article eighteen, chapter eight of this code.

17 (7 Sue and be sued; make contracts and guarantees; incur
18 liabilities; borrow or lend money for any time period considered
19 advisable by the commission; sell, mortgage, lease, exchange,
20 transfer or otherwise dispose of its property; or pledge its
21 property as collateral or security for any time period considered
22 advisable by the commission.

23 (8) Create trusts as will expedite the efficient management of
24 the property and other assets owned or controlled by the Park
25 Board. The trustee, whether individual or corporate, has a

1 fiduciary relationship with the Park Board and may be removed by
 2 the Park Board for good cause shown or for a breach of the
 3 fiduciary relationship with the Park Board.

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

5 ~~(5)~~ (b) In order to ensure adequate support for the
 6 maintenance and operation of the ~~park district~~ Park District, the
 7 following governing authorities shall, upon written request by the
 8 ~~Park district~~ Board, levy annually as follows within the respective
 9 taxing districts of the governing authorities, on each \$100 of
 10 assessed valuation of the property taxable in the area served by it
 11 according to the last assessment for state and county purposes,
 12 amounts not exceeding the following amounts for fiscal year
 13 beginning July 1, 1983:

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

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

22 ~~(c)~~ (3) The board of education of the county of Cabell shall
 23 provide funds available to the board through special and excess
 24 levies for the first year of the act and annually thereafter: Class
 25 ~~one~~ I, 0.433¢; ~~class two~~ Class II, 0.866¢; ~~class three and class~~

1 ~~four~~ Class III and Class IV, 1.73¢.

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

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

8 (c) In addition to the ~~aforsaid~~ amounts set forth in
9 subsection (b) of this section, which, upon written request by ~~said~~
10 the board, the governing authorities shall levy, each ~~such~~
11 governing authority may support the ~~park district~~ Park District
12 with any other general or special revenues or excess levies.

13 (1) All income realized by the operation of the Park ~~district~~
14 Board from any sources other than the ~~above~~ levies shall be used by
15 the board of directors for support of the ~~park district~~ Park
16 District.

17 (2) All money collected or appropriated by the foregoing
18 governing authorities for ~~park district~~ Park District purposes
19 shall be deposited in a special account of the Park ~~district~~ Board
20 and shall be disbursed by that board for the purpose of operating
21 ~~such~~ Park ~~district~~ Board.

22 ~~(4)~~ ~~Assess the cost of improvements to or construction of~~
23 ~~streets, sidewalks, sewers, curbs, alleys, public ways or~~
24 ~~easements, or portions thereof, upon the abutting property owners~~
25 ~~whose property lies within the park district. Such assessments~~

1 ~~shall require approval of a majority of the commissioners present~~
2 ~~and voting, and shall be commenced and conducted in such manner as~~
3 ~~is prescribed by article eighteen, chapter eight of the code of~~
4 ~~West Virginia, one thousand nine hundred thirty one, as amended.~~

5 ~~(5)~~ (d) The municipalities of Huntington and Milton and the
6 counties of Cabell and Wayne ~~are hereby empowered, and authorized~~
7 ~~to~~ may issue, in the manner prescribed by law, revenue bonds or
8 general obligation bonds, for the purpose of raising funds to
9 establish, construct, improve, extend, develop, maintain or
10 operate, a system of public parks and recreational facilities for
11 the city or counties, or to refund any bonds of the city or
12 counties, the proceeds of which were expended in the establishing,
13 constructing, improving, extending, developing, maintaining or
14 operating of ~~such~~ any part of all of the public park and recreation
15 system. ~~or any part thereof.~~

16 (1) Any bonds issued ~~for any of the purposes stated in this~~
17 ~~section pursuant to this subsection~~ shall contain in the title or
18 subtitle ~~thereto~~ the words "public park and recreation bonds," in
19 order to identify the same, and shall be of ~~such~~ the form,
20 denomination and maturity and shall bear ~~such~~ the rate of interest
21 as ~~shall be~~ fixed by ordinance of the governing body of the city or
22 counties.

23 (2) The governing body may provide for the issuance of bonds
24 for other lawful purposes of the city or counties in the same
25 ordinance in which provision shall be made for the issuance of

1 bonds under the provisions of this section.

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

5 (4) The costs and expenses of holding an election to authorize
6 the issuance of public park and recreation bonds and bonds for
7 other city or county purposes shall be paid by the Park ~~district~~
8 Board and the city or counties respectively, in the proportion that
9 the public park and recreation bonds bear to the total amount of
10 bonds authorized.

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

1 (6) In any ordinance for the issuance of bonds ~~for such~~
2 ~~purposes pursuant to this subsection,~~ it shall be a sufficient
3 statement of the purposes for creating the debt to specify that the
4 same is for the purpose of establishing, constructing, improving,
5 extending, developing, maintaining or operating, or any combination
6 of the foregoing, a public park and recreation system for the city
7 or counties, without specifying the particular establishment,
8 construction, improvement, extension, development, maintenance or
9 operation contemplated; but an ordinance for refunding bonds shall
10 designate the issue and the number of bonds which it is proposed to
11 refund.

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

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

25 **§8. Law enforcement.**

1 (a) The Park District ~~is authorized and empowered to employ~~
 2 ~~as many park rangers as the park district shall deem proper and~~
 3 ~~necessary. Park rangers shall have the power~~ may employ park
 4 rangers to make arrests for violations of ordinances promulgated by
 5 the ~~park district~~ Park District upon the property under the
 6 jurisdiction of the ~~park district~~: Park District: Provided, That
 7 any person so employed as a park ranger must be certified or
 8 certifiable as having met the minimum entry level law enforcement
 9 qualification and training program requirements pursuant to the
 10 provisions of article twenty-nine, chapter thirty of this code.
 11 Park rangers may not carry a gun without obtaining a license
 12 ~~therefor~~ as required by law.

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

1 (c) For violations of ~~park district~~ Park District ordinances,
2 jurisdiction of all warrants ~~relating thereto to be issued~~ is
3 hereby granted to ~~such~~ the courts ~~as~~ which have criminal
4 jurisdiction of misdemeanors committed ~~upon~~ on property which is
5 owned or controlled by the Park ~~district~~ Board.

6 **§9. Title to property.**

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

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

22 **§10. Limitation of liability.**

23 The Park Board is not liable for any injury, loss or damage
24 that occurs within the Park District or on any property owned or
25 controlled by the Park Board, and no cause of action may arise

1 unless the injury, loss or damage is caused by the willful and
2 wanton misconduct of an agent or employee of the Park Board.

NOTE: The purpose of this bill is to require a public hearing before the comprehensive plan is updated. The bill limits the liability of the Commissioners of the Greater Huntington Park and Recreation District for injury, loss or damage which may occur within the Park District or on property owned or controlled by the board. The bill also requires that persons employed as park rangers meet certain law enforcement qualifications.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.