

COMMITTEE SUBSTITUTE

FOR

H. B. 3004

(BY DELEGATES MORGAN, REYNOLDS, CRAIG, SOBONYA,
C. MILLER, PERDUE AND STEPHENS)

(Originating in the House Committee on the Judiciary)
[February 25, 2011]

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 and 9 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, and section 7 of which was amended by chapter 131, Acts of the Legislature, regular session, 2005, all relating to the Greater Huntington Park and Recreation District; requiring a public hearing when the comprehensive plan is updated; requiring that persons employed as park rangers meet certain law-enforcement qualifications; and making technical corrections.

Be it enacted by the Legislature of West Virginia:

That 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charters), section 12 of which was amended by chapter 132, Acts of the Legislature, regular session, 1972, be repealed; that section 6a of chapter 194,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Legislature, regular session, 1983, as amended by chapter 110 of the Acts of the Legislature, regular session, 2003, be repealed; that sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 of chapter 26 of the Acts of the Legislature, regular session, 1925 (municipal charters), section 10 of which was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, and section 7 of which was amended by chapter 131, Acts of the Legislature, regular session, 2005, be amended and reenacted, all to read as follows:

**GREATER HUNTINGTON PARK AND RECREATION
DISTRICT**

§1. Definitions.

- 1 ~~Unless the context clearly indicates otherwise~~ The
- 2 following terms have the following meanings:
- 3 (a) “Commissioners” or “Park Board” means the
- 4 members of the Greater Huntington Park and Recreation

5 District Board as ~~defined hereinafter~~ set forth in section two
6 of this act.

7 (b) “Control” means the right and authority to manage,
8 direct, order and otherwise exercise dominion over.

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

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

24 ponds, water parks, water amusements, beaches, waterfronts,
25 boat docks, boat houses, and boat launching ramps, court
26 areas for net games such as basketball, volleyball,
27 badminton, tennis, handball, racquetball, squash and platform
28 tennis; picnic facilities such as groves, shelters and lodges;
29 golf courses, skating rinks; stables and riding paths; gardens,
30 botanic gardens, arboretums, nature centers, zoos, aviaries
31 and environmental interpretive centers; museums, historic
32 landmarks and historic districts; snack bars, restaurants,
33 lounges and gift shops, camps and overnight lodges; theaters;
34 performing arts and crafts centers; recreation centers;
35 mechanical and electronic games centers; dance halls,
36 amusements; parkways and boulevards; and cemeteries, and
37 other public parks and recreational areas and facilities.

38 (e) “Public office” means any elective office, whether
39 federal, state or municipal, where the office holder is elected
40 by the public at large and is obligated to perform duties as an
41 office holder.

§2. **Greater Huntington Park and Recreation District;
composition; terms of office; political affiliation;
compensation; expenses; prohibition against**

commissioners holding other elected offices or being personally interested in contracts or property controlled by board.

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

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

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

24 (A) At the general election in the year 1984, there shall
25 be elected six commissioners. One commissioner shall be
26 elected from the Westmoreland Magisterial District in the
27 County of Wayne. Five commissioners shall be elected from
28 the County of Cabell. In Westmoreland District of ~~Cabell~~
29 Wayne County, the person receiving the highest number of
30 votes shall be elected for a term of six years. In Cabell
31 County, the three persons receiving the highest number of
32 votes shall be elected for a term of six years, the person
33 receiving the next highest number of votes shall be elected
34 for a term of four years, and the remaining elected
35 commissioner shall be elected for a term of two years.

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

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

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

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

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

53 (G) Beginning at the general election in the year, 2008,
54 and every sixth year thereafter, there shall be elected four

55 commissioners who shall be elected for a term of six years.
56 One commissioner shall be elected from the Westmoreland
57 magisterial district in the county of Wayne. Three
58 commissioners shall be elected from the county of Cabell.

59 (2) The commissioners in office upon the effective date
60 of this act under the authority of the acts hereby amended and
61 reenacted, shall continue in office for the term for which they
62 were elected.

63 (c) No elected commissioner shall hold any other elected
64 or appointed public office.

65 (d) Commissioners shall receive no compensation for
66 their services as commissioners, but they shall be entitled to
67 reimbursement for all reasonable and necessary expenses
68 actually incurred in the performance of their duties as
69 commissioners.

70 (e) Commissioners ~~shall have no~~ may not have any
71 personal financial interest, directly or indirectly, in any
72 contract entered into by the ~~park district~~ Park District, or hold
73 any remunerative position in connection with the

74 establishment, construction, improvement, extension,
75 development, maintenance or operation of any of the
76 property under their control as commissioners.

§3. Vacancies in office of park commissioners.

1 Any vacancy which may occur in the office of an elected
2 commissioner, by death, resignation, refusal to serve, or
3 otherwise, shall be filled by the Park ~~district~~ Board at its first
4 regular meeting ~~thereafter~~ within sixty days after the
5 vacancy, by appointment of a ~~suitable~~ qualified person, and
6 the person so appointed shall hold office until the next
7 election for commissioners, when a person shall be elected
8 for the remainder of the unexpired term of commissioner.

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

1 (a) After appointment or election, and before entering
2 upon his or her duties as commissioner, each new
3 commissioner shall take the following oath as administered
4 by the county clerk of Cabell or Wayne County as
5 appropriate and convenient:

6 “I do solemnly swear that I will faithfully
7 perform the duties as a member of the Greater Huntington
8 Park and Recreation District Board during the term for which
9 I was elected, to the best of my ability according to law.”

10 (b) At the Park ~~district's~~ Board's first meeting and every
11 year thereafter, it shall elect one of its members as president,
12 and another member as vice-president. The Park ~~district~~
13 Board shall elect a secretary who need not be a member of
14 the Park ~~district~~ Board, as well as elect a member of the Park
15 ~~district~~ Board who shall serve as treasurer. The Park ~~district~~
16 Board shall have the power to appoint from among its
17 members such other officers as it ~~deems~~ considers necessary
18 and to delegate ~~such~~ duties and authority to ~~these other~~ the
19 officers ~~as is~~ consistent with ~~carrying out~~ the purposes of this
20 act. Any officer may be removed from office, upon adequate
21 notice and hearing, although not relieved of his or her duties
22 as a commissioner, by a vote of the majority of
23 commissioners present and voting.

24 (c) The officers of the Park ~~district~~ Board shall have the
25 following specified duties and any duty which is reasonably

26 inferred therefrom and which is consistent with carrying out
27 the purposes of this ~~charter act~~.

28 (1) ~~President~~== The President shall perform ~~such the~~
29 duties ~~as~~ that ordinarily devolve upon the president presiding
30 officer of a deliberative body, ~~except that he~~ and shall have
31 a one vote upon each ~~and every~~ question, as every other
32 commissioner, and ~~but he shall have only one vote on each~~
33 ~~question. Additionally, the president shall:~~

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

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

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

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

41 (2) ~~Vice-President~~== The Vice-President shall assume the
42 duties of the ~~president~~ President in case of the absence or
43 incapacity of the president and shall become president on the
44 death, resignation or permanent incapacity of the president as
45 determined by the Park ~~district~~ Board.

46 (3) ~~Secretary~~-- The Secretary shall be the chief recording
47 and corresponding officer and the custodian of the records of
48 the Park ~~district~~ Board. ~~The duties of the secretary shall be to:~~
49 and shall:

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

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

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

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

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

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

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

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

69 ~~(i)~~ (I) Bring to each meeting the minute book or its
70 electronic equivalent, a copy of ordinances, rules and
71 policies, a list of the members, a list of standing and special
72 committees, and a copy of the parliamentary authority
73 adopted by the organization;

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

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

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

82 ~~(m)~~ (M) Prepare and send required notices of meetings
83 and proposals;

84 (n) (N) Provide the chairman of each special committee
85 with a list of his or her committee members, a copy of the
86 motion referring the subject to the committee, and
87 instructions and other documents that may be useful;

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

91 (p) (P) Authenticate official documents by his or her
92 signature;

93 (q) (Q) Carry on the official correspondence of the Park
94 ~~district~~ Board as directed, except correspondence assigned to
95 other officers;

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

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

100 For this service the secretary, who is not a commissioner,
101 may receive such compensation as the Park ~~district~~ Board
102 may allow. Before entering upon the duties of his or her

103 office, the secretary shall enter into a bond with one or more
104 sureties ~~deemed~~ considered sufficient by the Park ~~district~~
105 Board and approved by the Park ~~district~~ Board, conditioned
106 upon the faithful performance of his or her duties. The bond
107 ~~to~~ shall be payable to the Greater Huntington Park and
108 Recreation District Board in such ~~penal~~ sum as the Park
109 ~~district~~ Board determines, ~~which bond and~~ and shall be filed with
110 the Park ~~district~~ Board for safekeeping. In the secretary's
111 absence, the Park ~~district~~ Board may appoint a secretary pro
112 tempore.

113 (4) ~~Treasurer~~== The treasurer shall be responsible for the
114 collection, safekeeping, investing and expenditure of all
115 funds and assets of the Park ~~district~~ Board, and for keeping
116 an accurate financial record ~~thereof~~ which ~~record~~ shall be
117 available for public inspection. Before entering upon the
118 duties of his or her office, the treasurer shall enter into a bond
119 with one or more sureties ~~deemed~~ considered sufficient by
120 the Park ~~district~~ Board, and approved by the Park ~~district~~
121 Board, conditioned upon the faithful discharge of his or her

122 duties and the ~~account~~ accounting for and paying over, as
123 may be required, all moneys which may come into his or her
124 possession by virtue of his or her office. ~~Such~~ The bond shall
125 be in such ~~penal~~ sum as the Park ~~district~~ Board may require,
126 payable to the Greater Huntington Park and Recreation
127 District Board and filed with the Park ~~district~~ Board for
128 safekeeping.

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

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

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

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

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

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

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

7 (1) Appropriate and expend funds from the sources of
8 income derived from the enactment of this ~~charter~~ act for the
9 purposes of establishing, constructing, improving, extending,
10 developing, maintaining and operating, or any combination
11 of the foregoing, a public park system for the ~~park district~~.

12 ~~however~~ Park District: Provided, That it may not expend
13 funds on or appropriate funds to external agencies, public or
14 private, for any purpose whatsoever: Provided, however,
15 That in accordance with ~~section six, item four~~ this section,
16 the Park ~~district~~ Board may contract with other agencies for
17 direct services received or for joint endeavors in which the
18 Park ~~district~~ Board is an active participant;

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

21 (3) Receive any gift, grant, donation, bequest, devise or
22 trust funds;

23 (4) Sue and be sued;

24 (5) Contract and be contracted with;

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

29 (7) Retain complete and exclusive control and
30 management of all of the properties owned by the Park
31 ~~district~~ Board and dispose of the same as in the Park

32 ~~district's~~ Board's opinion will best serve the purposes of this
33 ~~charter act~~ and the interests of the public;

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

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

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

50 (11) Promulgate ~~those~~ ordinances, rules and regulations
51 necessary to maintain the property belonging to the Park

52 ~~district~~ Board as places of beauty, education and recreation
53 or necessary to promote the health, property, lives, decency,
54 morality and good order of the ~~independent park district~~
55 Park District, its inhabitants and members of the general
56 public making use of ~~such~~ property owned or controlled by
57 the Park ~~district~~ Board, or necessary to regulate the use of or
58 driving upon the property owned or controlled by the Park
59 ~~district~~ Board;

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

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

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

69 (15) Construct, improve, maintain, repair, operate, curb
70 or recurb, pave or repave, grade or regrade, surface or

71 resurface roads, bridges, sewers, culverts, sidewalks, public
72 ways, easements and other public works upon lands
73 controlled or owned by the Park ~~district~~ Board;

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

79 (17) Enter into intergovernmental agreements as any
80 municipal corporation would be ~~so~~ entitled to enter into
81 according to law and under ~~such~~ conditions as are required
82 by law of municipal corporations before they enter
83 intergovernmental agreements: *Provided*, That every ~~such~~
84 intergovernmental agreement shall, prior to and as a
85 condition precedent to its becoming effective, be submitted
86 to the Attorney General of the state of West Virginia who
87 shall determine whether the agreement is in proper form and
88 is compatible with the laws of this state;

89 (18) Provide by contract with the City of Huntington,
90 Town of Milton, Village of Barboursville, and the counties

91 of Cabell and Wayne for the joint construction of sewers and
92 other public works upon property owned or controlled by the
93 board, to be paid for by joint funds; ~~and~~

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

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

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

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

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

5 ~~(a)~~ (A) Charges for services may be in the form of, but
6 not limited to, admission and entrance fees, exclusive use and

7 rental fees, user fees, license and permit fees, equipment
8 rental, program maintenance fees, instructor fees, special
9 accommodation fees, amusement fees, restricted membership
10 fees, and cemetery service fees;

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

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

23 (a) (A) The board of directors of the ~~park district~~ Park
24 District may adopt one or more resolutions establishing the
25 amount and manner of collection of the fees and providing

26 for reasonable penalties for failure to pay service fees. No
27 resolution imposing a service fee is effective until it is
28 ratified by a majority of the legal votes cast by the qualified
29 voters of the district at a primary or general election.

30 (b) (B) In addition to meeting the ballot and election
31 requirements set forth in subdivision (3) of this ~~section~~
32 subsection, the ballot question must set forth the service fee,
33 the manner in which it will be imposed and the general use to
34 which the proceeds of the service fee shall be put. From time
35 to time, the board may submit additional resolutions
36 imposing additional service fees to the district's electors for
37 approval pursuant to this section.

38 (3) Issue revenue bonds or refunding revenue bonds for
39 the district, in the manner prescribed by ~~the applicable~~
40 ~~provisions of sections seven, ten, twelve and sixteen, article~~
41 ~~sixteen, chapter eight of the Code of West Virginia, 1931, as~~
42 ~~amended~~ this code. No revenue bonds, except for refunding
43 revenue bonds, may be issued under this section until all
44 questions connected with the bonds are first submitted to a

45 vote of the qualified electors of the district for which the
46 bonds are to be issued, and receive a majority of all the votes
47 cast for and against the issuance. The ballot question must
48 set forth:

49 (a) (A) The necessity for issuing the bonds;

50 (b) (B) Purpose or purposes for which the proceeds of
51 bonds are to be expended;

52 (c) (C) Total indebtedness, bonded or otherwise;

53 (d) (D) Amount of the proposed bond issue;

54 (e) (E) Maximum term of bonds and series;

55 (f) (F) Maximum rate of interest;

56 (g) (G) Date of election; and

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

61 (i) (4) Notice of any election shall be given by
62 publication, within fourteen consecutive days next preceding
63 the date of the election, of the resolution imposing the service

64 fee as a Class II legal advertisement in compliance with the
65 provisions of article three, chapter fifty-nine of this code and
66 the publication area for publication shall be the district. All
67 of the provisions of the general election laws of this State
68 concerning primary or general elections, when not in conflict
69 with the provisions of this section, shall apply to elections
70 hereunder, insofar as practicable.

71 (4) ~~(5)~~ Annually levy on each \$100 of the assessed
72 valuation of the property taxable in ~~said park district~~ the Park
73 District, within the corporate boundaries of the City of
74 Huntington according to the last assessment ~~thereof~~ for state
75 and county purposes, as follows:

76 (A) On Class I property, 1.5¢; on Class II property, 3¢;
77 on Class IV property, 6¢. The Park ~~district~~ Board may levy
78 a lesser amount, in which case the above levies shall be
79 reduced proportionately. ~~These~~ The levies shall be made at
80 the time and in the manner provided by article eight, chapter
81 eleven of ~~the code of West Virginia, one thousand nine~~
82 ~~hundred thirty-one, as amended;~~ this code, except that the

83 levies shall be included in the maximum rates for the City of
84 Huntington as established by law.

85 (B) After the Park ~~district~~ Board has made the levy, it
86 shall certify to the Finance Director of the city of Huntington
87 the amount of the ~~said~~ levy, and the Finance Director shall
88 ~~thereupon~~ extend the levy upon the tax tickets. ~~and~~ All
89 levies made by the Park ~~district~~ Board shall be collected by
90 the Finance Director who shall occupy a fiduciary
91 relationship with the Park ~~district~~ Board. ~~and then such~~ Levy
92 funds shall be paid to the Park ~~district~~ Board upon written
93 order of the Park ~~district~~ Board, signed by the President of
94 the Park ~~district~~ Board and countersigned by the Secretary of
95 the Park ~~district~~ Board.

96 (6) Assess the cost of improvements to or construction of
97 streets, sidewalks, sewers, curbs, alleys, public ways or
98 easements, or portions thereof, upon the abutting property
99 owners whose property lies within the Park District. The
100 assessments require approval of a majority of the
101 commissioners present and voting, and shall be commenced

102 and conducted in the manner prescribed by article eighteen,
103 chapter eight of this code.

104 (7) Sue and be sued; make contracts and guarantees;
105 incur liabilities; borrow or lend money for any time period
106 considered advisable by the commission; sell, mortgage,
107 lease, exchange, transfer or otherwise dispose of its property;
108 or pledge its property as collateral or security for any time
109 period considered advisable by the commission.

110 (8) Create trusts as will expedite the efficient
111 management of the property and other assets owned or
112 controlled by the Park Board. The trustee, whether
113 individual or corporate, has a fiduciary relationship with the
114 Park Board and may be removed by the Park Board for good
115 cause shown or for a breach of the fiduciary relationship with
116 the Park Board.

117 ~~Levies for support, maintenance and operation:~~

118 ~~(5)~~ (b) In order to ensure adequate support for the
119 maintenance and operation of the ~~park district~~ Park District,
120 the following governing authorities shall, upon written

121 request by the Park ~~district~~ Board, levy annually as follows
122 within the respective taxing districts of the governing
123 authorities, on each \$100 of assessed valuation of the
124 property taxable in the area served by it according to the last
125 assessment for state and county purposes, amounts not
126 exceeding the following amounts for fiscal year beginning
127 July 1, 1983:

128 (a) (1) The county commission of Cabell County, for the
129 first year of the act and annually thereafter: Class ~~one~~ I,
130 0.433¢; ~~class two~~ Class II, 0.866¢; ~~class three and class four~~
131 Class III and Class IV, 1.73¢.

132 (b) (2) The county commission of Wayne County, for the
133 first year of the act and annually thereafter; Class ~~one~~ I,
134 0.0066¢; ~~class two~~ Class II, 0.0132¢; ~~class three and class~~
135 ~~four~~ Class III and Class IV, 0.0266¢.

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

141 ~~(d)~~ (4) The city of Huntington, for the first year of the act
142 and annually thereafter: Class ~~one~~ I, 1.3¢; ~~class two~~ Class II,
143 2.6 cents; ~~class three and four~~ Class III and Class IV, 5.2¢.

144 ~~(e)~~ (5) The town of Milton, for the first year of the act
145 and annually thereafter: Class ~~one~~ I, 1.3¢; ~~class two~~ Class II,
146 2.6¢; ~~class three and class four~~ Class III and Class IV, 5.2¢.

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

153 (1) All income realized by the operation of the Park
154 ~~district~~ Board from any sources other than the ~~above~~ levies
155 shall be used by the board of directors for support of the ~~park~~
156 ~~district~~ Park District.

157 (2) All money collected or appropriated by the foregoing
158 governing authorities for ~~park district~~ Park District purposes
159 shall be deposited in a special account of the Park ~~district~~

160 Board and shall be disbursed by that board for the purpose of
161 operating such Park district Board.

162 ~~(4) Assess the cost of improvements to or construction of~~
163 ~~streets, sidewalks, sewers, curbs, alleys, public ways or~~
164 ~~easements, or portions thereof, upon the abutting property~~
165 ~~owners whose property lies within the park district. Such~~
166 ~~assessments shall require approval of a majority of the~~
167 ~~commissioners present and voting, and shall be commenced~~
168 ~~and conducted in such manner as is prescribed by article~~
169 ~~eighteen, chapter eight of the code of West Virginia, one~~
170 ~~thousand nine hundred thirty-one, as amended.~~

171 ~~(5)~~ (d) The municipalities of Huntington and Milton and
172 the counties of Cabell and Wayne are hereby empowered,
173 ~~and authorized to~~ may issue, in the manner prescribed by law,
174 revenue bonds or general obligation bonds, for the purpose of
175 raising funds to establish, construct, improve, extend,
176 develop, maintain or operate, a system of public parks and
177 recreational facilities for the city or counties, or to refund any
178 bonds of the city or counties, the proceeds of which were

179 expended in the establishing, constructing, improving,
180 extending, developing, maintaining or operating of such any
181 part or all of the public park and recreation system. ~~or any~~
182 ~~part thereof.~~

183 (1) Any bonds issued ~~for any of the purposes stated in~~
184 ~~this section~~ pursuant to this subsection shall contain in the
185 title or subtitle ~~thereto~~ the words “public park and recreation
186 bonds,” in order to identify the same, and shall be of ~~such the~~
187 form, denomination and maturity and shall bear ~~such the~~ rate
188 of interest as ~~shall be~~ fixed by ordinance of the governing
189 body of the city or counties.

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

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

197 (4) The costs and expenses of holding an election to
198 authorize the issuance of public park and recreation bonds

199 and bonds for other city or county purposes shall be paid by
200 the Park ~~district~~ Board and the city or counties respectively,
201 in the proportion that the public park and recreation bonds
202 bear to the total amount of bonds authorized.

203 ~~(5) Whenever the governing body of the city or counties~~
204 ~~and the requisite majority of the legal votes cast at the~~
205 ~~election thereon shall authorize in the manner prescribed by~~
206 ~~law, the issuance of bonds for the purpose of establishing,~~
207 ~~constructing, improving, extending, developing, maintaining,~~
208 ~~or operating, or any combination of the foregoing, a system~~
209 ~~of public parks and recreational facilities for the city or~~
210 ~~counties, or for refunding any outstanding bonds, the~~
211 ~~proceeds of which were applied to any of said purposes, said~~
212 ~~bonds shall be issued and~~ The bonds issued pursuant to this
213 subsection shall be delivered to the Park ~~district~~ Board to be
214 ~~by~~ it sold in the manner prescribed by law, and the proceeds
215 ~~thereof~~ shall be paid into the treasury of the Park ~~district~~
216 Board, and ~~the same~~ shall be applied and utilized by the Park
217 ~~district~~ Board for the purposes prescribed by the ordinance
218 authorizing the issuance of such bonds.

219 (6) In any ordinance for the issuance of bonds ~~for such~~
220 ~~purposes pursuant to this subsection,~~ it shall be a sufficient
221 statement of the purposes for creating the debt to specify that
222 the same is for the purpose of establishing, constructing,
223 improving, extending, developing, maintaining or operating,
224 or any combination of the foregoing, a public park and
225 recreation system for the city or counties, without specifying
226 the particular establishment, construction, improvement,
227 extension, development, maintenance or operation
228 contemplated; but an ordinance for refunding bonds shall
229 designate the issue and the number of bonds which it is
230 proposed to refund.

231 ~~(6) Sue and be sued; make contracts and guarantees;~~
232 ~~incur liabilities; borrow or lend money for any time period~~
233 ~~deemed advisable by the commission; sell, mortgage, lease,~~
234 ~~exchange, transfer or otherwise dispose of its property; or~~
235 ~~pledge its property as collateral or security for any time~~
236 ~~period deemed advisable by the commission.~~

237 (7) Create trusts of such kind as will expedite the efficient
238 management of the property and other assets owned or

239 ~~controlled by the park district. The trustee, whether~~
240 ~~individual or corporate, in any such trust shall have a~~
241 ~~fiduciary relationship with the park district and may be~~
242 ~~removed by the park district for good cause shown or for a~~
243 ~~breach of the fiduciary relationship with the park district.~~

§8. Law enforcement.

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

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

29 (c) For violations of ~~park district~~ Park District
30 ordinances, jurisdiction of all warrants ~~relating thereto to be~~
31 ~~issued is hereby~~ granted to ~~such~~ the courts ~~as~~ which have
32 criminal jurisdiction of misdemeanors committed ~~upon on~~

33 property which is owned or controlled by the Park ~~district~~
34 Board.

§9. Title to property.

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

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