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WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2011

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ENROLLED
COMMITTEE SUBSTITUTE
FOR

House Bill No. 3004

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

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Passed March 11, 2011

In Effect From Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H.B. 3004

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

[Passed March 11, 2011; in effect from passage.]

AN ACT 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

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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charters), section 12 of which was amended by chapter 132, Acts of the Legislature, regular session, 1972, be repealed; that section 6a of chapter 194, Acts of the Legislature, regular session, 1983, as amended by chapter 110 of the Acts of the Legislature, regular session, 2003, be repealed; that sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 of chapter 26 of the Acts of the Legislature, regular session, 1925 (municipal charters), section 10 of which was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 The following terms have the following meanings:

2 (a) "Commissioners" or "Park Board" means the
3 members of the Greater Huntington Park and Recreation
4 District Board as set forth in section two of this act.

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

7 (c) "Greater Huntington Park and Recreation District" or
8 "Park District" means the geographical area within the
9 boundaries of the county of Cabell and Westmoreland tax
10 district in the county of Wayne established on the effective
11 date of the initial enactment of this act.

12 (d) "Park system" means any and all indoor and outdoor
13 park, recreation, and conservation areas and facilities which
14 are or in the future may be owned, operated or leased in the
15 Park District. The areas and facilities may include, by way
16 of illustration and not as a limitation: Regional, community,
17 and neighborhood parks and playgrounds; athletic facilities
18 and play fields such as sports centers, stadiums, arenas,
19 gymnasiums and physical fitness centers; aquatic facilities
20 such as swimming pools, lakes, ponds, water parks, water
21 amusements, beaches, waterfronts, boat docks, boat houses,
22 and boat launching ramps, court areas for net games such as
23 basketball, volleyball, badminton, tennis, handball,
24 racquetball, squash and platform tennis; picnic facilities such
25 as groves, shelters and lodges; golf courses, skating rinks;
26 stables and riding paths; gardens, botanic gardens,
27 arboretums, nature centers, zoos, aviaries and environmental
28 interpretive centers; museums, historic landmarks and
29 historic districts; snack bars, restaurants, lounges and gift
30 shops, camps and overnight lodges; theaters; performing arts
31 and crafts centers; recreation centers; mechanical and
32 electronic games centers; dance halls, amusements; parkways

33 and boulevards; and cemeteries, and other public parks and
34 recreational areas and facilities.

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

§2. Greater Huntington Park and Recreation District;

composition; terms of office; **political affiliation;** **non-partisan**
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 Greater Huntington Park and
2 Recreation District Board is to establish, own, develop and
3 operate a park system for the benefit, health, safety, welfare,
4 pleasure and relaxation of the inhabitants of the Greater
5 Huntington Park and Recreation District.

6 (b) The Park Board shall consist of ~~eleven~~ **ten**
7 commissioners, ~~ten~~ **nine** of whom shall be elected from Cabell
8 County, but no more than ~~two~~ **three** of whom shall be elected from
9 any one magisterial district, and one of whom shall be elected
10 from Westmoreland magisterial district in the county of
11 Wayne. The commissioners shall be elected pursuant to
12 subdivision (1) of this subsection.

13 (1) Commissioners of the Park District shall be
14 nominated and elected in the ~~general~~ **primary** election for state
15 officers on **the first Tuesday after the first Monday in** ??????

16 November and in the manner prescribed by law for the **need primary data here**
17 nomination and election of district officers, except as
18 provided in this section.

19 (A) At the general election in the year 1984, there shall

20 be elected six commissioners. One commissioner shall be
21 elected from the Westmoreland Magisterial District in the

22 County of Wayne. Five commissioners shall be elected from
23 the County of Cabell. In Westmoreland District of Wayne
24 County, the person receiving the highest number of votes
25 shall be elected for a term of six years. In Cabell County, the
26 three persons receiving the highest number of votes shall be
27 elected for a term of six years, the person receiving the next
28 highest number of votes shall be elected for a term of four
29 years, and the remaining elected commissioner shall be
30 elected for a term of two years.

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

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

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

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

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

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

51 One commissioner shall be elected from the Westmoreland

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52 magisterial district in the county of Wayne. Three

53 commissioners shall be elected from the county of Cabell.

(H) Beginning at the primary election in the year 2022 there shall be elected five commissioners. Three commissioners shall be elected for a term of six years and elected every sixth year thereafter. One commissioner shall be elected from Westmoreland magisterial district in the county of Wayne. One commissioner shall be elected from magisterial district 2 in the county of Cabell. One commissioner shall be elected from magisterial district 3 in the county of Cabell. One commissioner shall be elected from magisterial district 2 in the county of Cabell for a two-year unexpired term. One commissioner shall be elected from magisterial district 3 in the county of Cabell for a four-year unexpired term.

(I) Beginning at the primary election in the year 2024 there shall be elected four commissioners. Three commissioners shall be elected for a term of six years and elected every sixth year thereafter. One commissioner shall be elected from magisterial district 1 in the county of Cabell. One commissioner shall be elected from magisterial district 2 in the county of Cabell. One commissioner shall be elected from magisterial district 3 in the county of Cabell. One commissioner shall be elected from magisterial district 1 in the county of Cabell for a four-year unexpired term.

(J) Beginning at the primary election in the year 2026 there shall be elected three commissioners. Three commissioners shall be elected for a term of six years and elected every sixth year thereafter. One commissioner shall be elected from magisterial district 1 in the county of Cabell. One commissioner shall be elected from magisterial district 2 in the county of Cabell. One commissioner shall be elected from magisterial district 3 in the county of Cabell.

54 (2) The commissioners in office upon the effective date

55 of this act under the authority of the acts hereby amended and

56 reenacted, shall continue in office for the term for which they

57 were elected.

58 (c) No elected commissioners shall hold any other elected

59 or appointed public office.

60 (d) Commissioners shall receive no compensation for

61 their services as commissioners, but they shall be entitled to

62 reimbursement for all reasonable and necessary expenses

63 actually incurred in the performance of their duties as

64 commissioners.

65 (e) Commissioners may not have any personal financial

66 interest, directly or indirectly, in any contract entered into by

67 the Park District, or hold any remunerative position in

68 connection with the establishment, construction,
69 improvement, extension, development, maintenance or
70 operation of any of the property under their control as
71 commissioners.

§3. Vacancies in office of park commissioners.

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

§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 Board's first meeting and every year
11 thereafter, it shall elect one of its members as president, and
12 another member as vice-president. The Park Board shall elect
13 a secretary who need not be a member of the Park Board, as
14 well as elect a member of the Park Board who shall serve as
15 treasurer. The Park Board shall have the power to appoint

16 from among its members such other officers as it considers
17 necessary and to delegate duties and authority to the officers
18 consistent with the purposes of this act. Any officer may be
19 removed from office, upon adequate notice and hearing,
20 although not relieved of his or her duties as a commissioner,
21 by a vote of the majority of commissioners present and
22 voting.

23 (c) The officers of the Park Board shall have the
24 following specified duties and any duty which is reasonably
25 inferred therefrom and which is consistent with carrying out
26 the purposes of this act.

27 (1) The President shall perform the duties that ordinarily
28 devolve upon the presiding officer of a deliberative body, and

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29 shall have one vote upon each question, as every other
30 commissioner, and shall:

31 (A) Act as chief administrative officer and legal
32 representative of the Park Board;

33 (B) Represent and speak for the Park Board to other
34 organizations and to the public;

35 (C) Appoint committees and delegate duties; and

36 (D) Sign letters or documents necessary to carry out the
37 will of the Park Board.

38 (2) The Vice-President shall assume the duties of the
39 President in case of the absence or incapacity of the President
40 and shall become President on the death, resignation or
41 permanent incapacity of the President as determined by the
42 Park Board.

43 (3) The Secretary shall be the chief recording and
44 corresponding officer and the custodian of the records of the
45 Park Board, and shall:

46 (A) Take notes of the proceedings of the meetings;

47 (B) Prepare and certify the correctness of the minutes and
48 enter them in the official minute book;
49 (C) Read or circulate the minutes to the commissioners
50 for correction and approval;
51 (D) Enter any corrections approved by the commissioners
52 in the minute book and initial them;

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53 (E) Record and attest by his or her signature the approved
54 minutes as the official minutes of the Park Board, with the
55 date of approval;
56 (F) Provide the presiding officer of the assembly with the
57 exact wording of a pending motion or of one previously acted
58 on when directed by the presiding officer;
59 (G) Prepare a list of members and call the roll when
60 directed by the presiding officer;
61 (H) Read all papers, documents or communications as
62 directed by the presiding officer;
63 (I) Bring to each meeting the minute book or its
64 electronic equivalent, a copy of ordinances, rules and
65 policies, a list of the members, a list of standing and special
66 committees, and a copy of the parliamentary authority
67 adopted by the organization;
68 (J) Search the minutes for information requested by
69 officers or members;
70 (K) Assist the presiding officer before each meeting in
71 preparing a detailed agenda;
72 (L) Preserve all records, reports and official documents
73 of the Park Board except those specifically assigned to the
74 custody of others as well as preserve all papers containing
75 evidence of title, contracts and obligations;
76 (M) Prepare and send required notices of meetings and
77 proposals;

78 (N) Provide the chairman of each special committee with
79 a list of his or her committee members, a copy of the motion
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80 referring the subject to the committee, and instructions and
81 other documents that may be useful;

82 (O) Provide the chairman of each standing committee
83 with a copy of all proposals referred to it, instructions, or
84 material that may be useful;

85 (P) Authenticate official documents by his or her
86 signature;

87 (Q) Carry on the official correspondence of the Park
88 Board as directed, except correspondence assigned to other
89 officers;

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

92 (S) Codify and preserve all ordinances enacted by the
93 Park Board.

94 For this service the secretary, who is not a commissioner,
95 may receive such compensation as the Park Board may allow.

96 Before entering upon the duties of his or her office, the
97 secretary shall enter into a bond with one or more sureties
98 considered sufficient by the Park Board and approved by the
99 Park Board, conditioned upon the faithful performance of his
100 or her duties. The bond shall be payable to the Greater
101 Huntington Park and Recreation District Board in such sum
102 as the Park Board determines, and shall be filed with the Park
103 Board for safekeeping. In the secretary's absence, the Park
104 Board may appoint a secretary pro tempore.

105 (4) The treasurer shall be responsible for the collection,
106 safekeeping, investing and expenditure of all funds and assets
107 of the Park Board, and for keeping an accurate financial
108 record which shall be available for public inspection. Before

109 entering upon the duties of his or her office, the treasurer
 110 shall enter into a bond with one or more sureties considered
 111 sufficient by the Park Board, and approved by the Park
 112 Board, conditioned upon the faithful discharge of his or her
 113 duties and the accounting for and paying over, as may be
 114 required, all moneys which may come into his or her
 115 possession by virtue of his or her office. The bond shall be in
 116 such sum as the Park Board may require, payable to the
 117 Greater Huntington Park and Recreation District Board and
 118 filed with the Park Board for safekeeping.

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

1 (a) The commissioners shall select a regular time and
 2 place for meetings of the Park Board which shall be open to
 3 the public. Minutes of commission meetings shall be open to
 4 the public upon request. Six members constitute a quorum to
 5 transact business. Additional or special meetings, also open
 6 to the public, may be called by the president, or at the request
 7 of four members, by the secretary. The concurrence of six
 8 members of the Park Board is required to decide all questions
 9 involving the expenditure of money.

10 (b) All meetings of the Park Board shall be conducted
 11 under the rules of parliamentary procedure as established by
 12 the Sturgis Standard Code of Parliamentary Procedure.

13 (c) The Park Board shall maintain an office in a location
 14 of it's choosing which shall be open to the public during
 15 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 is a public corporate body, although not a

3 municipal corporation, and shall have perpetual existence and
4 a common seal.

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

7 (1) Appropriate and expend funds from the sources of
8 income derived from the enactment of this 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 Provided, that it may not expend funds on or appropriate
13 funds to external agencies, public or private, for any purpose
14 whatsoever: Provided, however, That in accordance with this
15 section, the Park Board may contract with other agencies for
16 direct services received or for joint endeavors in which the
17 Park Board is an active participant;

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

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

22 (4) Sue and be sued;

23 (5) Contract and be contracted with;

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

27 (7) Retain complete and exclusive control and management
28 of all of the properties owned by the Park Board and dispose of
29 the same as in the Park Board's opinion will best serve the
30 purposes of this act and the interests of the public;

31 (8) Acquire in the Park Board's name by purchase, lease,
32 or by exercise of the power of eminent domain, or otherwise,
33 such lands, structures or bodies of water, located anywhere

34 within the Park District as the Park Board shall determine to
35 be necessary, appropriate, convenient or incidental to the
36 establishment, construction, improvement, extension,
37 development, maintenance or operation of a park system;
38 (9) Establish, construct, improve, extend, develop,
39 maintain and operate a park system;
40 (10) Employ persons as, in its opinion; may be necessary
41 for the establishment, construction, improvement, extension,
42 development, maintenance, operation or management of the
43 property under its control, at wages, salaries or fees as it
44 considers proper, and the Park Board shall have full control
45 of all employees;
46 (11) Promulgate ordinances, rules and regulations
47 necessary to maintain the property belonging to the Park
48 Board as places of beauty, education and recreation or
49 necessary to promote the health, property, lives, decency,
50 morality and good order of the Park District, its inhabitants
51 and members of the general public making use of property
52 owned or controlled by the Park Board, or necessary to
53 regulate the use of or driving upon the property owned or
54 controlled by the Park Board;
55 (12) Abate, or cause to be abated, all nuisances affecting
56 the Park Board's property or persons on the property;
57 (13) Regulate or prohibit the placing of signs, billboards,
58 posters and advertisements upon the Park Board's property;
59 (14) Keep the Park Board's property in good order and
60 free from obstruction for the use and benefit of the public;

61 (15) Construct, improve, maintain, repair, operate, curb
62 or recurb, pave or repave, grade or regrade, surface or
63 resurface roads, bridges, sewers, culverts, sidewalks, public
64 ways, easements and other public works upon lands

65 controlled or owned by the Park Board;

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

71 (17) Enter into intergovernmental agreements as any
72 municipal corporation would be entitled to enter into
73 according to law and under conditions as are required by law
74 of municipal corporations before they enter
75 intergovernmental agreements: Provided, That every
76 intergovernmental agreement shall, prior to and as a
77 condition precedent to it's becoming effective, be submitted
78 to the Attorney General of the state of West Virginia who
79 shall determine whether the agreement is in proper form and
80 is compatible with the laws of this state;

81 (18) Provide by contract with the City of Huntington,
82 Town of Milton, Village of Barboursville, and the counties of
83 Cabell and Wayne for the joint construction of sewers and
84 other public works upon property owned or controlled by the
85 board, to be paid for by joint funds;

86 (19) Spend moneys of the Park Board to effectuate the
87 purposes set forth in this act; and

88 (20) Prepare, update at least every five years, and make
89 public a comprehensive plan as to the ongoing development
90 of the Park District: Provided, That the Park Board shall
91 conduct at least one public hearing in the Park District for the

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92 purpose of obtaining citizen input prior to developing or
93 updating the comprehensive plan.

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

1 (a) The Park Board may:
2 (1) Charge the public for services offered or goods sold
3 by the Park Board, as follows:
4 (A) Charges for services may be in the form of, but not
5 limited to, admission and entrance fees, exclusive use and
6 rental fees, user fees, license and permit fees, equipment
7 rental, program maintenance fees, instructor fees, special
8 accommodation fees, amusement fees, restricted membership
9 fees, and cemetery service fees;
10 (B) Charges for goods sold may be in the forms of, but
11 not limited to, beverages and foods, novelties and gifts,
12 clothing, athletic equipment and supplies, cemetery plots,
13 crypts, monuments, memorials, markers, vaults and any other
14 forms of merchandise sold in connection with the burial of
15 the dead, and other items that may pertain to the operation
16 and maintenance of the Park District.
17 (2) Impose upon the users of the park system reasonable
18 service fees in addition to the service fees authorized by
19 paragraph (A), subdivision (1) of this subsection. As used
20 in this section, "users" means any persons to whom the park
21 system is made available.

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26 imposing a service fee is effective until it is ratified by a
27 majority of the legal votes cast by the qualified voters of the
28 district at a primary or general election.

29 (B) In addition to meeting the ballot and election
30 requirements set forth in subdivision (3) of this subsection,
31 the ballot question must set forth the service fee, the manner

32 in which it will be imposed and the general use to which the
33 proceeds of the service fee shall be put. From time to time,
34 the board may submit additional resolutions imposing
35 additional service fees to the district's electors for approval
36 pursuant to this section.

37 (3) Issue revenue bonds or refunding revenue bonds for
38 the district, in the manner prescribed by sections seven, ten,
39 twelve and sixteen, article sixteen, chapter eight of this code.
40 No revenue bonds, except for refunding revenue bonds, may
41 be issued under this section until all questions connected with
42 the bonds are first submitted to a vote of the qualified
43 electors of the district for which the bonds are to be issued,
44 and receive a majority of all the votes cast for and against the
45 issuance. The ballot question must set forth:

- 46 (A) The necessity for issuing the bonds;
- 47 (B) Purpose or purposes for which the proceeds of bonds
48 are to be expended;
- 49 (C) Total indebtedness, bonded or otherwise;
- 50 (D) Amount of the proposed bond issue;
- 51 (E) Maximum term of bonds and series;
- 52 (F) Maximum rate of interest;

53 (G) Date of election; and
54 (H) That the Park District is authorized to collect fees to
55 provide funds for the payment of the interest upon the bonds
56 and the principal at maturity, and the approximate amount of
57 fees necessary for this purpose.

58 (4) Notice of any election shall be given by publication,
59 within fourteen consecutive days next preceding the date of
60 the election, of the resolution imposing the service fee as a
61 Class II legal advertisement in compliance with the
62 provisions of article three, chapter fifty-nine of this code and

63 the publication area for publication shall be the district. All
64 of the provisions of the general election laws of this State
65 concerning primary or general elections, when not in conflict
66 with the provisions of this section, shall apply to elections
67 hereunder, insofar as practicable.

68 (5) Annually levy on each \$100 of the assessed valuation
69 of the property taxable in the Park District, within the
70 corporate boundaries of the City of Huntington according to
71 the last assessment for state and county purposes, as follows:

72 (A) On Class I property, 1.5¢; on Class II property, 3¢;
73 on Class IV property, 6¢. The Park Board may levy a lesser
74 amount, in which case the above levies shall be reduced
75 proportionately. The levies shall be made at the time and in
76 the manner provided by article eight, chapter eleven of this
77 code, except that the levies shall be included in the maximum
78 rates for the City of Huntington as established by law.

79 (B) After the Park Board has made the levy, it shall
80 certify to the Finance Director of the City of Huntington the
81 amount of the levy, and the Finance Director shall extend the
82 levy upon the tax tickets. All levies made by the Park Board
83 shall be collected by the Finance Director who shall occupy

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84 a fiduciary relationship with the Park Board. Levy funds
85 shall be paid to the Park Board upon written order of the Park
86 Board, signed by the President of the Park Board and
87 countersigned by the Secretary of the Park Board.

88 (6) Assess the cost of improvements to or construction of
89 streets, sidewalks, sewers, curbs, alleys, public ways or
90 easements, or portions thereof, upon the abutting property
91 owners whose property lies within the Park District. The
92 assessments require approval of a majority of the
93 commissioners present and voting, and shall be commenced

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

96 (7) Sue and be sued; make contracts and guarantees;
97 incur liabilities; borrow or lend money for any time period
98 considered advisable by the commission; sell, mortgage,
99 lease, exchange, transfer or otherwise dispose of its property;
100 or pledge its property as collateral or security for any time
101 period considered advisable by the commission.

102 (8) Create trusts as will expedite the efficient
103 management of the property and other assets owned or
104 controlled by the Park Board. The trustee, whether individual
105 or corporate, has a fiduciary relationship with the Park Board
106 and may be removed by the Park Board for good cause
107 shown or for a breach of the fiduciary relationship with the
108 Park Board.

109 (b) In order to ensure adequate support for the
110 maintenance and operation of the Park District, the following
111 governing authorities shall, upon written request by the Park
112 Board, levy annually as follows within the respective taxing
113 districts of the governing authorities, on each \$100 of
114 assessed valuation of the property taxable in the area served
115 by it according to the last assessment for state and county

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116 purposes, amounts not exceeding the following amounts for
117 fiscal year beginning July 1, 1983:

118 (1) The county commission of Cabell County, for the first
119 year of the act and annually thereafter: Class I, 0.433¢; Class
120 II, 0.866¢; Class III and Class IV, 1.73¢.

121 (2) The county commission of Wayne County, for the
122 first year of the act and annually thereafter; Class I, 0.0066¢;
123 Class II, 0.0132¢; Class III and Class IV, 0.0266¢.

124 (3) The board of education of the county of Cabell shall

125 provide funds available to the board through special and
126 excess levies for the first year of the act and annually
127 thereafter: Class I, 0.433¢; Class II, 0.866¢; Class III and
128 Class IV, 1.73¢.

129 (4) The city of Huntington, for the first year of the act
130 and annually thereafter: Class I, 1.3¢; Class II, 2.6 cents;
131 Class III and Class IV, 5.2¢.

132 (5) The town of Milton, for the first year of the act and
133 annually thereafter: Class I, 1.3¢; Class II, 2.6¢; Class III and
134 Class IV, 5.2¢.

135 (c) In addition to the amounts set forth in subsection (b)
136 of this section, which, upon written request by the board, the
137 governing authorities shall levy, each governing authority
138 may support the Park District with any other general or
139 special revenues or excess levies.

140 (1) All income realized by the operation of the Park
141 Board from any sources other than the levies shall be used by
142 the board of directors for support of the Park District.

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143 (2) All money collected or appropriated by the foregoing
144 governing authorities for Park District purposes shall be
145 deposited in a special account of the Park Board and shall be
146 disbursed by that board for the purpose of operating Park
147 Board.

148 (d) The municipalities of Huntington and Milton and the
149 counties of Cabell and Wayne may issue, in the manner
150 prescribed by law, revenue bonds or general obligation
151 bonds, for the purpose of raising funds to establish, construct,
152 improve, extend, develop, maintain or operate, a system of
153 public parks and recreational facilities for the city or
154 counties, or to refund any bonds of the city or counties, the
155 proceeds of which were expended in the establishing,

156 constructing, improving, extending, developing, maintaining
157 or operating of any part of all of the public park and
158 recreation system.

159 (1) Any bonds issued pursuant to this subsection shall
160 contain in the title or subtitle the words "public park and
161 recreation bonds," in order to identify the same, and shall be
162 of the form, denomination and maturity and shall bear the
163 rate of interest as fixed by ordinance of the governing body
164 of the city or counties.

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

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

172 (4) The costs and expenses of holding an election to
1 73 authorize the issuance of public park and recreation bonds

174 and bonds for other city or county purposes shall be paid by
175 the Park Board and the city or counties respectively, in the
176 proportion that the public park and recreation bonds bear to
177 the total amount of bonds authorized.

178 (5) The bonds issued pursuant to this subsection shall be
179 delivered to the Park Board to be sold in the manner
180 prescribed by law, and the proceeds shall be paid into the
181 treasury of the Park Board, and shall be applied and utilized
182 by the Park Board for the purposes prescribed by the
183 ordinance authorizing the issuance of such bonds.

184 (6) In any ordinance for the issuance of bonds pursuant
185 to this subsection, it shall be a sufficient statement of the
186 purposes for creating the debt to specify that the same is for

187 the purpose of establishing, constructing, improving,
188 extending, developing, maintaining or operating, or any
189 combination of the foregoing, a public park and recreation
190 system for the city or counties, without specifying the
191 particular establishment, construction, improvement,
192 extension, development, maintenance or operation
193 contemplated; but an ordinance for refunding bonds shall
194 designate the issue and the number of bonds which it is
195 proposed to refund.

§8. Law enforcement.

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

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

22 Board.

23 (c) For violations of Park District ordinances,

24 jurisdiction of all warrants is granted to the courts which have

25 criminal jurisdiction of misdemeanors committed on property

26 which is owned or controlled by the Park 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 defined.

8 (b) Notwithstanding any provisions of this act to the

9 contrary, the Park Board may grant and convey to any

10 municipality, town, village, county or to the State of West

11 Virginia, all right, title, control and interest, jurisdiction and

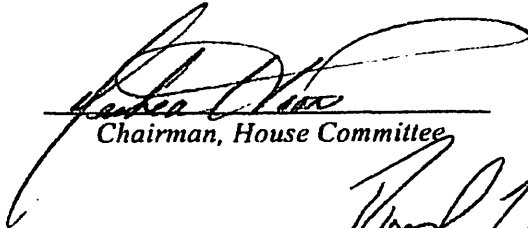
12 maintenance of any streets or boulevards owned by the Park

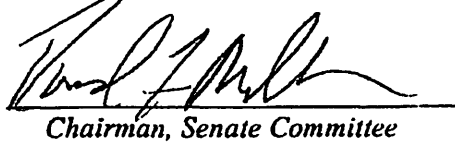
13 Board, whenever the Park Board considers such action to be

14 necessary or convenient and proper and in the best interests

15 of the inhabitants of the Park District.

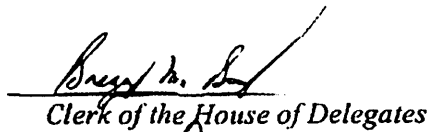
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

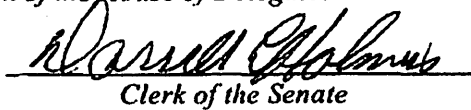

Chairman, House Committee

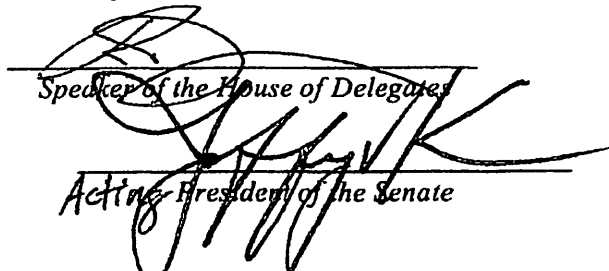

Chairman, Senate Committee

Originating in the House.

To take effect from passage.

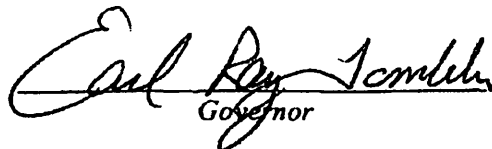

Clerk of the House of Delegates


Clerk of the Senate


Speaker of the House of Delegates


Acting President of the Senate

The within is approved this the 5th
day of April, 2011.


Governor

PRESENTED TO THE GOVERNOR

MAR 28 2011

Time 11:05 AM