

710. 569

APPROVED AND SIGNED BY THE GOVERNOR

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OFFICE OF THE GOVERNOR

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1983



ENROLLED

SENATE BILL NO. 569

(By Mr. Nelson & Heck)



PASSED March 5, 1983

In Effect July 1, 1983 ~~Repealed~~



ENROLLED
Senate Bill No. 569

(BY MR. NELSON AND MR. HECK)

[Passed March 5, 1983; in effect July 1, 1983.]

AN ACT to amend and reenact chapter twenty-six, acts of the Legislature, regular session, one thousand nine hundred twenty-five (municipal charters), as amended by chapter one hundred twenty-two, acts of the Legislature, regular session, one thousand nine hundred thirty-three; by chapter one hundred thirty-two, acts of the Legislature, regular session, one thousand nine hundred seventy-two; and by chapter one hundred forty-eight, acts of the Legislature, regular session, one thousand nine hundred seventy-four, all relating to the Greater Huntington park and recreation district; definitions; park district generally, composition, terms, conflicts; compensation; expenses; vacancies; oaths; elections; duties; bonds; meetings; commission a public corporate body; perpetual existence; seal; powers; comprehensive plan; financing; providing for additional levies on certain governing authorities; law-enforcement; title to property.

Be it enacted by the Legislature of West Virginia:

That chapter twenty-six, acts of the Legislature, regular session, one thousand nine hundred twenty-five (municipal charters), as amended by chapter one hundred twenty-two, acts of the Legislature, regular session, one thousand nine hundred thirty-three, by chapter one hundred thirty-two, acts of the Legislature, regular session, one thousand nine hundred seventy-two; and by chapter one hundred forty-eight, acts of the Legislature, regular session, one thousand nine hundred seventy-four, be amended and reenacted, all to read as follows:

GREATER HUNTINGTON PARK AND RECREATION DISTRICT.

§1. Definitions.

1 Unless the context clearly indicates otherwise:

2 "Commissioners" means the members of the Greater
3 Huntington park and recreation district as defined
4 hereinafter.

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

7 "Greater Huntington and recreation park district" means
8 both the geographical area within the boundaries of the
9 county of Cabell and Westmoreland tax district in the county
10 of Wayne, established on the effective date of this act and the
11 public corporate entity created herein.

12 "Park system" means any and all indoor and outdoor park,
13 recreation, and conservation areas and facilities which are or
14 in the future may be owned, operated or leased in the park
15 district. Said areas and facilities may include, by way of
16 illustration and not as a limitation: Regional, community, and
17 neighborhood parks and playgrounds; athletic facilities and
18 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;
33 parkways and boulevards; and cemeteries, and other public
34 parks and recreational areas and facilities.

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

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§2. Greater Huntington park and recreation district; composition; terms of office; political affiliation; no commissioner may hold another elected public office; compensation; expenses; no commissioner may be personally interested in contracts or property controlled by board.

1 (a) The purpose of the board of park commissioners of the
2 city of Huntington as heretofore created and established by
3 the acts hereby amended and reenacted, shall be to establish,
4 own, develop and operate a park system for the benefit,
5 health, safety, welfare, pleasure and relaxation of the
6 inhabitants of the Greater Huntington park and recreation
7 district and shall hereafter be known as the Greater
8 Huntington park and recreation district.

9 (b) The park district shall be governed by ten
10 commissioners; nine of whom shall be elected from Cabell
11 County but no more than two of whom shall be elected from
12 any one magisterial district, and one of whom shall be elected
13 from Westmoreland magisterial district in the county of
14 Wayne. The commissioners shall be elected pursuant to
15 paragraph one of subsection (b) of this section.

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

21 At the general election in the year one thousand nine
22 hundred eighty-four, there shall be elected six
23 commissioners. One commissioner shall be elected from the
24 Westmoreland magisterial district in the county of Wayne.
25 Five commissioners shall be elected from the county of
26 Cabell. In Westmoreland district of Cabell County ~~and~~ the
27 person receiving the highest number of votes shall be elected
28 for a term of six years. In Cabell County, the three persons
29 receiving the highest number of votes shall be elected for a
30 term of six years, the person receiving the next highest
31 number of votes shall be elected for a term of four years, and
32 the remaining elected commissioner shall be elected for a
33 term of two years.

34 Beginning at the general election in the year one thousand
35 nine hundred eighty-six and every sixth year thereafter, there
36 shall be elected three commissioners who shall be elected for
37 a term of six years.

38 Beginning at the general election in the year one thousand
39 nine hundred eighty-eight and every sixth year thereafter,
40 there shall be elected three commissioners who shall be
41 elected for a term of six years.

42 Beginning at the general election in the year one thousand
43 nine hundred ninety, and every sixth year thereafter, there
44 shall be elected four commissioners who shall be elected for a
45 term of six years.

46 (2) The commissioners in office upon the effective date of
47 this act under the authority of the acts hereby amended and
48 reenacted, shall continue in office for the term for which they
49 were elected.

50 (c) No elected commissioner shall hold any other elected
51 or appointed public office.

52 (d) Commissioners shall receive no compensation for their
53 services as commissioners, but they shall be entitled to
54 reimbursement for all reasonable and necessary expenses
55 actually incurred in the performance of their duties as
56 commissioners.

57 (e) Commissioners shall have no personal financial
58 interest, directly or indirectly, in any contract entered into by
59 the park district, or hold any remunerative position in
60 connection with the establishment, construction,
61 improvement, extension, development, maintenance or
62 operation of any of the property under their control as
63 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 at its first regular
4 meeting thereafter, by appointment of a suitable person, and
5 the person so appointed shall hold office until the next
6 election for commissioners, when a person shall be elected
7 for the remainder of the unexpired term of commissioner.

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

1 (a) After appointment or election, and before entering
2 upon his duties as commissioner, each new commissioner
3 shall take the following oath as administered by the clerk of
4 the city of Huntington:

5 "Ido solemnly swear that I will
6 faithfully perform the duties as a member of the Greater
7 Huntington park and recreation district during the term for
8 which I was elected, to the best of my ability according to
9 law."

10 (b) At the park district'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 district shall
13 elect a secretary who need not be a member of the park
14 district, as well as elect a member of the park district who
15 shall serve as treasurer. The park district shall have the power
16 to appoint from among its members such other officers as it
17 deems necessary and to delegate such duties and authority to
18 these other officers as is consistent with carrying out the
19 purposes of this charter. Any officer may be removed from
20 office, upon adequate notice and hearing, although not
21 relieved of his duties as a commissioner, by a vote of the
22 majority of commissioners present and voting.

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

27 (1) President—The president shall perform such duties as
28 ordinarily devolve upon the presiding officer of a deliberative
29 body, except that he shall have a vote upon each and every
30 question, as every other commissioner, but he shall have only
31 one vote on each question. Additionally, the president shall:
32 (a) Act as chief administrative officer and legal representative
33 of the park district; (b) represent and speak for the park
34 district to other organizations and to the public; (c) appoint
35 committees and delegate duties; (d) sign letters or documents
36 necessary to carry out the will of the park district.

37 (2) Vice-President—The vice-president shall assume the
38 duties of the president in case of the absence or incapacity of
39 the president and shall become president on the death,
40 resignation or permanent incapacity of the president as
41 determined by the park district.

42 (3) Secretary—The secretary shall be the chief recording
43 and corresponding officer and the custodian of the records of
44 the park district. The duties of the secretary shall be to: (a)
45 Take careful and authentic notes of the proceedings of the
46 meetings as a basis for preparing the minutes; (b) prepare and
47 certify the correctness of the minutes and enter them in the

48 official minute book; (c) read or circulate the minutes to the
49 commissioners for correction and approval; (d) enter any
50 corrections approved by the commissioners in the minute
51 book and initial them; (e) record and attest by his signature
52 the approved minutes as the official minutes of the park
53 district, with the date of approval; (f) provide the presiding
54 officer of the assembly with the exact wording of a pending
55 motion or of one previously acted on; (g) prepare a list of
56 members and call the roll when directed by the presiding
57 officer; (h) read all papers, documents, or communications as
58 directed by the presiding officer; (i) bring to each meeting the
59 minute book, a copy of ordinances, rules, and policies, a list of
60 the members, a list of standing and special committees, and a
61 copy of the parliamentary authority adopted by the
62 organization; (j) search the minutes for information requested
63 by officers or members; (k) assist the presiding officer before
64 each meeting in preparing a detailed agenda; (l) preserve all
65 records, reports, and official documents of the park district
66 except those specifically assigned to the custody of others as
67 well as preserve all papers containing evidence of title,
68 contracts and obligations; (m) prepare and send required
69 notices of meetings and proposals; (n) provide the chairman
70 of each special committee with a list of his committee
71 members, a copy of the motion referring the subject to the
72 committee, and instructions and other documents that may
73 be useful; (o) provide the chairman of each standing
74 committee with a copy of all proposals referred to it,
75 instructions, or material that may be useful; (p) authenticate
76 official documents by his signature; (q) carry on the official
77 correspondence of the park district as directed, except
78 correspondence assigned to other officers; (r) make available
79 the minute book for public inspection as a public record; (s)
80 codify and preserve all ordinances enacted by the park
81 district.

82 For this service the secretary, who is not a commissioner,
83 may receive such compensation as the park district may
84 allow. Before entering upon the duties of his office, the
85 secretary shall enter into a bond with one or more sureties
86 deemed sufficient by the park district and approved by the
87 park district, conditioned upon the faithful performance of
88 his duties, the bond to be payable to the Greater Huntington
89 park and recreation district in such penal sum as the park
90 district determines, which bond shall be filed with the park

91 district for safekeeping. In the secretary's absence, the park
92 district may appoint a secretary pro tempore.

93 (4) Treasurer—The treasurer shall be responsible for the
94 collection, safekeeping, investing and expenditure of all
95 funds and assets of the park district, and for keeping an
96 accurate financial record thereof which record shall be
97 available for public inspection. Before entering upon the
98 duties of his office, the treasurer shall enter into a bond with
99 one or more sureties deemed sufficient by the park district,
100 and approved by the park district, conditioned upon the
101 faithful discharge of his duties and the accounting for and
102 paying over, as may be required, all moneys which may come
103 into his possession by virtue of his office. Such bond shall be
104 in such penal sum as the park district may require, payable to
105 the Greater Huntington park and recreation district and filed
106 with the park district 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 district which meetings shall
3 be open to the public. Minutes of commission meetings shall
4 be open to any bona fide resident of the park district upon
5 request. Not less than six members shall constitute a quorum
6 to transact business. Special meetings, also open to the
7 public, may be called by the president, or at the request of
8 four members, by the secretary. The concurrence of six
9 members of the park district shall be required to decide all
10 questions involving the expenditure of money.

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

14 (c) The park district shall have and maintain an office in a
15 location of its own choosing which office shall be open to the
16 public during normal business hours.

**§6. Park District a public corporate body; perpetual existence;
seal; powers.**

1 The Greater Huntington park and recreation district shall
2 be a public corporate body, although not a municipal
3 corporation, and shall have perpetual existence and a
4 common seal. The park district shall have powers to:

5 (1) Appropriate and expend funds from the sources of
6 income derived from the enactment of this charter for the
7 purposes of establishing, constructing, improving, extending,
8 developing, maintaining and operating, or any combination

9 of the foregoing, a public park system for the park district;
10 however, it may not expend funds on or appropriate funds to
11 external agencies, public or private, for any purpose
12 whatsoever. In accordance with section six, item four, the
13 park district may contract with other agencies for direct
14 services received or for joint endeavors in which the park
15 district is an active participant;

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

18 (3) Receive any gift, grant, donation, bequest, devise or
19 trust funds;

20 (4) Sue and be sued;

21 (5) Contract and be contracted with;

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

25 (7) Retain complete and exclusive control and
26 management of all of the properties owned by the park
27 district and dispose of the same as in the park district's
28 opinion will best serve the purposes of this charter and the
29 interests of the public;

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

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

40 (10) Employ such persons as, in its opinion, may be
41 necessary for the establishment, construction, improvement,
42 extension, development, maintenance, operation or
43 management of the property under its control, at such wages,
44 salaries or fees as it shall deem proper, and the park district
45 shall have full control of all employees;

46 (11) Promulgate those ordinances, rules and regulations
47 necessary to maintain the property belonging to the park
48 district as places of beauty, education and recreation or
49 necessary to promote the health, property, lives, decency,
50 morality and good order of the independent park district, its
51 inhabitants and members of the general public making use of

52 such property owned or controlled by the park district, or
53 necessary to regulate the use of or driving upon the property
54 owned or controlled by the park district;

55 (12) Abate, or cause to be abated, all nuisances affecting
56 the park district's property or persons thereupon;

57 (13) Regulate or prohibit the placing of signs, billboards,
58 posters and advertisements upon the park district's property,
59 or adjacent thereto;

60 (14) Keep the park district's property in good order and
61 free from obstruction for the use and benefit of the public;

62 (15) Construct, improve, maintain, repair, operate, curb or
63 recurb, pave or repave, grade or regrade, surface or resurface
64 roads, bridges, sewers, culverts, sidewalks, public ways,
65 easements and other public works upon lands controlled or
66 owned by the park district;

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

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

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

86 (19) Spend moneys of the park district to effectuate the
87 purposes set forth in this charter.

§6a. Comprehensive plan.

1 No later than the first day of January, one thousand nine
2 hundred eighty-six, the park district shall prepare and make
3 public a comprehensive plan as to the future development of
4 the park district. During the year one thousand nine hundred
5 eighty-four, the commission shall conduct at least one public

6 hearing in each magisterial district for the purpose of
7 obtaining citizen input for the comprehensive plan.

§7. Financing and financial powers.

1 The park district shall have the following powers to:

2 (1) Make charges to the public for services offered or
3 goods sold by the park district.

4 (a) Charges for services may be in the forms 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
9 membership fees; and cemetery service fees.

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

17 (2) Annually levy on each one hundred dollars of the
18 assessed valuation of the property taxable in said park
19 district, within the corporate boundaries of the city of
20 Huntington according to the last assessment thereof for state
21 and county purposes, as follows:

22 On Class I property, one and one-half cents; on Class II
23 property, three cents; on Class IV property, six cents. The
24 park district may levy a lesser amount, in which case the
25 above levies shall be reduced proportionately. These levies
26 shall be made at the time and in the manner provided by
27 article eight, chapter eleven of the code of West Virginia, one
28 thousand nine hundred thirty-one, as amended; except that
29 the levies shall be included in the maximum rates for the city
30 of Huntington as established by law.

31 After the park district has made the levy, it shall certify to
32 the finance director of the city of Huntington the amount of
33 the said levy, and the finance director shall thereupon extend
34 the levy upon the tax tickets, and all levies made by the park
35 district shall be collected by the finance director who shall
36 occupy a fiduciary relationship with the park district, and
37 then such levy funds shall be paid to the park district upon
38 written order of the park district signed by the president of

39 the park district and countersigned by the secretary of the
40 park district.

41 Levies for support, maintenance and operation.

42 (3) In order to ensure adequate support for the
43 maintenance and operation of the park district the following
44 governing authorities shall, upon written request by the park
45 district levy annually as follows within the respective taxing
46 districts of the governing authorities, on each one hundred
47 dollars of assessed valuation of the property taxable in the
48 area served by it according to the last assessment for state and
49 county purposes, amounts not exceeding the following
50 amounts for fiscal year beginning July first, one thousand
51 nine hundred eighty-three:

52 (a) The county commission of Cabell County, for the first
53 year of the act and annually thereafter: Class one, .433 cents;
54 class two, .866 cents; class three and class four, 1.73 cents.

55 (b) The county commission of Wayne County, for the first
56 year of the act and annually thereafter: Class one, .0066 cents;
57 class two, .0132 cents; class three and class four, .0266 cents.

58 (c) The board of education of the county of Cabell shall
59 provide funds available to the board through special and
60 excess levies for the first year of the act and annually
61 thereafter: Class one, .433 cents; class two, .866 cents; class
62 three and class four, 1.73 cents.

63 (d) The city of Huntington, for the first year of the act and
64 annually thereafter: Class one, one and three-tenths cents;
65 class two, two and six-tenths cents; class three and four, five
66 and two-tenths cents.

67 (e) The town of Milton, for the first year of the act and
68 annually thereafter: Class one, one and three-tenths cents;
69 class two, two and six-tenths cents; class three and class four,
70 five and two-tenths cents.

71 (f) The town of Barboursville, for the first year of the act
72 and annually thereafter: Class one, one and three-tenths
73 cents; class two, two and six-tenths cents; class three and
74 class four, five and two-tenths cents.

75 In addition to the aforesaid amounts which, upon written
76 request by said board, the governing authorities shall levy,
77 each such governing authority may support the park district
78 with any other general or special revenues or excess levies.
79 All income realized by the operation of the park district from
80 any sources other than the above levies shall be used by the
81 board of directors for support of the park district.

82 All money collected or appropriated by the foregoing
83 governing authorities for park district purposes shall be
84 deposited in a special account of the park district and shall be
85 disbursed by that board for the purpose of operating such
86 park district.

87 (4) Assess the cost of improvements to or construction of
88 streets, sidewalks, sewers, curbs, alleys, public ways or
89 easements, or portions thereof, upon the abutting property
90 owners whose property lies within the park district. Such
91 assessments shall require approval of a majority of the
92 commissioners present and voting, and shall be commenced
93 and conducted in such manner as is prescribed by article
94 eighteen, chapter eight of the code of West Virginia, one
95 thousand nine hundred thirty-one, as amended.

96 (5) The municipalities of Huntington, Milton, and
97 Barboursville and the counties of Cabell and Wayne are
98 hereby empowered, and authorized to issue, in the manner
99 prescribed by law, revenue bonds or general obligation
100 bonds, for the purpose of raising funds to establish, construct,
101 improve, extend, develop, maintain or operate, a system of
102 public parks and recreational facilities for the city or
103 counties, or to refund any bonds of the city or counties, the
104 proceeds of which were expended in the establishing,
105 constructing, improving, extending, developing, maintaining
106 or operating of such public park and recreation system or any
107 part thereof. Any bonds issued for any of the purposes stated
108 in this section shall contain in the title or subtitle thereto the
109 words "public park and recreation bonds," in order to
110 identify the same, and shall be of such form, denomination
111 and maturity and shall bear such rate of interest as shall be
112 fixed by ordinance of the governing body of the city or
113 counties. The governing body may provide for the issuance of
114 bonds for other lawful purposes of the city or counties in the
115 same ordinance in which provision shall be made for the
116 issuance of bonds under the provisions of this section. The
117 park district shall pay all of the costs and expenses of any
118 election which shall be held to authorize the issuance of
119 public park and recreation bonds only. The costs and
120 expenses of holding an election to authorize the issuance of
121 public park and recreation bonds and bonds for other city or
122 county purposes shall be paid by the park district and the city
123 or counties respectively, in the proportion that the public

124 park and recreation bonds bear to the total amount of bonds
125 authorized.

126 Whenever the governing body of the city or counties and
127 the requisite majority of the legal votes cast at the election
128 thereon shall authorize in the manner prescribed by law, the
129 issuance of bonds for the purpose of establishing,
130 constructing, improving, extending, developing, maintaining
131 or operating, or any combination of the foregoing, a system of
132 public parks and recreational facilities for the city or
133 counties, or for refunding any outstanding bonds, the
134 proceeds of which were applied to any of said purposes, said
135 bonds shall be issued and delivered to the park district to be
136 by it sold in the manner prescribed by law, and the proceeds
137 thereof shall be paid into the treasury of the park district, and
138 the same shall be applied and utilized by the park district for
139 the purposes prescribed by the ordinance authorizing the
140 issuance of such bonds. In any ordinance for the issuance of
141 bonds for such purposes, it shall be a sufficient statement of
142 the purposes for creating the debt to specify that the same is
143 for purposes of establishing, constructing, improving,
144 extending, developing, maintaining or operating, or any
145 combination of the foregoing, a public park and recreation
146 system for the city or counties, without specifying the
147 particular establishment, construction, improvement,
148 extension, development, maintenance or operation
149 contemplated; but an ordinance for refunding bonds shall
150 designate the issue and the number of bonds which it is
151 proposed to refund.

152 (6) Sue and be sued; make contracts and guarantees; incur
153 liabilities; borrow or lend money for any time period deemed
154 advisable by the commission, sell, mortgage, lease, exchange,
155 transfer or otherwise dispose of its property; or pledge its
156 property as collateral or security for any time period deemed
157 advisable by the commission.

158 (7) Create trusts of such kind as will expedite the efficient
159 management of the property and other assets owned or
160 controlled by the park district. The trustee, whether
161 individual or corporate, in any such trust shall have a
162 fiduciary relationship with the park district and may be
163 removed by the park district for good cause shown or for a
164 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 to
4 make arrests for violations of ordinances promulgated by the
5 park district upon the property under the jurisdiction of the
6 park district. Park rangers may not carry a gun without
7 obtaining a license therefor as required by law.

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

21 (c) For violations of park district ordinances, jurisdiction
22 of all warrants relating thereto to be issued is hereby granted
23 to such courts as have criminal jurisdiction of misdemeanors
24 committed upon property which is owned or controlled by
25 the park district.

§9. Title to property.

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

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

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

James L. Davis
.....
Chairman Senate Committee

Arnold Queller
.....
Chairman House Committee

Originated in the Senate.

In effect July 1, 1983.

Jedd C. Hill
.....
Clerk of the Senate

Donald L. Hopp
.....
Clerk of the House of Delegates

Walter R. McBean
.....
President of the Senate

John W. M. See, Jr.
.....
Speaker House of Delegates

The within *is approved* this the *26*
day of *March*, 1983.

.....
John D. Rhymer
.....
Governor



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