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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2003



ENROLLED

House Bill No. 2840

(By Delegates Leach, Craig, Morgan, Smirl, Sobonya and Howard)



Passed March 8, 2003

In Effect Ninety Days from Passage

**S E C O N D
E N R O L L M E N T**

H. B. 2840

(BY DELEGATES LEACH, CRAIG, MORGAN,
SMIRL, SOBONYA AND HOWARD)

[Amended and Again Passed March 16, 2003,
as a Result of the Objections of the Governor; in Effect Ninety Days From Passage.]

AN ACT to amend and reenact sections two, three, four and six-a, chapter twenty-six, acts of the Legislature, regular session, one thousand nine hundred twenty-five (municipal charters), as last amended by chapter one hundred ninety-four, acts of the Legislature, regular session, one thousand nine hundred eighty-three, all relating to the Greater Huntington Park and Recreation District; increasing the number of members on the board.

Be it enacted by the Legislature of West Virginia:

That sections two, three, four and six-a, chapter twenty- six, acts of the Legislature, regular session, one thousand nine hundred twenty-five (municipal charters), as last amended by chapter one hundred ninety-four, acts of the Legislature, regular session, one thousand nine hundred eighty-three, be amended and reenacted, all to read as follows:

**GREATER HUNTINGTON PARK AND
RECREATION DISTRICT.**

§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 contacts or property controlled by the board.

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

9 (b) The park district shall be governed by eleven commis-
10 sioners; ten of whom shall be elected from Cabell County, but
11 no more than two of whom shall be elected from any one
12 magisterial district, and one of whom shall be elected from
13 Westmoreland magisterial district in the county of Wayne. The
14 commissioners shall be elected pursuant to paragraph (1),
15 subdivision (1) of this subsection.

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

21 At the general election in the year, one thousand nine
22 hundred eighty-four, there shall be elected six commissioners.
23 One commissioner shall be elected from the Westmoreland
24 magisterial district in the county of Wayne. Five commissioners

25 shall be elected from the county of Cabell. In Westmoreland
26 district of Cabell County the person receiving the highest
27 number of votes shall be elected for a term of six years. In
28 Cabell County, the three persons receiving the highest number
29 of votes shall be elected for a term of six years, the person
30 receiving the next highest number of votes shall be elected for
31 a term of four years, and the remaining elected commissioner
32 shall be elected for a term of two years.

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

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

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

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

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

53 Beginning at the general election in the year, two thousand
54 eight, and every sixth year thereafter, there shall be elected four
55 commissioners who shall be elected for a term of six years. One

56 commissioner shall be elected from the Westmoreland magiste-
57 rial district in the county of Wayne. Three commissioners shall
58 be elected from the county of Cabell.

59 (2) The commissioners in office upon the effective date of
60 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 or
64 appointed public office.

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

69 (e) Commissioners shall have no personal financial interest,
70 directly or indirectly, in any contract entered into by the park
71 district, or hold any remunerative position in connection with
72 the establishment, construction, improvement, extension,
73 development, maintenance or operation of any of the property
74 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 within sixty days
4 thereafter, by appointment of a suitable person, and the person
5 so appointed shall hold office until the next election for
6 commissioners, when a person shall be elected for the remain-
7 der 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 upon
2 his duties as commissioner, each new commissioner shall take
3 the following oath as administered by the county clerk of Cabell
4 or Wayne County as appropriate and convenient:

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

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

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

26 (1) *President.* — The president shall perform such duties as
27 ordinarily devolve upon the president officer of a deliberative
28 body, except that he shall have a vote upon each and every
29 question as every other commissioner, but he shall have only
30 one vote on each question. Additionally, the president shall: (a)
31 Act as chief administrative officer and legal representative of
32 the park district; (b) represent and speak for the park district to

33 other organizations and to the public; (c) appoint committees
34 and delegate duties; and (d) sign letters or documents necessary
35 to carry out the will of the park district.

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

41 (3) *Secretary.* — The secretary shall be the chief recording
42 and corresponding officer and the custodian of the records of
43 the park district. The duties of the secretary shall be to: (a) Take
44 careful and authentic notes of the proceedings of the meetings
45 as a basis for preparing the minutes; (b) prepare and certify the
46 correctness of the minutes and enter them in the official minute
47 book; (c) read or circulate the minutes to the commissioners for
48 correction and approval; (d) enter any corrections approved by
49 the commissioners in the minute book and initial them; (e)
50 record and attest by his signature the approved minutes as the
51 official minutes of the park district, with the date of approval;
52 (f) provide the presiding officer of the assembly with the exact
53 wording of a pending motion or of one previously acted on ; (g)
54 prepare a list of members and call the roll when directed by the
55 presiding officer; (h) read all papers, documents or communica-
56 tions as directed by the presiding officer; (i) bring to each
57 meeting the minute book, a copy of ordinances, rules and
58 policies, a list of the members, a list of standing and special
59 committees, and a copy of the parliamentary authority adopted
60 by the organization; (j) search the minutes for information
61 requested by officers or members; (k) assist the presiding
62 officer before each meeting in preparing a detailed agenda; (l)
63 preserve all records, reports and official documents of the park
64 district except those specifically assigned to the custody of
65 others as well as preserve all papers containing evidence of
66 title, contracts and obligations; (m) prepare and send required

67 notices of meetings and proposals; (n) provide the chairman of
68 each special committee with a list of his committee members,
69 a copy of the motion referring the subject to the committee, and
70 instructions and other documents that may be useful; (o)
71 provide the chairman of each standing committee with a copy
72 of all proposals referred to it, instructions, or material that may
73 be useful; (p) authenticate official documents by his signature;
74 (q) carry on the official correspondence of the park district as
75 directed, except correspondence assigned to other officers; (r)
76 make available the minute book for public inspection as a
77 public record; (s) codify and preserve all ordinances enacted by
78 the park district.

79 For this service the secretary, who is not a commissioner,
80 may receive such compensation as the park district may allow.
81 Before entering upon the duties of his office, the secretary shall
82 enter into a bond with one or more sureties deemed sufficient
83 by the park district and approved by the park district, condi-
84 tioned upon the faithful performance of his duties, the bond to
85 be payable to the Greater Huntington park and recreation
86 district in such penal sum as the park district determines, which
87 bond shall be filed with the park district for safekeeping. In the
88 secretary's absence, the park district may appoint a secretary
89 pro tempore.

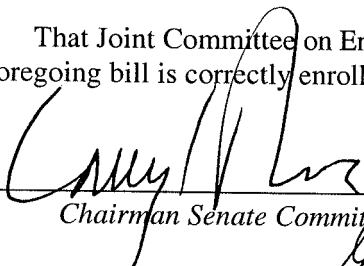
90 (4) *Treasurer.* — The treasurer shall be responsible for the
91 collection, safekeeping, investing and expenditure of all funds
92 and assets of the park district, and for keeping an accurate
93 financial record thereof which record shall be available for
94 public inspection. Before entering upon the duties of his office,
95 the treasurer shall enter into a bond with one or more sureties
96 deemed sufficient by the park district, and approved by the park
97 district, conditioned upon the faithful discharge of his duties
98 and the account for and paying over, as may be required, all
99 moneys which may come into his possession by virtue of his
100 office. Such bond shall be in such penal sum as the park district

101 may require, payable to the Greater Huntington park and
102 recreation district and filed with the park district for safekeep-
103 ing.

§6a. Comprehensive plan.

1 No later than the first day of January, two thousand four,
2 and every fifth year thereafter, the park district shall prepare
3 and make public a comprehensive plan as to the future develop-
4 ment of the park district.

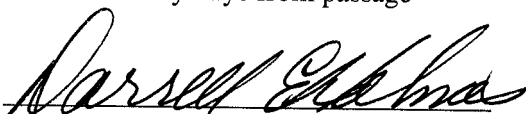
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

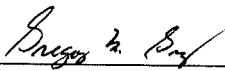

Chairman Senate Committee

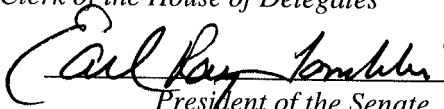

Chairman House Committee

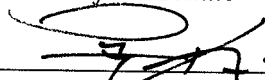
Originating in the House.

In effect ninety days from passage

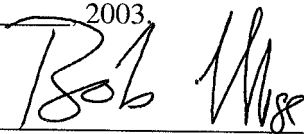

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is approved this the 27th
day of March 2003


Governor

PRESENTED TO THE
GOVERNOR

Date 3/26/03

Time 4:10 pm