ENROLLED

House Bill No. 2840

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

Passed March 8, 2003

In Effect Ninety Days from Passage
AN ACT to amend and reenact sections two, three, four and six-a, 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.

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

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

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

At the general election in the year, one thousand nine hundred eighty-four, there shall be elected six commissioners. One commissioner shall be elected from the Westmoreland magisterial district in the county of Wayne. Five commissioners shall be elected from the county of Cabell. In Westmoreland district of Cabell County the person receiving the highest number of votes shall be elected for a term of six years. In
Cabell County, the three persons receiving the highest number of votes shall be elected for a term of six years, the person receiving the next highest number of votes shall be elected for a term of four years, and the remaining elected commissioner shall be elected for a term of two years.

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

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

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

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

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

Beginning at the general election in the year, two thousand eight, and every sixth year thereafter, there shall be elected four commissioners who shall be elected for a term of six years. One commissioner shall be elected from the Westmoreland magisterial district in the county of Wayne. Three commissioners shall be elected from the county of Cabell.
(2) The commissioners in office upon the effective date of this act under the authority of the acts hereby amended and reenacted, shall continue in office for the term for which they were elected.

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

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

(e) Commissioners shall have no personal financial interest, directly or indirectly, in any contract entered into by the park district, or hold any remunerative position in connection with the establishment, construction, improvement, extension, development, maintenance or operation of any of the property under their control as commissioners.

§3. Vacancies in office of park commissioners.

Any vacancy which may occur in the office of an elected commissioner, by death, resignation, refusal to serve, or otherwise, shall be filled by the park district within sixty days thereafter, by appointment of a suitable person, and the person so appointed shall hold office until the next election for commissioners, when a person shall be elected 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.

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

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

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

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

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

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

(3) **Secretary.** — The secretary shall be the chief recording and corresponding officer and the custodian of the records of the park district. The duties of the secretary shall be to: (a) Take careful and authentic notes of the proceedings of the meetings as a basis for preparing the minutes; (b) prepare and certify the correctness of the minutes and enter them in the official minute book; (c) read or circulate the minutes to the commissioners for correction and approval; (d) enter any corrections approved by the commissioners in the minute book and initial them; (e) record and attest by his signature the approved minutes as the official minutes of the park district, with the date of approval; (f) provide the presiding officer of the assembly with the exact wording of a pending motion or of one previously acted on; (g) prepare a list of members and call the roll when directed by the presiding officer; (h) read all papers, documents or communications as directed by the presiding officer; (i) bring to each meeting the minute book, a copy of ordinances, rules and policies, a list of the members, a list of standing and special committees, and a copy of the parliamentary authority adopted by the organization; (j) search the minutes for information requested by officers or members; (k) assist the presiding officer before each meeting in preparing a detailed agenda; (l) preserve all records, reports and official documents of the park district except those specifically assigned to the custody of others as well as preserve all papers containing evidence of title, contracts and obligations; (m) prepare and send required notices of meetings and proposals; (n) provide the chairman of
each special committee with a list of his committee members, a copy of the motion referring the subject to the committee, and instructions and other documents that may be useful; (o) provide the chairman of each standing committee with a copy of all proposals referred to it, instructions, or material that may be useful; (p) authenticate official documents by his signature; (q) carry on the official correspondence of the park district as directed, except correspondence assigned to other officers; (r) make available the minute book for public inspection as a public record; (s) codify and preserve all ordinances enacted by the park district.

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

(4) Treasurer. — The treasurer shall be responsible for the collection, safekeeping, investing and expenditure of all funds and assets of the park district, and for keeping an accurate financial record thereof which record shall be available for public inspection. Before entering upon the duties of his office, the treasurer shall enter into a bond with one or more sureties deemed sufficient by the park district, and approved by the park district, conditioned upon the faithful discharge of his duties and the account for and paying over, as may be required, all moneys which may come into his possession by virtue of his office. Such bond shall be in such penal sum as the park district may require, payable to the Greater Huntington park and
§6a. Comprehensive plan.

1. No later than the first day of January, two thousand four, and every fifth year thereafter, the park district shall prepare and make public a comprehensive plan as to the future development 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 (disapproved) this the 14th day of March, 2003.

Governor
PRESENTED TO THE GOVERNOR

Date 3/14/03
Time 9:45 AM