

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **H. B. 3004**

5 (By Delegates Morgan, Reynolds, Craig, Sobonya, Miller, C.,
6 Perdue and Stephens)
7

8 [Passed March 11, 2011; in effect from passage.]
9

10 AN ACT to repeal sections 2a, 11, 12 and 13 of chapter 26 of the
11 Acts of the Legislature, regular session, 1925 (municipal
12 charters), section 12 of which was amended by chapter 132,
13 Acts of the Legislature, regular session, 1972; to repeal
14 section 6a of chapter 194, Acts of the Legislature, regular
15 session, 1983, as amended by chapter 110 of the Acts of the
16 Legislature, regular session, 2003; and to amend and reenact
17 sections 1, 2, 3, 4, 5, 6, 7, 8 and 9 of chapter 26 of the
18 Acts of the Legislature, regular session, 1925 (municipal
19 charters), section 10 of which was amended by chapter 122 of
20 the Acts of the Legislature, regular session, 1933, sections
21 1, 5, 6 and 9 of which were amended by chapter 194, Acts of
22 the Legislature, regular session, 1983, section 8 of which was
23 amended by chapter 175, Acts of the Legislature, regular
24 session, 1991, sections 2, 3, and 4 of which were amended by
25 chapter 110, Acts of the Legislature, regular session, 2003,

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

8 *Be it enacted by the Legislature of West Virginia:*

9 That sections 2a, 11, 12 and 13 of chapter 26 of the Acts of
10 the Legislature, regular session, 1925 (municipal charters),
11 section 12 of which was amended by chapter 132, Acts of the
12 Legislature, regular session, 1972, be repealed; that section 6a of
13 chapter 194, Acts of the Legislature, regular session, 1983, as
14 amended by chapter 110 of the Acts of the Legislature, regular
15 session, 2003, be repealed; that sections 1, 2, 3, 4, 5, 6, 7, 8,
16 and 9 of chapter 26 of the Acts of the Legislature, regular
17 session, 1925 (municipal charters), section 10 of which was amended
18 by chapter 122 of the Acts of the Legislature, regular session,
19 1933, sections 1, 5, 6 and 9 of which were amended by chapter 194,
20 Acts of the Legislature, regular session, 1983, section 8 of which
21 was amended by chapter 175, Acts of the Legislature, regular
22 session, 1991, sections 2, 3, and 4 of which were amended by
23 chapter 110, Acts of the Legislature, regular session, 2003, and
24 section 7 of which was amended by chapter 131, Acts of the

1 Legislature, regular session, 2005, be amended and reenacted, all
2 to read as follows:

3 **GREATER HUNTINGTON PARK AND RECREATION DISTRICT**

4 **§1. Definitions.**

5 The following terms have the following meanings:

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

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

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

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

1 houses, and boat launching ramps, court areas for net games such as
2 basketball, volleyball, badminton, tennis, handball, racquetball,
3 squash and platform tennis; picnic facilities such as groves,
4 shelters and lodges; golf courses, skating rinks; stables and
5 riding paths; gardens, botanic gardens, arboretums, nature centers,
6 zoos, aviaries and environmental interpretive centers; museums,
7 historic landmarks and historic districts; snack bars, restaurants,
8 lounges and gift shops, camps and overnight lodges; theaters;
9 performing arts and crafts centers; recreation centers; mechanical
10 and electronic games centers; dance halls, amusements; parkways and
11 boulevards; and cemeteries, and other public parks and recreational
12 areas and facilities.

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

17 **§2. Greater Huntington Park and Recreation District; composition;**
18 **terms of office; political affiliation; compensation;**
19 **expenses; prohibition against commissioners holding other**
20 **elected offices or being personally interested in contracts**
21 **or property controlled by board.**

22 (a) The purpose of the Greater Huntington Park and Recreation
23 District Board is to establish, own, develop and operate a park
24 system for the benefit, health, safety, welfare, pleasure and

1 relaxation of the inhabitants of the Greater Huntington Park and
2 Recreation District.

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

9 (1) Commissioners of the Park District shall be nominated and
10 elected in the general election for state officers on the first
11 Tuesday after the first Monday in November and in the manner
12 prescribed by law for the nomination and election of district
13 officers, except as provided in this section.

14 (A) At the general election in the year 1984, there shall be
15 elected six commissioners. One commissioner shall be elected from
16 the Westmoreland Magisterial District in the County of Wayne. Five
17 commissioners shall be elected from the County of Cabell. In
18 Westmoreland District of Wayne County, the person receiving the
19 highest number of votes shall be elected for a term of six years.
20 In Cabell County, the three persons receiving the highest number of
21 votes shall be elected for a term of six years, the person
22 receiving the next highest number of votes shall be elected for a
23 term of four years, and the remaining elected commissioner shall be
24 elected for a term of two years.

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

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

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

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

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

18 (G) Beginning at the general election in the year, 2008, and
19 every sixth year thereafter, there shall be elected four
20 commissioners who shall be elected for a term of six years. One
21 commissioner shall be elected from the Westmoreland magisterial
22 district in the county of Wayne. Three commissioners shall be
23 elected from the county of Cabell.

24 (2) The commissioners in office upon the effective date of

1 this act under the authority of the acts hereby amended and
2 reenacted, shall continue in office for the term for which they
3 were elected.

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

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

10 (e) Commissioners may not have any personal financial
11 interest, directly or indirectly, in any contract entered into by
12 the Park District, or hold any remunerative position in connection
13 with the establishment, construction, improvement, extension,
14 development, maintenance or operation of any of the property under
15 their control as commissioners.

16 **§3. Vacancies in office of park commissioners.**

17 Any vacancy which may occur in the office of an elected
18 commissioner, by death, resignation, refusal to serve, or
19 otherwise, shall be filled by the Park Board at its first regular
20 meeting within sixty days after the vacancy, by appointment of a
21 qualified person, and the person appointed shall hold office until
22 the next election for commissioners, when a person shall be elected
23 for the remainder of the unexpired term of commissioner.

24 **§4. Oath of commissioners; election of officers; election of other**

**officers; duties of officers; bond required of secretary
and treasurer; secretary pro tempore.**

(a) After appointment or election, and before entering upon his or her 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 Board during the term for which I was elected, to the best of my ability according to law."

(b) At the Park Board's first meeting and every year thereafter, it shall elect one of its members as president, and another member as vice-president. The Park Board shall elect a secretary who need not be a member of the Park Board, as well as elect a member of the Park Board who shall serve as treasurer. The Park Board shall have the power to appoint from among its members such other officers as it considers necessary and to delegate duties and authority to the officers consistent with the purposes of this act. Any officer may be removed from office, upon adequate notice and hearing, although not relieved of his or her duties as a commissioner, by a vote of the majority of commissioners present and voting.

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

1 therefrom and which is consistent with carrying out the purposes of
2 this act.

3 (1) The President shall perform the duties that ordinarily
4 devolve upon the presiding officer of a deliberative body, and
5 shall have one vote upon each question, as every other
6 commissioner, and shall:

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

9 (B) Represent and speak for the Park Board to other
10 organizations and to the public;

11 (C) Appoint committees and delegate duties; and

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

14 (2) The Vice-President shall assume the duties of the
15 President in case of the absence or incapacity of the president and
16 shall become president on the death, resignation or permanent
17 incapacity of the president as determined by the Park Board.

18 (3) The Secretary shall be the chief recording and
19 corresponding officer and the custodian of the records of the Park
20 Board, and shall:

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

22 (B) Prepare and certify the correctness of the minutes and
23 enter them in the official minute book;

24 (C) Read or circulate the minutes to the commissioners for

1 correction and approval;

2 (D) Enter any corrections approved by the commissioners in the
3 minute book and initial them;

4 (E) Record and attest by his or her signature the approved
5 minutes as the official minutes of the Park Board, with the date of
6 approval;

7 (F) Provide the presiding officer of the assembly with the
8 exact wording of a pending motion or of one previously acted on
9 when directed by the presiding officer;

10 (G) Prepare a list of members and call the roll when directed
11 by the presiding officer;

12 (H) Read all papers, documents or communications as directed
13 by the presiding officer;

14 (I) Bring to each meeting the minute book or its electronic
15 equivalent, a copy of ordinances, rules and policies, a list of the
16 members, a list of standing and special committees, and a copy of
17 the parliamentary authority adopted by the organization;

18 (J) Search the minutes for information requested by officers
19 or members;

20 (K) Assist the presiding officer before each meeting in
21 preparing a detailed agenda;

22 (L) Preserve all records, reports and official documents of
23 the Park Board except those specifically assigned to the custody of
24 others as well as preserve all papers containing evidence of title,

1 contracts and obligations;

2 (M) Prepare and send required notices of meetings and
3 proposals;

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

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

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

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

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

16 (S) Codify and preserve all ordinances enacted by the Park
17 Board.

18 For this service the secretary, who is not a commissioner, may
19 receive such compensation as the Park Board may allow. Before
20 entering upon the duties of his or her office, the secretary shall
21 enter into a bond with one or more sureties considered sufficient
22 by the Park Board and approved by the Park Board, conditioned upon
23 the faithful performance of his or her duties. The bond shall be
24 payable to the Greater Huntington Park and Recreation District

1 Board in such sum as the Park Board determines, and shall be filed
2 with the Park Board for safekeeping. In the secretary's absence,
3 the Park Board may appoint a secretary pro tempore.

4 (4) The treasurer shall be responsible for the collection,
5 safekeeping, investing and expenditure of all funds and assets of
6 the Park Board, and for keeping an accurate financial record which
7 shall be available for public inspection. Before entering upon the
8 duties of his or her office, the treasurer shall enter into a bond
9 with one or more sureties considered sufficient by the Park Board,
10 and approved by the Park Board, conditioned upon the faithful
11 discharge of his or her duties and the accounting for and paying
12 over, as may be required, all moneys which may come into his or her
13 possession by virtue of his or her office. The bond shall be in
14 such sum as the Park Board may require, payable to the Greater
15 Huntington Park and Recreation District Board and filed with the
16 Park Board for safekeeping.

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

18 (a) The commissioners shall select a regular time and place
19 for meetings of the Park Board which shall be open to the public.
20 Minutes of commission meetings shall be open to the public upon
21 request. Six members constitute a quorum to transact business.
22 Additional or special meetings, also open to the public, may be
23 called by the president, or at the request of four members, by the
24 secretary. The concurrence of six members of the Park Board is

1 required to decide all questions involving the expenditure of
2 money.

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

6 (c) The Park Board shall maintain an office in a location of
7 its choosing which shall be open to the public during normal
8 business hours.

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

11 (a) The Greater Huntington Park and Recreation Park District
12 Board is a public corporate body, although not a municipal
13 corporation, and shall have perpetual existence and a common seal.

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

16 (1) Appropriate and expend funds from the sources of income
17 derived from the enactment of this act for the purposes of
18 establishing, constructing, improving, extending, developing,
19 maintaining and operating, or any combination of the foregoing, a
20 public park system for the Park District: *Provided*, That it may not
21 expend funds on or appropriate funds to external agencies, public
22 or private, for any purpose whatsoever: *Provided, however*, That in
23 accordance with this section, the Park Board may contract with
24 other agencies for direct services received or for joint endeavors

1 in which the Park Board is an active participant;

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

4 (3) Receive any gift, grant, donation, bequest, devise or
5 trust funds;

6 (4) Sue and be sued;

7 (5) Contract and be contracted with;

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

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

15 (8) Acquire in the Park Board's name by purchase, lease, or by
16 exercise of the power of eminent domain, or otherwise, such lands,
17 structures or bodies of water, located anywhere within the Park
18 District as the Park Board shall determine to be necessary,
19 appropriate, convenient or incidental to the establishment,
20 construction, improvement, extension, development, maintenance or
21 operation of a park system;

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

24 (10) Employ persons as, in its opinion, may be necessary for

1 the establishment, construction, improvement, extension,
2 development, maintenance, operation or management of the property
3 under its control, at wages, salaries or fees as it considers
4 proper, and the Park Board shall have full control of all
5 employees;

6 (11) Promulgate ordinances, rules and regulations necessary to
7 maintain the property belonging to the Park Board as places of
8 beauty, education and recreation or necessary to promote the
9 health, property, lives, decency, morality and good order of the
10 Park District, its inhabitants and members of the general public
11 making use of property owned or controlled by the Park Board, or
12 necessary to regulate the use of or driving upon the property owned
13 or controlled by the Park Board;

14 (12) Abate, or cause to be abated, all nuisances affecting the
15 Park Board's property or persons on the property;

16 (13) Regulate or prohibit the placing of signs, billboards,
17 posters and advertisements upon the Park Board's property;

18 (14) Keep the Park Board's property in good order and free
19 from obstruction for the use and benefit of the public;

20 (15) Construct, improve, maintain, repair, operate, curb or
21 recurb, pave or repave, grade or regrade, surface or resurface
22 roads, bridges, sewers, culverts, sidewalks, public ways, easements
23 and other public works upon lands controlled or owned by the Park
24 Board;

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

5 (17) Enter into intergovernmental agreements as any municipal
6 corporation would be entitled to enter into according to law and
7 under conditions as are required by law of municipal corporations
8 before they enter intergovernmental agreements: *Provided*, That
9 every intergovernmental agreement shall, prior to and as a
10 condition precedent to its becoming effective, be submitted to the
11 Attorney General of the state of West Virginia who shall determine
12 whether the agreement is in proper form and is compatible with the
13 laws of this state;

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

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

21 (20) Prepare, update at least every five years, and make
22 public a comprehensive plan as to the ongoing development of the
23 Park District: *Provided*, That the Park Board shall conduct at least
24 one public hearing in the Park District for the purpose of

1 obtaining citizen input prior to developing or updating the
2 comprehensive plan.

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

5 (a) The Park Board may:

6 (1) Charge the public for services offered or goods sold by
7 the Park Board, as follows:

8 (A) Charges for services may be in the form of, but not
9 limited to, admission and entrance fees, exclusive use and rental
10 fees, user fees, license and permit fees, equipment rental, program
11 maintenance fees, instructor fees, special accommodation fees,
12 amusement fees, restricted membership fees, and cemetery service
13 fees;

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

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

1 (A) The board of directors of the Park District may adopt one
2 or more resolutions establishing the amount and manner of
3 collection of the fees and providing for reasonable penalties for
4 failure to pay service fees. No resolution imposing a service fee
5 is effective until it is ratified by a majority of the legal votes
6 cast by the qualified voters of the district at a primary or
7 general election.

8 (B) In addition to meeting the ballot and election
9 requirements set forth in subdivision (3) of this subsection, the
10 ballot question must set forth the service fee, the manner in which
11 it will be imposed and the general use to which the proceeds of the
12 service fee shall be put. From time to time, the board may submit
13 additional resolutions imposing additional service fees to the
14 district's electors for approval pursuant to this section.

15 (3) Issue revenue bonds or refunding revenue bonds for the
16 district, in the manner prescribed by sections seven, ten, twelve
17 and sixteen, article sixteen, chapter eight of this code. No
18 revenue bonds, except for refunding revenue bonds, may be issued
19 under this section until all questions connected with the bonds are
20 first submitted to a vote of the qualified electors of the district
21 for which the bonds are to be issued, and receive a majority of all
22 the votes cast for and against the issuance. The ballot question
23 must set forth:

24 (A) The necessity for issuing the bonds;

1 (B) Purpose or purposes for which the proceeds of bonds are to
2 be expended;

3 (C) Total indebtedness, bonded or otherwise;

4 (D) Amount of the proposed bond issue;

5 (E) Maximum term of bonds and series;

6 (F) Maximum rate of interest;

7 (G) Date of election; and

8 (H) That the Park District is authorized to collect fees to
9 provide funds for the payment of the interest upon the bonds and
10 the principal at maturity, and the approximate amount of fees
11 necessary for this purpose.

12 (4) Notice of any election shall be given by publication,
13 within fourteen consecutive days next preceding the date of the
14 election, of the resolution imposing the service fee as a Class II
15 legal advertisement in compliance with the provisions of article
16 three, chapter fifty-nine of this code and the publication area for
17 publication shall be the district. All of the provisions of the
18 general election laws of this State concerning primary or general
19 elections, when not in conflict with the provisions of this
20 section, shall apply to elections hereunder, insofar as
21 practicable.

22 (5) Annually levy on each \$100 of the assessed valuation of
23 the property taxable in the Park District, within the corporate
24 boundaries of the City of Huntington according to the last

1 assessment for state and county purposes, as follows:

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

9 (B) After the Park Board has made the levy, it shall certify
10 to the Finance Director of the city of Huntington the amount of the
11 levy, and the Finance Director shall extend the levy upon the tax
12 tickets. All levies made by the Park Board shall be collected by
13 the Finance Director who shall occupy a fiduciary relationship with
14 the Park Board. Levy funds shall be paid to the Park Board upon
15 written order of the Park Board, signed by the President of the
16 Park Board and countersigned by the Secretary of the Park Board.

17 (6) Assess the cost of improvements to or construction of
18 streets, sidewalks, sewers, curbs, alleys, public ways or
19 easements, or portions thereof, upon the abutting property owners
20 whose property lies within the Park District. The assessments
21 require approval of a majority of the commissioners present and
22 voting, and shall be commenced and conducted in the manner
23 prescribed by article eighteen, chapter eight of this code.

24 (7) Sue and be sued; make contracts and guarantees; incur

1 liabilities; borrow or lend money for any time period considered
2 advisable by the commission; sell, mortgage, lease, exchange,
3 transfer or otherwise dispose of its property; or pledge its
4 property as collateral or security for any time period considered
5 advisable by the commission.

6 (8) Create trusts as will expedite the efficient management of
7 the property and other assets owned or controlled by the Park
8 Board. The trustee, whether individual or corporate, has a
9 fiduciary relationship with the Park Board and may be removed by
10 the Park Board for good cause shown or for a breach of the
11 fiduciary relationship with the Park Board.

12 (b) In order to ensure adequate support for the
13 maintenance and operation of the Park District, the following
14 governing authorities shall, upon written request by the Park
15 Board, levy annually as follows within the respective taxing
16 districts of the governing authorities, on each \$100 of assessed
17 valuation of the property taxable in the area served by it
18 according to the last assessment for state and county purposes,
19 amounts not exceeding the following amounts for fiscal year
20 beginning July 1, 1983:

21 (1) The county commission of Cabell County, for the first year
22 of the act and annually thereafter: Class I, 0.433¢; Class II,
23 0.866¢; Class III and Class IV, 1.73¢.

24 (2) The county commission of Wayne County, for the first year

1 of the act and annually thereafter; Class I, 0.0066¢; Class II,
2 0.0132¢; Class III and Class IV, 0.0266¢.

3 (3) The board of education of the county of Cabell shall
4 provide funds available to the board through special and excess
5 levies for the first year of the act and annually thereafter: Class
6 I, 0.433¢; Class II, 0.866¢; Class III and Class IV, 1.73¢.

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

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

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

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

21 (2) All money collected or appropriated by the foregoing
22 governing authorities for Park District purposes shall be deposited
23 in a special account of the Park Board and shall be disbursed by
24 that board for the purpose of operating Park Board.

1 (d) The municipalities of Huntington and Milton and the
2 counties of Cabell and Wayne may issue, in the manner prescribed by
3 law, revenue bonds or general obligation bonds, for the purpose of
4 raising funds to establish, construct, improve, extend, develop,
5 maintain or operate, a system of public parks and recreational
6 facilities for the city or counties, or to refund any bonds of the
7 city or counties, the proceeds of which were expended in the
8 establishing, constructing, improving, extending, developing,
9 maintaining or operating of any part of all of the public park and
10 recreation system.

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

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

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

23 (4) The costs and expenses of holding an election to authorize
24 the issuance of public park and recreation bonds and bonds for

1 other city or county purposes shall be paid by the Park Board and
2 the city or counties respectively, in the proportion that the
3 public park and recreation bonds bear to the total amount of bonds
4 authorized.

5 (5) The bonds issued pursuant to this subsection shall be
6 delivered to the Park Board to be sold in the manner prescribed by
7 law, and the proceeds shall be paid into the treasury of the Park
8 Board, and shall be applied and utilized by the Park Board for the
9 purposes prescribed by the ordinance authorizing the issuance of
10 such bonds.

11 (6) In any ordinance for the issuance of bonds pursuant to
12 this subsection, it shall be a sufficient statement of the purposes
13 for creating the debt to specify that the same is for the purpose
14 of establishing, constructing, improving, extending, developing,
15 maintaining or operating, or any combination of the foregoing, a
16 public park and recreation system for the city or counties, without
17 specifying the particular establishment, construction, improvement,
18 extension, development, maintenance or operation contemplated; but
19 an ordinance for refunding bonds shall designate the issue and the
20 number of bonds which it is proposed to refund.

21
22 **§8. Law enforcement.**

23 (a) The Park District may employ park rangers to make arrests
24 for violations of ordinances promulgated by the Park District upon

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

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

19 (c) For violations of Park District ordinances, jurisdiction
20 of all warrants is granted to the courts which have criminal
21 jurisdiction of misdemeanors committed on property which is owned
22 or controlled by the Park Board.

23 **§9. Title to property.**

24 (a) The title of all parks, parkways, playgrounds, athletic

1 fields, cemeteries, boulevards and other property, real, personal
2 and mixed, vested in the board of park commissioners under the
3 powers and authority of the acts hereby amended and reenacted shall
4 be and remain vested in the Greater Huntington Park and Recreation
5 District Board as herein defined.

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