

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1935

ENROLLED

HOUSE BILL No. 335

(By Mr. Gayland)

PASSED February 27 1935

In Effect from Passage

ENROLLED
House Bill No. 335

(BY MR. GAYLORD, by request)

[Passed February 27, 1935; in effect from passage.]

AN ACT to amend and reenact sections seven, eight, nine, eleven, fourteen, eighteen, thirty-eight, thirty-nine, forty, forty-two and forty-seven, chapter six, acts of the Legislature of West Virginia, regular session, one thousand nine hundred twenty-one, relating to the city of Clarksburg, in the county of Harrison.

Be it enacted by the Legislature of West Virginia:

That sections seven, eight, nine, eleven, fourteen, eighteen, thirty-eight, thirty-nine, forty, forty-two and forty-seven, chapter six, acts of the Legislature, regular session, one thousand nine hundred twenty-one, and known as the charter of the city of Clarksburg, are hereby amended and reenacted to read as follows:

Section 7. The elective officers of the city of Clarksburg shall

2 consist of a council composed of nine members, one to be elected
3 from, and resident in, each ward of the city; and of a water board
4 composed of four members. The members of the city council
5 shall hold their respective offices for the term of two years, and
6 the members of the water board shall hold their respective
7 offices for the term of four years.

8 An election for officers under this act shall be held on the
9 third Tuesday in April, in the year one thousand nine hundred
10 thirty-five, and bi-ennially thereafter, on the same day of the
11 same month. The terms of the councilmen shall begin on the
12 first day of May, next following the election, and the terms of the
13 present members of the city council shall expire on the thirtieth
14 day of April, one thousand nine hundred thirty-five.

15 At the election to be held on the third Tuesday in April, in
16 the year one thousand nine hundred thirty-five, there shall be
17 elected two members of the water board, the one receiving the
18 highest number of votes shall serve for four years, and the one
19 of opposite political faith receiving the next highest number of
20 votes shall serve for two years, beginning on the first day of May,
21 next following. The other members of the water board in office
22 in the city of Clarksburg at the time this act becomes effective

23 shall serve out the remainder of their respective terms, and at
24 each regular biennial election after one thousand nine hundred
25 thirty-five, there shall be elected two members of the water board
26 of opposite political faith to serve for a term of four years, be-
27 ginning on the first day of May, next following the election. At
28 each primary election there shall be nominated by each political
29 party two candidates for the office of member of the water board,
30 and the two candidates of opposite political faith receiving the
31 highest number of votes at the general election shall serve as
32 members of the board.

33 Any vacancy in the office of councilman shall be filled by
34 appointment by the remaining members of the city council, for
35 the unexpired term, and any vacancy on the water board shall be
36 filled by appointment by the remaining members of the water
37 board, for the unexpired term, but the person appointed to fill
38 a vacancy on the water board shall be of the same political faith
39 as his predecessor in said office. All appointive employees of the
40 city, or their successors in employment, shall hold their respective
41 employments until their respective successors shall have been
42 chosen. *Provided, however,* That this act shall not become
43 effective until it shall have been submitted to and shall have

44 obtained the approval of a majority of the votes cast at the
45 referendum herein provided. A referendum to the voters of
46 the city of Clarksburg or a special election therein is hereby
47 called and the same shall be held on the first Tuesday in April,
48 one thousand nine hundred thirty-five at the same time the
49 primary election is held in said city for the nomination of
50 candidates to be voted for at the regular bi-ennial election fol-
51 lowing, for the purpose of submitting to the voters of the city
52 of Clarksburg the question of the adoption or rejection of this
53 act. At such referendum or special election all persons regis-
54 tered and qualified to vote for candidates at said primary
55 election, shall be entitled to vote for or against this act. The
56 registration books used in said primary election shall be used in
57 said referendum. Said referendum shall be conducted and the
58 results thereof ascertained and certified by the city council, sit-
59 ting as a board of canvassers, and all of the provisions of the law
60 of this state except as otherwise expressly provided in the char-
61 ter of the city of Clarksburg, and except as otherwise incon-
62 sistent with the provisions of this act, are hereby made appli-
63 cable to such referendum. The election officers appointed by the

64 city council to conduct the primary election shall serve as officers
65 for the holding of said referendum.

66 The referendum shall be by ballot and the ballot commis-
67 sioners appointed to prepare the regular primary election bal-
68 lots, shall also prepare the referendum ballots, and shall print
69 thereon the following:

70 'BALLOT' ON BI-PARTISAN WATER BOARD

71 ☐ FOR ADOPTION OF BI-PARTISAN WATER BOARD

72 ☐ AGAINST ADOPTION OF BI-PARTISAN WATER
73 BOARD'

74 The city council of the city of Clarksburg, sitting as a board
75 of canvassers, shall ascertain the result of said referendum, at
76 the same time it canvasses the votes cast at the primary election,
77 and shall certify the result of said referendum to the Secretary
78 of State of the State of West Virginia, whereupon, if this act
79 shall have been so adopted, the same shall to all intents and
80 purposes become immediately effective, otherwise null and void
81 and of no effect whatsoever.

82 No proclamation of the city council or the city manager or
83 other official notice of said referendum shall be published or
84 posted except that a copy of the referendum ballot shall be

85 printed in each of the two Clarksburg newspapers of opposite
86 political faith, one time prior to the holding of said referendum.
87 All expenses of holding the referendum under this act shall be
88 paid in the same manner as the costs of holding the primary
89 and general elections are provided to be paid under existing
90 law.

Sec. 8. The candidates to be voted for at all general municipal elections shall be nominated by primary elections: *Provided, however,* That all candidates to be voted for at the regular municipal election to be held on the third Tuesday in April, one thousand nine hundred thirty-five, shall be nominated at a primary to be held on the first Tuesday in April preceding the day fixed for holding the regular election, except in the event this act is adopted and approved at the referendum provided for in section seven hereof, then the two candidates of each political party running for members of the Water Board and receiving the highest number of votes in the primary election, shall be the candidates of each political party at the general election; if there should be only one candidate of either party at the primary, then the city executive committee of that party shall, within forty-eight hours after the result of said referen-

16 dum shall have been ascertained by the city council, name an
17 additional candidate whose name shall be placed on the ballot
18 as a candidate of the party naming him, to the end that each
19 political party shall have two candidates for member of the
20 water board to be voted on at said general election to be held
21 for the year one thousand nine hundred thirty-five.

22 The council shall cause a registration of the qualified voters
23 of each ward to be made as provided by ordinance now in effect
24 or hereafter adopted, and such registration shall be made and
25 elections shall be held, conducted and the result thereof ascer-
26 tained and declared in all respects as is or shall be provided by
27 state laws for the registering of voters and the holding and
28 conducting of primary elections throughout the state for nomin-
29 ating candidates for office ; and the duties by state laws imposed
30 upon the county court and clerk thereof in respect to general
31 primary elections shall be discharged by the city council and the
32 city clerk, respectively.

33 Regular municipal elections shall be held and conducted in
34 all respects as provided by law for conducting general elections
35 in the state of West Virginia ; except that the names of the can-
36 didates nominated for office need not be published. The city

37 council shall perform all of the duties in regard to the election
38 which are imposed upon a county court in conducting a general
39 election in the state, and the city clerk shall perform all of the
40 duties which are imposed upon the clerk of the county court; the
41 city executive committee of each political party, and its chair-
42 man shall perform all of the duties that the county executive
43 committee and its chairman perform in the county, and the city
44 council in selecting officers to conduct the election and in choos-
45 ing ballot commissioners shall be bound by all of the laws ob-
46 ligating a county court to select commissioners and clerks which
47 may be designated by a party executive committee or by the
48 chairman thereof.

49 The ballots shall be received, cast, counted, tabulated, and re-
50 turns made and canvassed in all respects as provided by law for
51 conducting general elections in the state of West Virginia, ex-
52 cept that the duties devolving upon the county court and the
53 clerk thereof under the general laws for conducting elections in
54 the state shall be discharged by the city council and the city
55 clerk.

56 The places for holding the elections shall be selected and pro-
57 vided by the city council, and the officers selected to conduct

58 the same shall receive the same compensation that is paid to
59 like officials selected to conduct general elections in the state.
60 The costs and expenses incurred in registering the voters and
61 in conducting and holding the primary and general elections
62 shall be paid one-half part thereof by the city, out of its gen-
63 eral fund, and one-half part thereof by the water board, out of
64 its revenues.

65 A receiving board and a counting board of officials to con-
66 duct the election may be appointed at any or all voting pre-
67 cincts when in the judgment of the city council a double elec-
68 tion board is necessary to facilitate the holding of the elec-
69 tion and counting of the ballots. The city council may es-
70 tablish one or more voting precincts in any ward and may fix
71 the boundaries of such precincts.

72 Each resident of the city of Clarksburg, who is a citizen of
73 the United States, and who has resided in the state of West
74 Virginia for at least one year, and in the city of Clarksburg for
75 at least six months, and who is a bona fide resident of the ward
76 and election precinct in which he offers to vote, and who is not
77 otherwise disqualified by law, shall be entitled to vote.

78 All commissioners and clerks selected to conduct elections,

9 and all registrars, and all challengers, shall take the oath pre-
80 scribed by law before entering upon the discharge of their re-
81 spective duties.

Sec. 9. All corporate powers of the city shall be vested in
2 and exercised by the council, except as hereinafter conferred
3 upon the water board. Each councilman shall have a right
4 to vote on all questions coming before the council. Five or
5 more members of the council shall constitute a quorum for the
6 transaction of business, and the affirmative vote of at least a
7 majority of all the members of the council shall be necessary to
8 adopt any motion, resolution or ordinance, or pass any
9 measure.

10 The city manager, hereinafter provided for, shall preside at
11 all meetings of the council when present, and in his absence, the
12 council shall select a presiding officer. The city manager or
13 other presiding officer shall have no power to veto any measure,
14 resolution or ordinance; and the city manager shall have no
15 vote upon the passage of the same. But every resolution, ord-
16 inance or franchise passed by the city council must be signed by
17 the city manager and the city clerk or recorder, and must be

18 published and recorded before the same shall be effective, unless
19 otherwise provided in this act.

Sec. 11. For the administration of the affairs of the city
2 and of the powers conferred upon the city council, there are
3 created the following municipal offices:

4 City manager, city clerk or recorder, police court judge, city
5 collector and treasurer, city attorney, city engineer, who shall
6 be ex-officio street supervisor, city physician, chief of police, and
7 chief of the fire department.

8 The council shall have power to create additional administra-
9 tive offices and to abolish any of the offices by it created.

10 The city council shall at its first meeting, in the month of May,
11 following a municipal election, or as soon thereafter as practi-
12 cable, appoint by a majority vote, a city manager, and shall by
13 a like vote, at any regular or special meeting of the council, fill
14 any vacancy in said office.

15 The city manager may be removed at any time by the city
16 council, by the affirmative vote of two-thirds of all the members
17 thereof, after a public hearing, for any cause, reason or ground,
18 for which a member of the county court or other county officer
19 may be removed.

20 The city manager shall, by and with the advice and consent
21 of the city council, appoint a city clerk or recorder, a police
22 court judge, a city collector and treasurer, a city attorney,
23 a city engineer, who shall be ex-officio street supervisor, a city
24 physician, a chief of police and a chief of the fire department,
25 and officers to fill any other administrative offices which the
26 council shall create.

27 Any vacancy in any of said offices shall be filled by the city
28 manager with the consent of the council, and the assent of the
29 council in all cases shall be entered of record in the book contain-
30 ing the proceedings of the council.

31 The terms of all administrative officers shall be co-extensive
32 with the tenure of the city manager making the appointment,
33 but said administrative officers may be dismissed and removed
34 from office by the city manager at any time for just cause; *Pro-*
35 *vided*, That the person dismissed or removed shall, upon request,
36 be entitled to a hearing before the council, and the city manager
37 shall reduce the charges against the removed officer to writing
38 and shall file the same with the city clerk at least five days
39 before the date set for the hearing before the council; unless
40 the council, by the affirmative vote of a majority of all the

41 members shall sustain the action of the manager, such ad-
42 ministrative officer shall be reinstated.

43 The council shall by ordinance or resolution, prescribe, fix and
44 limit the number of city policemen to be employed by the city,
45 and the number of employees in the fire department.

Sec. 14. The city manager shall occupy an office for the
2 transaction of the public business in the building or buildings
3 occupied by the city government, which office shall be kept open
4 on all secular days except legal holidays, for the transaction
5 of the public business. He shall devote all of his time to
6 the discharge of his official duties, and while holding the office
7 shall not engage in any other business or employment or hold
8 any other office. In addition to all other powers which may
9 be conferred upon the city manager by the city council, or by
10 the laws of the state of West Virginia, he shall exercise the
11 following powers:

12 (a) supervise, control and direct the affairs and business
13 of all the administrative offices created in section eleven of this
14 act, or which shall hereafter be created by the council under the
15 authority therein contained, except the police department.

16 (b) Appoint and remove in the manner herein provided all

17 administrative officers and employ and discharge at will all other
18 employees of the city, except employees in the police depart-
19 ment and in the water department.

20 (c) Enforce in favor of the inhabitants of the city all terms
21 and conditions in their favor contained in any public utility
22 franchise and require the faithful discharge of obligations of
23 all public utilities.

24 (d) Attend and preside at all meetings of the council and
25 the water board, with the right to take part in the discussion of
26 all measures, and to vote upon all questions coming before the
27 water board, as a member thereof.

28 (e) Recommend to the council for adoption such measures
29 and resolutions as he may deem expedient.

30 (f) Act as budget commissioner and keep the city council
31 fully advised as to the financial condition and needs of the
32 city.

33 (g) Determine and decide on the plan and program for pav-
34 ing, sewerage and otherwise improving the different streets and
35 alleys in the city and fix and determine the order of time in
36 which such streets and alleys shall be paved, sewerage and other-
37 wise improved.

38 (h) Determine and decide upon the kind and character of
39 pavements, sidewalks, curbs, sewers and other improvements
40 which shall be constructed and made upon and in any of the
41 streets and alleys of the city.

42 (i) Employ competent experts to advise with him in planning
43 the improvements of city streets and alleys, in specifying the
44 kind and character of pavements, sidewalks, curbs and sewers,
45 which shall be laid and constructed, and to supervise the per-
46 formance of the work in paving, sewerage and improving any
47 street or streets, and alley or alleys; and by contract to specify
48 and fix the compensation which any expert so employed by the
49 city manager shall receive for his services, which contract shall
50 not become binding or effective until approved by the city
51 council and the fact of such approval entered of record.

52 (j) Authenticate all ordinances and resolutions passed by the
53 council and sign the minutes of all meetings of the council.
54 Immediately upon the meeting of the council the minutes of the
55 preceding meeting shall be read and corrected if they contain
56 any errors, and they shall be signed by the city manager and
57 city clerk before the council proceeds to the transactions of any
58 business.

59 (k) Act as purchasing agent and purchase all supplies and
60 material for all departments of the city government except the
61 water department; and make sale of all property of the city not
62 needed or suitable for the public use in such manner as the
63 council may direct: *Provided, however,* He shall not make any
64 contract or purchase involving an expenditure in excess of
65 \$500 without first obtaining the assent of the council so to do.
66 All supplies to be used by the city and all material purchased
67 by the city for the construction of any public improvement shall
68 be purchased on competitive bids. All proposals for such shall
69 be upon precise specifications, and notice of the requirements of
70 the city shall be given to dealers in supplies and materials of the
71 kind required who by reason of location are best able to furnish
72 the same at the lowest price. All offers to sell supplies and mater-
72-a ials to the city shall be attached to the accepted offer and
73 filed and preserved in the office of the city clerk. All pur-
74 chases shall be audited by the city council and only on approval
75 of the council shall payment be made: *Provided, however,* That
76 limited quantities of supplies and materials may be purchased
77 in cases of emergency without delay necessary to secure com-
78 petitive bids or offers to supply the same.

79 (1) Make and execute on behalf of the city all writings, con-
80 tracts, deeds, and agreements, the making of which shall be au-
81 thorized by the council or by the water board, or by any ordi-
82 nance, resolution or statute.

83 (m) The city manager shall exercise any and all other
84 powers conferred by the present laws of the state of West Vir-
85 ginia upon mayors of cities, towns or villages, or which shall be
86 conferred upon such officers by any law hereafter enacted, not
87 in conflict with the provisions of this act, except the powers
88 herein, or in any such law, contained relating to the preserva-
89 tion of order and the enforcement of penal ordinances and
90 statutes, which powers in this act are vested in the police court
91 judge.

Sec. 18. The city attorney shall be a member of the bar of
2 Harrison county in good standing and shall perform and dis-
3 charge all duties and exercise all powers which shall be con-
4 ferred upon him by any ordinance or resolution of the city
5 council, and, in addition, he shall exercise the following powers:

6 (a) Be the legal adviser of and attorney and counsel for
7 the city and for all of the administrative officers thereof, in-

cluding the water board, in respect to their official duties.

(b) Prosecute and defend all suits for or against the city and prepare all contracts, bonds or other writings in which the city is concerned, and endorse on each his approval of the form and correctness thereof.

(c) Be prosecuting attorney of the police court and prosecute all cases brought before such court, and perform the same duties so far as applicable thereto as are required of the prosecuting attorney of the county.

(d) The city council and all administrative officers of the city may require the opinion of the city attorney upon any question of law involving their respective powers and the duties and he shall furnish the same in writing.

(e) Apply in the name of the city to a court of competent jurisdiction for an order by injunction restraining the misapplication of funds of the city or the abuse of its corporate powers, or the execution or performance of any contract made on behalf of the city in contravention of law, or which was procured by fraud or corruption.

(f) When an obligation or contract made on behalf of the

28 city granting a right or easement, or creating a public duty,
29 is evaded or violated, the city attorney shall require the specific
30 performance of the duty by any administrative officer by ap-
31 plication for a writ of mandamus to a court of competent juris-
32 diction.

33 The city manager or city council whenever the exigencies of
34 the business of the city require such action shall have the right
35 to employ special counsel to assist the city attorney.

Sec. 38. The members of the water board in office when this
2 act goes into effect shall serve out their original terms; and as
3 provided in section seven of the charter of the city, as herein
4 amended, two additional members shall be elected to serve on
5 the water board, but said members to be hereafter electd shall
6 be of opposite political faith; on and after May first, one thou-
7 sand nine hundred thirty-five, the two members now in office, to-
8 gether with the two members to be elected, and the city manager
9 of the city, shall compose the water board; after May first, one
10 thousand nine hundred thirty-seven, no more than two members
11 of the water board, the city manager excepted, shall be affiliated
12 with any one political party; nor elected on anyone political
13 party ticket.

14 The city manager shall be the president of the water board,
15 and shall preside at all meetings when present, and in his ab-
16 sence the board shall select a presiding officer. The city man-
17 ager shall have the right to vote on any measure, motion, or
18 resolution, the same as any other member of the board.

19 At its first regular meeting after each regular election,
20 or as soon thereafter as practicable, the water board shall ap-
21 point a general manager for the water works plant, and a secre-
22 tary and treasurer of the water board, and the board may ap-
23 point the general manager as ex-officio secretary and treasurer,
24 or may be a concurrent resolution of the water board and the
25 city council, appoint the city collector and treasurer as secre-
26 tary and treasurer of the board, or said board may appoint any
27 other duly qualified voter to act as its secretary and treasurer.

28 The general manager and the secretary and treasurer of the
29 water board shall devote all of his or their time to the public
30 service of the city of Clarksburg, and while holding such office
31 shall not be engaged in any other business or accept any other
32 employment.

33 The water board may create and discontinue such other ad-
34 ministrative offices and employments as in their judgment the

35 needs of the department shall require, and fill by appointment
36 all such administrative offices.

37 The board shall prescribe and fix by resolution, the com-
38 pensation to be paid to the general manager and to all other
39 administrative officers and employees of the water board and the
40 time and manner of making such payment. The general man-
41 ager and all employees of the water department shall hold
42 their respective offices and employments at and during the
43 pleasure of the board.

Sec. 39. Regular meetings of the board shall be held monthly
2 on a day designated by resolution of the board and special
3 meetings may be called at any time by the city manager, or by
4 any two members of the board. All meetings of the water
5 board shall be open to the public. It shall require at least three
6 members of the board to constitute a quorum for the transac-
7 tion of business, and the affirmative vote of at least three mem-
8 bers shall be necessary to pass any motion, measure or reso-
9 lution.

Sec. 40. Each member of the water board shall receive a fee
2 of five dollars for each regular and special meeting which he
3 shall attend: *Provided, however,* That he shall not receive total

4 compensation of more than one hundred dollars for any year.
5 The city manager as such member of the board shall receive no
6 compensation for his services, in addition to his salary as city
7 manager. No person while a member of the water board shall
8 hold any office or position of employment under the govern-
9 ment of the city of Clarksburg.

Sec. 42. Subject at all times to the control of the water
2 board, the general manager shall have charge of all the water
3 works plant and system, and shall exercise supervision and
4 control over all of the employees of the water board. He shall
5 enforce all ordinances, rules and regulations heretofore adopted,
6 or which may hereafter be adopted by the water board, and all
7 laws of the state of West Virginia, applicable to the water
8 works system or plant, except that any ordinance or laws sub-
9 jecting any person to a fine or imprisonment for the violation
10 thereof shall be enforced by the police court judge. He shall
11 have general supervision of the pumping plants and stations
12 and filtration plant. He shall attend all meetings of the water
13 board; he shall act as purchasing agent for the water depart-
14 ment, and shall purchase all materials for the construction,
15 improvement, or repair of the water system and all supplies

16 needed in the operation of the water plant or system, and ex-
17 cept in cases of emergency, all such purchases shall be upon
18 competitive bids. Dealers in supplies and materials of the kind
19 required shall be notified by him by letter of the requirements
20 of the water department, and asked to submit propositions for
21 furnishing the same, and the offer most advantageous to the
22 city, taking into consideration the quality, time of delivery, and
23 all other conditions, shall be accepted: *Provided, however,*
24 That he shall not make any contract or purchase involving an
25 expenditure in excess of five hundred dollars without first ob-
26 taining the consent of the water board.

27 All offers to furnish material and supplies shall be attached
28 to the accepted offer and shall be filed and preserved with the
29 records of the department.

30 He shall cause to be made and kept on file for public infor-
31 mation at the office of the board, complete maps, plans and
32 details showing the dams, pumping station, reservoirs, tanks,
33 pipes, valves, connections, water lines, fire hydrants, and all
34 other data necessary for a complete exhibition of the physical
35 properties of the water works plant or system, which maps or
36 plats shall be from time to time revised and extended.

37 The general manager shall so recommend to the board from
38 time to time the additions, changes, repairs and improvements
39 to the water works system or plant that he may deem necessary ;
40 and he shall keep the board fully advised as to the financial
41 condition and the needs of the department; he shall perform all
42 other duties that may from time to time be required of him by
43 the board, or by any law of the State of West Virginia.

44 The secretary of the water board shall attend all meetings of
45 the board and shall keep in a well-bound book a complete record
46 of all proceedings of said board, and shall, with the president of
47 the board, authenticate with his signature the record of the
48 proceedings of each meeting. He shall also affix his signature
49 to all other contracts, agreements, documents and papers as
50 may or shall be directed by the board.

51 The treasurer of the water board shall collect and preserve
52 all moneys and other revenues payable to the board, and shall
53 pay the same out only upon the order of the board in such
54 manner as it may by rules and resolutions prescribe. He shall
55 keep, or cause to be kept, full and accurate books of account
56 covering all the business and transactions of the water works
57 department of the city, charging the water board with all

58 moneys received from every source, and crediting the same with
59 all expenditures and disbursements.

60 He shall pay out of the moneys of the board only for the
61 purposes authorized by law, and upon vouchers drawn by him
62 and countersigned by the president of the board.

63 The treasurer of the water board shall, at the close of any
64 fiscal year, cause a complete audit to be made of all the books
65 and records of the department for the preceding year, by the
66 state tax commissioner or supervisor of public accounting for
67 the state of West Virginia, and he shall cause to be published,
68 the report made by the auditor, together with such other re-
69 port and information concerning the operation of the depart-
70 ment as may be deemed necessary for the information of the
71 public. A report of the auditor shall be published once in the
72 two principal newspapers of opposite politics published in the
73 city of Clarksburg, and the same shall constitute the financial
74 statement of the department, the publication of which is re-
75 quired by general law.

Sec. 47. The water board may employ special counsel or an
2 assistant counsel to the city attorney to assist and advise them
3 in the discharge of their duties whenever the occasion may war-

4 rant, and to institute, prosecute and defend for the water board
5 in the name of the city, suits, proceedings and prosecutions to
6 enforce the proper authority and obligations of the water board,
7 and to defend them in their rights, and to enable them to
8 adequately discharge their duties; the cost of any litigation
9 conducted by the water board, as well as all fees and compen-
10 sation for such special or assistant counsel employed by it,
11 shall be paid by the water board out of the revenues of the
12 water department.

13 All other acts and parts of acts in conflict with the provisions
14 of this act, for the purpose of this act only, are hereby repealed.

I certify that the foregoing act,
having been presented to the Governor for
his approval, and not having been returned
by him to the House of the Legislature in
which it originated within the time pre-
scribed by the constitution of the state, has
become a law without his approval.

This the 12th day of March,
1935.


SECRETARY OF STATE

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

Clinton F. Howard
 Chairman Senate Committee

Amos D. Pickens
 Chairman House Committee

Originated in the

House of Delegates

Takes effect

from the

passage.

Phineas Miller
 Clerk of the Senate

Prosser
 Clerk of the House of Delegates

Chas. E. Hays
 President of the Senate

John A. Dalton
 Speaker House of Delegates.

The within.....this the.....

day of....., 1935.

.....
 Governor.

Filed in the office of the Secretary of State
 of West Virginia. **MAR 12 1935**
 Wm. S. O'BRIEN,
 Secretary of State