

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1957



ENROLLED

HOUSE BILL No. 457

(By Mr. Tompaz)



PASSED March 4 1957

In Effect July 1, 1957 Passage



ENROLLED

House Bill No. 457

(By MR. TOMPOS)

[Passed March 4, 1957; in effect July 1, 1957.]

AN ACT providing for the creation and maintenance of a children's shelter in Hancock county; establishing a board of trustees to manage said shelter and prescribing the powers and duties of such board; creating a Hancock county children's shelter fund and authorizing the county court of Hancock county to transfer certain funds to the special fund so created; and to repeal chapter one hundred eighty-five, acts of the Legislature, regular session, one thousand nine hundred fifty-three and chapter one hundred eighty-one, acts of the Legislature, regular session, one thousand nine hundred fifty-five.

Be it enacted by the Legislature of West Virginia:

Section 1. *Hancock County Children's Shelter; Payment*
2 *of Personnel.*—The Hancock county court is hereby ex-
3 pressly authorized to create and maintain a children's

4 shelter in Hancock county and to pay all salaries and
5 wages of all personnel employed by the county court in
6 connection therewith including that of the secretary and
7 treasurer of the board of trustees hereinafter created.

Sec. 2. *Board of Trustees.*—There is hereby created a
2 board of trustees of the children's shelter in Hancock
3 county, hereinafter referred to as the board of trustees
4 which shall be composed of nine members. Three mem-
5 bers of the board of trustees shall be the commissioners
6 of the county court of Hancock county and the six remain-
7 ing members shall be two residents from each of the
8 three magisterial districts in Hancock county, to be ap-
9 pointed by the county court of Hancock county. The
10 terms of office for the six members to be appointed by
11 the Hancock county court shall be as follows: the first
12 two appointments shall be residents of Grant district for
13 a term of two years beginning January one, nineteen hun-
14 dred fifty-eight, and thereafter the appointments from
15 Grant district shall be six years; the next two appoint-
16 ments shall be residents of Clay district for a term of four
17 years beginning January one, nineteen hundred fifty-

18 eight, and thereafter the appointments from Clay district
19 shall be for six years; the remaining two appointments
20 shall be residents of Butler district for a term of six
21 years beginning January one, nineteen hundred fifty-eight,
22 and thereafter the appointments from Butler district shall
23 be for six years. Should any appointed member remove
24 his residence from the magisterial district from which
25 appointed, his office shall be deemed vacated. The county
26 court shall fill all vacancies that may arise from time to
27 time for the unexpired terms.

Sec. 3. *Powers and Duties of the Board of Trustees.*---

2 The board of trustees shall serve as an advisory board to
3 the county court without compensation except such as
4 may be fixed by the board from time to time for the
5 secretary and treasurer and approved by the county court;
6 shall formulate policy and recommend purchases, shall
7 recommend and adopt administrative procedures; shall
8 recommend the employment of and the salaries for neces-
9 sary personnel to operate the shelter; shall recommend
10 improvements in the way of construction of permanent
11 buildings, additions or remodeling of present buildings,

12 and for the acquisition of lands; shall recommend ways
13 and means for raising revenue and the amount thereof
14 from county tax sources for the maintenance and improve-
15 ment of the said shelter; shall have the power and au-
16 thority to undertake any proper activity or campaign to
17 raise funds for the maintenance and improvement of the
18 shelter other than from the county tax revenues, and as
19 well as to solicit the public generally for contributions of
20 money or goods or items of personal property; and shall
21 have the power to do all that is necessary and proper to
22 equip, maintain, supply, and manage the shelter and to
23 do all acts and to have all powers necessary and incident
24 thereto.

Sec. 4. *Officers; Meetings.*—The officers of the said board
2 shall be a chairman, who shall be the president of the
3 county court, a vice-chairman, who shall be a non-member
4 of the county court, a secretary, who shall be a non-mem-
5 ber of the county court, and a treasurer, who shall be a
6 non-member of the county court.

7 The board shall meet no less than once every two months
8 and at least six times annually, beginning in the year one

9 thousand nine hundred fifty-eight, one meeting to be held
10 in January, one in June, and one in December on or be-
11 fore the fifteenth day of each of those months. The board
12 shall fix the dates of all other required meetings and may
13 fix other regular meetings and may call special meetings
14 when desired. Five members present at a meeting shall
15 constitute a quorum. No member may vote by proxy. The
16 chairman shall preside at all meetings and may vote only
17 in case of a tie.

18 The secretary shall be required to keep a permanent
19 record of all proceedings before the board and shall record
20 all action taken by the board in a bound book to be fur-
21 nished for that purpose by the county court.

22 The treasurer shall keep a permanent record of all ex-
23 penditures and receipts in a bound book to be furnished
24 for that purpose by the county court. The board shall re-
25 quire of the treasurer a bond with approved surety, the
26 cost of which shall be paid by the county court.

27 The board may promulgate and adopt and be governed
28 by all rules of procedure and administration, and by-laws
29 not inconsistent with the provisions of this act and the

30 statutes and constitution of the state of West Virginia.

Sec. 5. *Hancock County Children's Shelter Fund;*
2 *Board of Trustees Children's Shelter Fund; Disburse-*
3 *ments.*— (a) The county court of Hancock county is here-
4 by authorized and empowered to create and maintain a
5 fund to be known and designated as the Hancock county
6 children's shelter fund. In addition to the authority to
7 transfer certain surpluses from its various funds hereto-
8 fore given to the Hancock county court by legislative en-
9 actment, the county court of Hancock county is hereby
10 authorized and empowered to transfer all funds not used
11 by the various departments and administrative divisions,
12 for which funds have been and will in the future be law-
13 fully appropriated by the said county court of Hancock
14 county, to the said children's shelter fund. Said transfer
15 may be effected only on the last day of each fiscal year.
16 The said fund shall be in the custody of the sheriff of
17 Hancock county who shall be ex officio the treasurer for
18 said board and who shall be liable on his official bond to
19 the board and shall account to the board annually there-
20 for in like manner as he accounts for other public moneys.

21 All disbursements from the said fund in the custody of
22 the sheriff shall be made only on order of the county
23 court in the same manner as all other public funds are
24 disbursed.

25 (b) The county court is hereby authorized and em-
26 powered to levy annually as it does for all other county
27 funds, for the purpose of maintaining and increasing the
28 said fund for the purpose of maintenance, making im-
29 provements, additions, purchase of additional land or
30 equipment, construction and maintenance of additional
31 buildings and facilities, installation and constructon and
32 improvement of recreational facilities, to, for, and in be-
33 half of said children's shelter: *Provided, however, That*
34 the county court before it shall make said levy, shall first
35 give notice of the proposed levy by publishing the same
36 in two newspapers of opposite political affiliation, having
37 a circulation in Hancock county, which notice shall be
38 published once a week for two successive weeks at least
39 ten days prior to the day the proposed levy shall be made,
40 and which notice shall contain the rate of the proposed
41 levy, the amount of money to be raised by the proposed

42 levy, the precise purpose for raising the money, and the
43 duration of the levy, and said notice shall also fix a time
44 not less than five days before the proposed levy is to be
45 made at which any property owner of the county may
46 appear in person before the county court in a meeting
47 called for that purpose to voice oral objection to the said
48 proposed levy. If more than one hundred property own-
49 ers of the county appear and protest against the proposed
50 levy, the county court shall not make the proposed levy
51 but shall submit the same to the voters of the county
52 by separate ballot at the next regular primary or general
53 election to be held in the county. If a majority of the
54 votes cast shall be in favor of the proposed levy, said
55 majority vote shall be construed as a mandate of the
56 voters binding on the county court to make the levy at
57 its next annual levy.

58 (c) The board of trustees is hereby authorized and
59 empowered to create, establish, and maintain a fund to
60 be designated as the board of trustees children's shelter
61 fund. This fund shall be under the control and custody
62 of and administered by the said board. No money raised

63 by taxation or by transfer of funds raised by taxation
64 shall be deposited in this fund. Only moneys raised by
65 or received from any source or method or means other
66 than by taxation or by transfer of funds created by taxa-
67 tion shall be deposited in the said fund. All disburse-
68 ments from the said fund in the custody and control of
69 the board of trustees shall be on authorization of the
70 said board recorded in the minutes of the said board and
71 on voucher signed by the chairman of the said board
72 and the treasurer thereof.

73 All record books of the board of trustees shall be avail-
74 able to the public for inspection at the office of the clerk
75 of the county court of Hancock County during regular
76 hours of business on the last five days of each calendar
77 month, and at no time while said books are in the office
78 of the said clerk shall anyone be permitted to remove
79 them therefrom.

Sec. 6. *Title to Property.*—All property, real and per-
2 sonal, purchased either on order of the county court or
3 on order of the board of trustees shall become the prop-
4 erty of Hancock county under the control and custody

5 of the Hancock county court in the same manner and to
6 the same effect as all other county property.

Sec. 7. *Repeal of Acts of the Legislature and Incon-*
2 *sistent Acts.*—Chapter one hundred eighty-five, acts of
3 the Legislature, regular session, one thousand nine hun-
4 dred fifty-three and chapter one hundred eighty-one, acts
5 of the Legislature, regular session, one thousand nine
6 hundred fifty-five and all other acts or parts of acts in-
7 consistent herewith are hereby repealed.

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

E. H. McQuinn
Chairman Senate Committee

L. F. Deem
Chairman House Committee

Originated in the House of Delegates

Takes effect July 1, 1957 passage

Thomas Meyer
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

Ralph J. Bean
President of the Senate

W. B. ...
Speaker, House of Delegates

The within approved this the 14th
day of March 1957.

Seip H. Underwood
Governor



Filed in the Office of the Secretary of State
of West Virginia **MAR 14 1957**
D. PITT O'BRIEN
SECRETARY OF STATE