

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1969



ENROLLED

HOUSE BILL No. 809

(By Mr. Griffith and Mr. Brando)



PASSED March 8, 1969

In Effect Thirty days from Passage



FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 3-12-69

809

ENROLLED
House Bill No. 809
(By MR. GRIFFITH and MR. BRENDA)

[Passed March 8, 1969; in effect ninety days from passage.]

AN ACT to amend and reenact chapter one hundred eighty-five, acts of the Legislature, regular session, one thousand nine hundred fifty-three, as last amended by chapter one hundred seventy-four, acts of the Legislature, regular session, one thousand nine hundred fifty-seven, relating to the creation and maintenance of a children's shelter in Hancock county.

Be it enacted by the Legislature of West Virginia:

That chapter one hundred eighty-five, acts of the Legislature, regular session, one thousand nine hundred fifty-three, as last amended by chapter one hundred seventy-four, acts of the Legislature, regular session, one thousand nine hundred

fifty-seven, be amended and reenacted to read as follows:

§1. County court of Hancock county authorized and empowered to create board of trustees.

1 The county court of Hancock county is hereby author-
2 ized and empowered by order entered of record, to create
3 a board of trustees for the purpose of establishing, im-
4 proving, maintaining, administering and managing a
5 children's shelter in Hancock county.

§2. Name of home.

1 The home created hereby shall be designated the Han-
2 cock county children's home.

§3. Board of trustees; powers.

1 The board of trustees created by the county court
2 authorized by this act shall be known as the Hancock
3 county children's home board of trustees. The board of
4 trustees shall provide, maintain, administer and manage
5 at the expense of Hancock county, a suitable home or
6 place for a children's shelter.

§4. Members of board; appointment; terms.

1 There is hereby created a board of trustees of the
2 children's shelter in Hancock county, hereinafter re-

ferred to as the board of trustees which shall be composed of nine members. Three members of the board of trustees shall be the commissioners of the county court of Hancock county and six remaining members shall be two residents from each of the three magisterial districts in Hancock county, to be appointed by the county court of Hancock county. The terms of office for each of the six members shall be six years; and shall continue to be in rotation as they have been in the past; also all present members shall serve out their respective terms. Should any appointed member remove his residence from the magisterial district from which he is appointed, his office shall be deemed vacated. The county court shall fill all vacancies that may arise from time to time for the unexpired terms. All appointments of trustees shall be made upon recommendation of the board of trustees. No more than three of the noncounty court members of the board shall belong to the same political party.

§5. Powers and duties of the board of trustees.

1 The board of trustees shall be responsible to the county
2 court of Hancock county for the performance of its
3 duties. The members of the board of trustees shall serve
4 without compensation except such as may be fixed by
5 the board from time to time for the secretary and trea-
6 surer and approved by the county court; the board of
7 trustees shall formulate policy and adopt administrative
8 procedures; they shall provide for the employment and
9 shall have the power to remove and fix the compensation
10 of such persons as in its opinion may be necessary for
11 the operation, maintenance, administration and manage-
12 ment of the property under its control, subject, however,
13 to the prior approval of the county court to all of the
14 foregoing and to the appropriation of funds for such
15 purposes. The power and authority to manage and
16 control shall include the power to make rules and reg-
17 ulations and to enforce such rules and regulations as
18 may be necessary for the management of said home.
19 The board shall prepare and submit to the county court
20 an annual budget for the operation of the home. No

21 expenditure in excess of said budget shall be made by
22 the board of trustees without prior approval by the county
23 court.

§6. Appointment of personnel; compensation.

1 It shall be the duty of the board of trustees to appoint
2 a superintendent to take charge of the home and chil-
3 dren, together with other adequate personnel, and gen-
4 erally to maintain order and discipline among the children
5 so committed into their keeping. The salary or com-
6 pensation to be paid to said superintendent and the
7 personnel of said home shall be fixed by the board of
8 trustees and certified to the county court as one of the
9 expenses of maintaining said home, with prior written
10 approval of the county court.

§7. Officers; meetings.

1 (a) The officers of the said board shall be a chairman,
2 who shall be the president of the county court, a vice-
3 chairman, who shall be a nonmember of the county
4 court, a secretary and a treasurer both of whom shall be
5 nonmembers of the county court.

6 (b) The treasurer shall furnish bond every year with
7 surety approved by the county court for a sum set by
8 the county court which shall be a minimum of one half
9 of the annual budget for the operation of the shelter.

10 (c) The board of trustees shall have the authority
11 to fix the time and place of their meetings: *Provided,*
12 *however,* That the board shall hold at least one meeting
13 every month. Special meetings may be called when
14 desired. Five members present at a meeting shall con-
15 stitute a quorum. No member may vote by proxy. The
16 chairman shall preside at all meetings and may vote
17 only in case of a tie. In the absence of the chairman,
18 the vice-chairman of the board shall be the presiding
19 officer; if both chairman and vice-chairman are absent,
20 then, the board, if a quorum is present, may elect a pre-
21 siding officer for the meeting to be held.

22 (d) All meetings of the board of trustees shall be
23 held in accordance with Robert's Rules of parliamentary
24 procedure except where otherwise provided herein.

§8. Hancock county children's shelter fund and other special funds.

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

20 The county court is hereby authorized and empowered
21 to levy annually as it does for all other county funds,
22 for the purpose of maintenance, making improvements,
23 additions, purchase of additional buildings and facilities,
24 installation and construction and improvement of recre-
25 ational facilities, to, for, and in behalf of said children's
26 shelter.

27 (b) The board of trustees is hereby authorized and
28 empowered to create, establish and maintain a fund to
29 be designated as the "Board of Trustees Children's Shel-
30 ter Fund". This fund shall be under the control and
31 custody of and administered by the said board. No money
32 raised by taxation or by transfer of funds raised by tax-
33 ation shall be deposited in this fund. Only money raised
34 by or received from any source or method or means
35 other than by taxation or by transfer of funds created
36 by taxation shall be deposited in the said fund. All dis-
37 bursements from the said fund in the custody and control
38 of the board of trustees shall be on authorization of the
39 said board recorded in the minutes of the said board

40 and on voucher signed by the chairman of the said board
41 and the treasurer thereof.

42 All record books of the board of trustees shall be avail-
43 able to the public for inspection at the office of the clerk
44 of the county court of Hancock county during regular
45 hours of business on the last five days of each calendar
46 month, and at no time while said books are in the office
47 of the said clerk shall anyone be permitted to remove
48 them therefrom.

49 (c) The board of trustees is further authorized and
50 empowered to create, establish and maintain a fund to
51 be designated as the "Hancock County Children's Home
52 Education Fund". No money raised by taxation or by
53 transfer of funds raised by taxation shall be deposited
54 in this fund. Said fund shall be used exclusively for
55 educational purposes for the children of said shelter
56 both before and after graduation from high school, in-
57 cluding trade school and college expenses, in order to
58 prepare said children to properly maintain and support
59 themselves. All disbursements from said fund shall be
60 made in the manner prescribed in subsection (b) above.

§9. Title to property.

1 All property, real and personal, purchased either on
2 order of the county court or on order of the board of
3 trustees shall become the property of Hancock county
4 under the control and custody of the Hancock county
5 court in the same manner and to the same effect as all
6 other county property.

§10. Repeal of inconsistent acts.

1 All acts or parts of acts inconsistent herewith are
2 hereby repealed to the extent of their inconsistency.

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

William Tompkins
Chairman Senate Committee

Clayton C. Raudeman
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

William H. Rorer
Clerk of the Senate

C. G. Blankenship
Clerk of the House of Delegates

Laurel G. Jackson
President of the Senate

Don F. Burman
Speaker House of Delegates

The within approved this the 14th
day of March, 1969.

Arch A. Shreve Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/13/69

Time 3:15 p.m.