WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1987

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ENROLLED
Com. Sub. For

HOUSE BILL No. 2833

(By Delegates MINARD & FULLER)

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Passed MARCH 14, 1987

In Effect Ninety Days From Passage
ENROLLED
COMMITEE SUBSTITUTE
FOR
H. B. 2833
(By DELEGATES MINARD and FULLEN)

[Passed March 14, 1987; in effect ninety days from passage.]

AN ACT to provide a stable method of financing the operation
of the Clarksburg-Harrison public library located in
Harrison County, West Virginia, as the same was
organized under the provisions of article one, chapter
ten of the code of West Virginia, one thousand nine
hundred thirty-one, as amended, by creating a separate
library board with power to operate such public library
to serve the residents of the city of Clarksburg and the
county of Harrison; requiring levy at request of boards;
providing workers' compensation coverage for library
employees; vesting title to library property; and
providing for application of future amendments to
general law.

Be it enacted by the Legislature of West Virginia:

CLARKSBURG-HARRISON PUBLIC LIBRARY.

§1. Public library board created; joint support by the
county board of education, county commission and
city of Clarksburg.

1 There is hereby created a public library board, which
2 shall operate the Clarksburg-Harrison public library,
3 which library shall be supported by the board of
4 education of the county of Harrison, by the county
§2. Board of directors; appointment, powers and duties generally; officers, bylaws, rules and regulations.

There shall be a board of directors consisting of five directors who shall serve without compensation. Before the first day of July, one thousand nine hundred eighty-seven, the board of education of the county of Harrison shall appoint two members of such board of directors, appointing one member for the term of one year and one member for the term of four years. The county commission of Harrison County shall appoint two members to the board of directors, appointing one member for the term of two years and one member for the term of five years. The city of Clarksburg shall appoint one member to the board of directors for the term of three years. The initial terms of these appointees shall commence on the first day of July, one thousand nine hundred eighty-seven. Annually thereafter, on or before the first day of July each year beginning on the first day of July, one thousand nine hundred eighty-eight, the three supporting entities shall in rotation, appoint one member of the board of directors annually, the first such appointment to be made by the city of Clarksburg, the second such appointment to be made by the board of education of Harrison County, and the third such appointment to be made by the county commission of Harrison County. Each appointment to the board of directors of said library shall be for a term of five years, except that any person appointed to fill a vacancy occurring before the expiration of that term shall serve only for the unexpired portion thereof. Any member of the board shall be eligible for reappointment and the governing authority which appointed any member to the board may remove that member for cause.

There shall be an annual meeting of the board of directors on the third Tuesday in July of each year and a monthly meeting on the day of each month which the board may designate. A special meeting may be called by the president, the secretary, or any two members of
the board and such special meeting shall be held only
after all of the directors are given notice thereof in
writing. At all meetings three members shall constitute
a quorum and at each annual meeting of the board of
directors it shall elect, from its membership, a presi-
dent, a vice president, a secretary, and a treasurer:
Provided, That the director of the library may be elected
as the secretary. The board of directors shall adopt such
bylaws, rules and regulations as are necessary for its
own guidance and for the administration, supervision
and protection of the library and all of the property
belonging thereto. The board of directors shall have all
of the powers necessary, convenient and advisable for
the proper operation, equipment and management of
said library; and except as otherwise especially provided
in this act, shall have the powers and be subject to the
duties which are conferred and imposed, respectively,
upon library directors by sections six through eleven,
article one, chapter ten of the code of West Virginia, one
thousand nine hundred thirty-one, as amended, or by
subsequent enactments of the Legislature of West
Virginia.

§3. A body corporate.

The public library hereby created shall be a corpora-
tion. As such it may contract and be contracted with,
sue and be sued, plead and be impleaded, and shall have
and use a common seal.

§4. Title to property.

The title to all property, both real and personal, now
devoted to public library purposes by the board of
education, the county of Harrison, and the city of
Clarksburg in connection with the operation of it by a
public library in the city of Clarksburg and the county
of Harrison, and any branches of such library, shall, on
the first day of July, one thousand nine hundred eighty-
seven, vest in the board of directors of the Clarksburg-
Harrison public library, hereby created.

§5. Levies for support, maintenance and operation.

In order to provide for the support, maintenance, and
operations of the Clarksburg-Harrison public library and any branches thereof, the said supporting governing authorities shall, upon written request by the board of directors of the public library, levy annually within the respective taxing districts of the governing authorities, on each one hundred dollars of assessed valuation of the respective classes of property taxable in the area served by it according to the last assessment for state and county purposes, up to the following rates beginning with the fiscal year beginning on the first day of July, one thousand nine hundred eighty-seven:

(a) The county commission of Harrison County, for the first year and annually thereafter:
   - Class I, two tenths cents;
   - Class II, four tenths cents; and
   - Class III and IV, eight tenths cents.

(b) The board of education of the county of Harrison for the first year and annually thereafter:
   - Class I, two tenths cents;
   - Class II, four tenths cents; and
   - Class III and IV, eight tenths cents.

(c) The city of Clarksburg for the first year and annually thereafter:
   - Class I, 1.066 cents;
   - Class II, 2.132 cents; and
   - Class III and IV, 4.264 cents.

Each year the board of directors shall request each of the three supporting authorities to levy within the rates prescribed above, at the rates specified by the board, on each one hundred dollars of assessed valuation of property of the same class; and each of the three supporting authorities shall levy at the rates requested by the aforesaid board. Nothing herein shall prevent any of the supporting authorities from contributing to the public library, from time to time, any other general or specific revenues or excess levies: Provided, That in the
first year the mentioned levy rates are in effect, and in each year thereafter, the public library shall receive annual funding from the county commission of Harrison County in an amount not less than fifty thousand dollars, funding from the board of education of the county of Harrison in an amount not less than fifty thousand dollars, and funding from the city of Clarksburg in an amount not less than one hundred thousand dollars. Such minimum funding from the county commission and the county board of education shall be increased yearly by the amount of increase in revenues produced by the rates set out in this article, until the amounts contributed by the county commission and the county board of education equal the amount then contributed by the city of Clarksburg, and thereafter the three supporting authorities shall contribute to the public library in equal annual amounts of not less than one hundred thousand dollars.

§6. Deposit and disbursement of funds.

All money collected or appropriated by the three governing authorities for library purposes shall be deposited on a quarterly basis directed by the board of directors of the Clarksburg-Harrison public library in a bank or savings account specified by the board. All moneys appropriated to the Clarksburg-Harrison public library and all income realized by the operation of the public library from any sources other than the above levies shall be used by the board of directors for the support, maintenance and operation of the said public library and its branches.

The board is hereby vested with authority to accumulate a surplus from year to year over and above the amount currently required for the proper operation, maintenance and management of the library. Such accumulated surplus may be used if and as needed for support, maintenance and operation of the library, and for capital improvements, additions or extensions to library facilities.

§7. Status of employees.
All employees of the Clarksburg-Harrison public library shall be entitled to the benefits of the provisions of chapter twenty-three, and articles seven and ten, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended.

§8. Effect of future amendments of general law.

Amendments to article one, chapter ten of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and other general laws shall control this act only to the extent that they do not conflict with the special features hereof, or unless the intent to amend this act is clear and unmistakable.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Bruce O. Williams
Chairman Senate Committee

Lyle Hattie
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Tedd C. Wills
Clerk of the Senate

Donald X. Hoopes
Clerk of the House of Delegates

Robert C. Vandiventer
President of the Senate

William D. Murrin
Speaker of the House of Delegates

The within approved this the 31st day of March, 1987.

Anna J. Parcy
Governor