WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1987

--- • ---

ENROLLED

HOUSE BILL No. 2994

(By Delegate Burk & Rogers)

--- • ---

Passed March 13, 1987

In Effect Ninety Days from Passage
AN ACT to provide a stable method of financing the operation of the Parkersburg and Wood County public library and the Vienna public library, both located in Wood County, West Virginia, as the same were 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 two separate library boards with power to operate such public libraries to serve the residents of the city of Parkersburg, the city of Vienna and the county of Wood; 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:

PARKERSBURG AND WOOD COUNTY PUBLIC LIBRARY.

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

1 There is hereby created a public library board, which shall operate the Parkersburg and Wood County public library, which library shall be supported by the board of education of the county of Wood, by the county commission of Wood County, and by the city of Parkersburg, as a joint endeavor of the three governing
§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 Wood 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 Wood 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 Parkersburg 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 Parkersburg, the second such appointment to be made by the board of education of Wood County, and the third such appointment to be made by the county commission of Wood 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 president, 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 corporation. 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 Wood, and the city of Parkersburg in connection with the operation of it by a public library in the city of Parkersburg and the county of Wood, 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 Parkersburg and Wood County public library, hereby created.

§5. Levies for support, maintenance and operation.

In order to provide for the support, maintenance, and operations of the Parkersburg and Wood County 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
amounts beginning with the fiscal year beginning on the
first day of July, one thousand nine hundred eighty-
seven:

(a) The county commission of Wood County, for the
first year and annually thereafter not to exceed:

Class I, five hundredths cents;
Class II, seven hundredths cents; and
Class III and IV, one cent.

(b) The board of education of the county of Wood for
the first year and annually thereafter not to exceed:

Class I, five hundredths cents;
Class II, nine hundredths cents; and
Class III and IV, one and seven hundredths cents.

(c) The city of Parkersburg for the first year and
annually thereafter not to exceed:

Class I, nine hundredths cents;
Class II, one and nine hundredths cents; and
Class III and IV, two and nine hundredths 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. In addition, each supporting
authority may contribute to the public library any other
general or specific revenues or excess levies.

§6. Deposit and disbursement of funds.
All money collected or appropriated by the three governing authorities for library purposes shall be deposited at least quarter annually as directed by the board of directors of the Parkersburg and Wood County public library in a bank or savings account specified by the board.

All moneys appropriated to the Parkersburg and Wood County 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 Parkersburg and Wood County 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.

VIENNA PUBLIC LIBRARY.

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

There is hereby created a public library board, which shall operate the Vienna public library, which library shall be supported by the board of education of the county of Wood, by the county commission of Wood County and by the city of Vienna, as a joint endeavor of the three governing authorities in the manner hereinafter provided.

§9. Board of directors; appointments, powers and duties
generally; officers, bylaws, rules and regulations.

1 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 Wood shall
appoint one member of such board of directors for the
term of three years. The county commission of Wood
County shall appoint one member to the board of
directors for the term of one year. The city of Vienna
shall appoint three members to the board of directors,
appointing one member for the term of two years, one
member for the term of four years and one member for
the term of five years. The initial terms of these
appointees shall commence on the first day of July, one
thousand nine hundred eighty-seven. Annually thereaf-
fter, 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 county commission of Wood County, the
second such appointment to be made by the city of
Vienna, the third such appointment to be made by the
board of education of Wood County, the fourth and fifth
such appointments to be made by the city of Vienna.
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 unex-
pired 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.

33 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 said library may be
elected as the secretary. The board of directors shall
adopt such bylaws, rules and regulations as are neces-
sary 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.

§10. 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.

§11. Title to property.

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

§12. Levies for support, maintenance and operation.

In order to provide for the support, maintenance and
operations of the Vienna public library, 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 amounts beginning with the fiscal year
beginning on the first day of July, one thousand nine
hundred eighty-seven:

(a) The county commission of Wood County, for the
first year and annually thereafter not to exceed:

Class I, one hundredths cents;
Class II, two hundredths cents; and
Class III and IV, two hundredths cents.

(b) The board of education of the county of Wood for
the first year and annually thereafter not to exceed:

Class I, one hundredths cents;
Class II, two hundredths cents; and
Class III and IV, two hundredths cents.

(c) The city of Vienna for the first year and annually
thereafter not to exceed:

Class I, four hundredths cents;
Class II, six hundredths cents; and
Class III and IV, nine hundredths 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. In addition, each supporting
authority may contribute to the public library any other
general or specific revenues or excess levies.

§13. Deposit and disbursement of funds.

All money collected or appropriated by the three
governing authorities for library purposes shall be
deposited at least quarter annually as directed by the
board of directors of the Vienna public library in a bank
or savings account specified by the board.
All moneys appropriated to the Vienna 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.

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.


All employees of the Vienna 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.

GENERAL.

§15. 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.

§16. Severability.

If any provision hereof is held invalid, such invalidity shall not affect other provisions hereof which can be given effect without the invalid provision, and to this end the provisions of this act are declared to be severable.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker of the House of Delegates

The within appeared this the 31st day of , 1987.

[Signature]
Governor
PRESENTED TO THE GOVERNOR

Date 3/25/89
Time 5:00 p.m.