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## PART ONE — ADMINISTRATIVE CODE

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### ARTICLE 135 Library Board of Directors

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#### CROSS REFERENCES

Authority to establish library – see WV Code 8-12-5(38)  
Public libraries – see WV Code 10-1

#### **135.01 Public library established.**

The Town of Harpers Ferry, in cooperation with the Town of Bolivar, hereby establishes a public library to be known as the Public Library, which shall be free for the use of all persons living within Jefferson County, West Virginia. (Passed 10-11-1976)

#### **135.02 Library Commission.**

The operation of the library shall be under the authority and jurisdiction of a board of directors who shall be known as the Public Library Commission. Such directors shall be chosen from the citizens at large, two from Harpers Ferry, two from the Town of Bolivar and one appointed by the County Court of the outlying Election District not a resident of either Town, with reference to their fitness for such office. Their term of office shall be for a term of five years from the first day of January following their appointment, and until their successors are appointed and qualified; provided, however, that upon their first appointment under this section a proportionate number shall be appointed for one year, for two years, for three years, for four years and for five years; after which all appointments shall be for terms of five years. Vacancies in the Board shall be immediately reported by the Board to the Town Councils and filled by appointment in like manner, and if an unexpired term, for the remainder of the term only. The director may be removed for just cause in the manner provided by the by-laws of the Library Board. No compensation shall be paid or allowed any director. (Passed 10-11-1976. Amended 1-14-2008.)

#### **135.03 Powers and duties.**

The Board of Directors of the Public Library established or maintained under this article shall:

- (a) Immediately after appointment, meet and organize by electing one member as President and one as Secretary, and such other officers as may be necessary. All officers shall hold office for one year and shall be eligible for reelection.
- (b) Adopt such by-laws, rules and regulations as are necessary for its own guidance and for the administration, supervision and protection of the library and all its property belonging thereto as may not be inconsistent with the provisions of this article.
- (c) Supervise the expenditure of all money credited to the Library Fund. All money appropriated or collected for Public Library purposes shall be deposited as the Library's Board of Directors shall direct and be disbursed by the officer designated by that Board, such officer before entering upon his duties to give bond payable to and in

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an amount fixed by the Board of Directors of the Library, conditioned for the faithful discharge of his official duties. The cost of such bond shall be paid from the Library Fund. The books, records and accounts of the Library Board shall be subject to audit and examination by the office of the State Tax Commissioner of West Virginia.

- (d) Lease or purchase and occupy suitable quarters, or erect upon ground secured through gift or purchase, an appropriate building for the use of such Library; and have supervision, care and custody of the grounds, rooms or buildings constructed, leased, or set apart for Library purposes.
- (e) Employ a head librarian and upon his recommendation employ such other assistants as may be necessary for the efficient operation of the Library. (Passed 10-11-1976.)

### **135.04 Annual report.**

The Board of Directors shall make an annual report for the fiscal year ending December 31, to the governing authority or authorities appointing it, stating the conditions of the Library property, the various sums of the money was expended, the number of books and periodicals on hand, the number of registered users of such library, with other statistics, information and suggestions as may be deemed of general interest. A copy of this report shall be sent to the West Virginia Library Commission. (Passed 10-11-1976.)

### **135.05 Board a legal entity.**

- (a) The Board of Directors of the Public Library shall be sued, plead and be impleaded, and shall have and use a common seal.
- (b) The title to all bequests or donations of cash or other personal property or real estate for the benefit of such Library shall be vested in the Board of Directors to be held in trust and controlled by such Board according to the terms and for the purposes set forth in the deed, gift, devise or bequest; or donation or cash or other personal property or real estate for the benefit of such Library shall have the right and privilege to vest the title thereto to a Trustee, or Trustees, of his own selection, and to provide for the selection of successor Trustees, and to designate the manner in which fund or property shall be invested and used. (Passed 10-11-1976.)

### **135.06 Fees; charges.**

The Board of Directors of the Library established or maintained under this article may fix, establish, and collect such reasonable fees, service and rental charges as may be appropriate; may assess fines, penalties, damages, or replacement cost for the loss or, injury to, or failure to return any Library property or material; and may sell surplus, duplicated, obsolete, or other unwanted materials or equipment belonging to the Library. All moneys received from these and other sources in the Library shall be deposited in the Library Fund and shall be disbursed by the Board of Directors in the manner prescribed elsewhere in this article. (Passed 10-11-1976.)

### **135.07 Cooperation with Jefferson County Court.**

The Public Library Commission shall have the right to cooperate with the Jefferson County Court in the Establishment of branch Libraries within the county and to offer free use of the Library to persons in Jefferson County and to receive funds from the Jefferson County Court for such purposes. (Passed 10-11-1976.)

### **135.08 Cooperation with the State Library Commission.**

The Public Library Commission shall have the right and power to cooperate with the West Virginia Library Commission. (Passed 10-11-1976.)