



1 (a) The county commission, formerly the county court, tribunal  
2 or county council in lieu thereof, of every county within the State  
3 of West Virginia shall be a corporation by the name of "The county  
4 commission of ..... County", or "The County Council  
5 of ..... County" by which name it may sue and be  
6 sued, plead and be impleaded and contract and be contracted with.

7 (b) A county commission shall consist of three commissioners  
8 as provided in section nine, article IX of the Constitution of the  
9 State of West Virginia, any two of whom shall constitute a quorum  
10 for the transaction of business.

11 (c) An enhanced county commission created on or after July 1,  
12 2012, as an alternative to a county commission pursuant to section  
13 thirteen, article IX of the Constitution of West Virginia, shall  
14 consist of an odd number of members that is more than three members  
15 but not more than nine members, a majority of whom shall constitute  
16 a quorum for the transaction of business.

17 ~~(c)~~ (d) A county council, created on or after ~~July 1, 2008~~  
18 July 1, 2012, as an alternative to a county commission pursuant to  
19 section thirteen, article IX of the Constitution of West Virginia,  
20 shall consist of ~~four or more~~ members elected by magisterial  
21 district, with those counties having an even number of county  
22 council members additionally electing a county council president at  
23 large, a majority of whom shall constitute a quorum for the  
24 transaction of business. A county council created prior to July 1,

1 2012 whose members are elected at large shall be deemed a county  
2 commission on July 1, 2012 and thereafter.

3 ~~(d)~~ (e) Unless provided otherwise in an alternative form of  
4 government, each county commission or council shall annually, at  
5 its first session in each year, or as soon thereafter as  
6 practicable, elect one of its commissioners or council members as  
7 president of the county commission or council.

8 ~~(e)~~ (f) Throughout this chapter and the code, the term "county  
9 commission" or any reference to a county commission shall include  
10 all county councils created in lieu of the county commission.

11 **§7-1-1a. Requirements for reforming, altering or modifying a**  
12 **county commission; alternative forms of county**  
13 **government.**

14 (a) A county government may be reformed, altered or modified  
15 as follows:

16 (1) The county commission or county council of the county may  
17 pass a resolution making application to the Legislature to reform,  
18 alter or modify an existing form of county government in accordance  
19 with the requirements of the West Virginia Constitution and this  
20 section; or

21 (2) Ten percent of the registered voters of the county may  
22 sign a petition requesting reformation, alteration or modification  
23 of the existing form of county government in accordance with the  
24 requirements of the West Virginia Constitution and this section.

1 (b) A county commission or county council seeking to make  
2 application to reform, alter or modify its county government  
3 pursuant to the provisions of section thirteen, article IX of the  
4 West Virginia Constitution shall adopt a resolution containing the  
5 following information:

6 (1) The reasons for the reformation, alteration or  
7 modification of the county commission or county government;

8 (2) The form of the proposed county government selected from  
9 the alternatives authorized by this section;

10 (3) The proposed name of the county government;

11 (4) When the question of reformation, alteration or  
12 modification of the county government will be on the ballot;

13 (5) How and when the officers of the proposed county  
14 government will be elected or appointed, taking into consideration  
15 the following:

16 (A) When the election on the question of reformation,  
17 alteration or modification of the county government will be held;

18 (B) The normal election cycles for county officials; and

19 (C) The time frames for early and absentee voting provided in  
20 article three, chapter three of this code; and

21 (6) When the new county government will become effective.

22 (c) Prior to the adoption of a resolution seeking to reform,  
23 alter or modify a county commission or county council, the  
24 governing body of the county shall publish by a Class II legal

1 advertisement in one or more newspapers of general circulation  
2 throughout the county, in compliance with the provisions of article  
3 three, chapter fifty-nine of this code, notice of the proposed  
4 changes to the current form of county government. The publication  
5 area shall be the entire county. The notice shall summarize the  
6 proposed changes to the county government and include the date,  
7 time and place for the meeting or meetings in which the resolution  
8 will be considered.

9 (d) After the publication and adoption of the resolution, the  
10 following information shall be submitted by the county to the Clerk  
11 of the Senate and to the Clerk of the House of Delegates no later  
12 than the tenth day of a regular legislative session in which the  
13 request for reforming, altering or modifying a county commission or  
14 county government is to be considered by the Legislature:

- 15 (1) A certified copy of the adopted resolution;
- 16 (2) A copy of the required public notice;
- 17 (3) The vote on the adoption of the resolution; and
- 18 (4) The date the resolution was adopted.

19 (e) Registered voters of a county seeking to reform, alter or  
20 modify the county commission or county council pursuant to section  
21 thirteen, article IX of the West Virginia Constitution shall submit  
22 a petition, signed by ten percent of the registered voters in the  
23 county, to the county commission or county council, setting forth  
24 the information required in subsection (b) of this section. Upon

1 receipt of the petition, the county commission or county council  
2 shall verify that the signatures on the petition are: (1) Legally  
3 registered voters of the county; and (2) equal to ten percent of  
4 the registered voters of the county.

5 (f) The county commission or county council shall, within  
6 thirty days of receipt of a constitutionally defective petition,  
7 return it to the petitioners with a written statement as to why the  
8 petition is defective. The petitioners may, within ninety days of  
9 receipt of the written statement from the county commission or  
10 council and after making the necessary changes, resubmit the  
11 petition to the county commission or county council.

12 (g) After verifying that the signatures on the petition meet  
13 the constitutional requirements, the county commission or council  
14 shall forward the petition to the Clerk of the Senate and to the  
15 Clerk of the House of Delegates no later than the tenth day of a  
16 regular legislative session in which the request for reforming,  
17 altering or modifying a county commission or county government is  
18 to be considered by the Legislature.

19 (h) After receipt of a certified resolution or verified  
20 petition by the Clerk of the Senate and the Clerk of the House of  
21 Delegates, the Legislature shall determine whether all  
22 constitutional and statutory requirements have been met. If such  
23 requirements have not been met, the certified resolution or  
24 verified petition shall be returned with a written statement of the

1 deficiencies. A certified resolution or verified petition may be  
2 revised following the procedures set forth in this section for an  
3 original submission and then may be resubmitted to the Clerk of the  
4 Senate and the Clerk of the House of Delegates for consideration by  
5 the Legislature. The requirement that the petition be submitted  
6 prior to the tenth day of the legislative session ~~shall~~ does not  
7 apply to resubmitted resolutions or petitions.

8 (i) Following passage of an act by the Legislature authorizing  
9 an election on the question of reforming, altering or modifying a  
10 county commission or council, the question shall be placed on the  
11 ballot of the county at the next general election following such  
12 passage or, at the expense of the county, a special election.

13 (j) Following approval of the reformation, alteration or  
14 modification of the county commission or council by a majority of  
15 the county's registered voters, nomination of the county commission  
16 or council members and, where authorized, the chief executive,  
17 shall be held in the next primary election or the primary election  
18 set forth in the resolution or petition to reform, alter or modify  
19 the county commission or council. Election of the county  
20 commissioners or council members and, where authorized, the chief  
21 executive shall be held in the next general election or the general  
22 election set forth in the resolution or petition to change the form  
23 of the county commission.

24 (k) All elections required by this section shall be held in

1 accordance with the provisions of chapter three of this code.

2 (1) The following are guidelines for alternative forms of  
3 county government:

4 ~~(1) "Chief executive — county commission plan". -- Under this~~  
5 ~~plan:~~

6 ~~(A) There shall be a chief executive elected by the registered~~  
7 ~~voters of the county at large and three county commissioners that~~  
8 ~~shall be elected at large;~~

9 ~~(B) The commission shall be the governing body;~~

10 ~~(C) The chief executive shall have the exclusive authority to~~  
11 ~~supervise, direct and control the administration of the county~~  
12 ~~government. The chief executive shall carry out, execute and~~  
13 ~~enforce all ordinances, policies, rules and regulations of the~~  
14 ~~commission;~~

15 ~~(D) The salary of the chief executive shall be set by the~~  
16 ~~Legislature;~~

17 ~~(E) Other nonelected officers and employees shall be appointed~~  
18 ~~by the chief executive subject to the approval of the county~~  
19 ~~commission; and~~

20 ~~(F) The chief executive shall not be a member of the county~~  
21 ~~commission nor shall he or she hold any other elective office.~~

22 (1) "Enhanced county commission plan". -- Under this plan, an  
23 enhanced county commission shall consist of an odd number of  
24 members, more than three but not more than nine, who shall be

1 elected at large. An enhanced county commission created pursuant  
 2 to this subdivision shall be known and referenced as a "county  
 3 commission".

4 ~~(1)~~ (2) "*Chief executive - county commission plan*". -- Under  
 5 this plan:

6 (A) There ~~shall be~~ is a chief executive elected by the  
 7 registered voters of the county at large and three county  
 8 commissioners that ~~shall be~~ are elected at large;

9 (B) The commission shall be the governing body;

10 (C) The chief executive ~~shall have~~ has the exclusive authority  
 11 to supervise, direct and control the administration of the county  
 12 government. The chief executive shall carry out, execute and  
 13 enforce all ordinances, policies ~~rules and regulations~~ and rules of  
 14 the commission;

15 (D) The salary of the chief executive ~~shall be~~ is set by the  
 16 Legislature;

17 (E) Other nonelected officers and employees ~~shall be~~ are  
 18 appointed by the chief executive subject to the approval of the  
 19 county commission; and

20 (F) The chief executive ~~shall~~ may not be a member of the  
 21 county commission ~~nor shall he or she~~ or hold any other elective  
 22 office.

23 ~~(2)~~ (3) "*County manager or administrator- county commission*  
 24 *plan*". -- Under this plan:

1 (A) There ~~shall be~~ is a county manager or administrator  
2 appointed by the county commission and three county commissioners  
3 that may be elected at large;

4 (B) The commission shall be the governing body;

5 (C) The county manager ~~shall have~~ or administrator has the  
6 exclusive authority to supervise, direct and control the  
7 administration of the county government. The county manager or  
8 administrator shall carry out, execute and enforce all ordinances,  
9 policies ~~rules and regulations~~ and rules of the commission;

10 (D) The salary of the county manager or administrator ~~shall be~~  
11 is set by the county commission;

12 (E) Other nonelected officers and employees ~~shall be~~ are  
13 appointed by the county manager or administrator subject to the  
14 approval of the commission; and

15 (F) The county manager ~~shall~~ or administrator may not be a  
16 member of the county commission ~~nor shall he or she~~ or hold any  
17 other elective office.

18 ~~(3) "County administrator - county commission plan". -- Under~~  
19 ~~this plan:~~

20 ~~(A) There shall be a county administrator appointed by the~~  
21 ~~county commission and three county commissioners that shall be~~  
22 ~~elected at large;~~

23 ~~(B) The commission shall be the governing body;~~

24 ~~(C) The county administrator shall have the authority to~~

1 ~~direct the administration of the county government under the~~  
2 ~~supervision of the county commission. The county administrator~~  
3 ~~shall carry out, execute and enforce all ordinances, policies,~~  
4 ~~rules and regulations of the commission;~~

5 ~~(D) The salary of the county administrator shall be set by the~~  
6 ~~county commission;~~

7 ~~(E) The county administrator shall appoint or employ all~~  
8 ~~subordinates and employees for whose duties or work he or she is~~  
9 ~~responsible to the commission; and~~

10 ~~(F) The county administrator shall not be a member of the~~  
11 ~~county commission nor shall he or she hold any other elective~~  
12 ~~office.~~

13 ~~(4) A county council consisting of four or more members that~~  
14 ~~shall be elected at large.~~

15 (4) "County Council Plan". -- Under this plan, a county  
16 council shall be elected by magisterial districts.

17 (A) In counties with an odd number of magisterial districts,  
18 one council member shall be elected from each magisterial district  
19 for a four-year term unless a county chooses option (B) under this  
20 subdivision.

21 (B) A county with an odd number of magisterial districts may  
22 choose to elect two council members from each magisterial district  
23 who shall serve staggered four-year terms. If a county elects two  
24 county council members from each magisterial district, one

1 additional county council member shall be elected at large in the  
2 county who shall serve as the county council president.

3 (C) In counties with an even number of magisterial districts,  
4 one council member shall be elected from each magisterial district  
5 for a four-year term, unless a county chooses option (D) under this  
6 subdivision. If a county elects one county council member from  
7 each magisterial district, one additional county council member  
8 shall be elected at large in the county who shall serve as the  
9 county council president.

10 (D) A county with an even number of magisterial districts may  
11 choose to elect two council members from each magisterial district  
12 who shall serve staggered four-year terms. If a county elects two  
13 county council members from each magisterial district, one  
14 additional county council member shall be elected at large in the  
15 county who shall serve as the county council president.

16 (5) Any form of county government adopted pursuant to section  
17 thirteen, article IX of the West Virginia Constitution and this  
18 section may, by the methods set forth in this section, return to  
19 the traditional county commission or change to another form of  
20 county government as set out in this section.

21 (m) The purpose of this section is to establish the basic  
22 requirements for reforming, altering or modifying a county  
23 commission or county council pursuant to section thirteen, article  
24 IX of the West Virginia Constitution. The structure and

1 organization of a county government may be specified in greater  
2 detail by resolution or ordinance so long as such provisions do not  
3 conflict with the purposes and provisions set forth in this  
4 section, chapter seven-a of this code or the Constitution.

NOTE: The purpose of this bill is to give counties the option of electing additional commissioners to a county commission or to elect county council members by magisterial district. Also, the "county administrator - county commission plan" option of county government is removed as duplicative of the "county manager" option.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.