

Senate Bill No. 485

(By Senators Carmichael and Boso)

[Introduced February 13, 2015; referred to the Committee on Government Organization.]

A BILL to amend and reenact §7-7-4 of the Code of West Virginia, 1931, as amended, relating to providing county commissioners an ongoing mechanism to consider compensation increases for elected officials every two years.

Be it enacted by the Legislature of West Virginia:

That §7-7-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 7. COMPENSATION OF ELECTED COUNTY OFFICIALS.

§7-7-4. Compensation of elected county officials and county commissioners for each class of county; effective date.

(1) The ~~increased~~ base salaries to be paid to the county commissioners and the other elected county officials described in this section on and after July 1, 2014, are set out in subsections ~~(5)~~ (2) and ~~(7)~~ (4) of this section. Every county commissioner and elected county official in each county, whose term of office commenced prior to or on or after July 1, 2014, shall receive the same annual salary by virtue of legislative findings of extra duties as set forth in section one of this article.

1 ~~(2) Before the increased salaries, as set out in subsections (5) and (7) of this section, are paid~~
2 ~~to the county commissioners and the elected county officials, the following requirements must be~~
3 ~~met:~~

4 ~~(A) The Auditor has certified that the fiscal condition of the county, considering costs,~~
5 ~~revenues, liabilities and significant trends of the same; maintenance standards; and the commitment~~
6 ~~to the provision of county services has sufficiently improved over the previous fiscal years so that~~
7 ~~there exists an amount sufficient for the payment of the increase in the salaries set out in subsections~~
8 ~~(5) and (7) of this section and the related employment taxes: *Provided*, That the Auditor may not~~
9 ~~provide the certification for the payment of the increase in the salaries where any proposed annual~~
10 ~~county budget contains anticipated receipts which are unreasonably greater or lesser than that of the~~
11 ~~previous year. For purposes of this subsection, the term “receipts” does not include unencumbered~~
12 ~~fund balance or federal or state grants: *Provided, however*, That the Auditor shall not be held liable~~
13 ~~for relying upon information and data provided by a county commission in assessing the county’s~~
14 ~~fiscal condition or a proposed annual county budget; and~~

15 ~~(B) Each county commissioner or other elected official described in this section in office on~~
16 ~~the effective date of the increased salaries provided by this section who desires to receive the~~
17 ~~increased salary shall have prior to that date filed in the office of the clerk of the county commission~~
18 ~~his or her written request for the salary increase. The salary for the person who holds the office of~~
19 ~~county commissioner or other elected official described in this section who fails to file the written~~
20 ~~request as required by this paragraph shall be the salary for that office in effect immediately prior to~~
21 ~~the effective date of the increased salaries provided by this section until the person vacates the office~~
22 ~~or his or her term of office expires, whichever first occurs.~~

1 Any request for a salary increase shall use the following language:

2 I, [name of office holder], the duly elected [name of office] in and for the County of [name
3 of county], West Virginia, do hereby request a salary increase pursuant to W. Va. Code §7-7-4, as
4 amended. This salary increase is effective July 1, 2014.

5 [Signature of office holder]

6 [Date]

7 (3) If the Auditor has failed to certify that there is an amount sufficient for the payment of
8 the increase in the salaries and the related employment taxes pursuant to this section, then the
9 salaries of that county's elected officials and commissioners shall remain at the level in effect at the
10 time certification was sought.

11 (4) In any county having a tribunal in lieu of a county commission, the county commissioners
12 of that county may be paid less than the minimum salary limits of the county commission for that
13 particular class of the county.

14 (5) (2) Prior to July 1, 2014:

15 COUNTY COMMISSIONERS BASE SALARIES

16	Class I	\$36,960
17	Class II	\$36,300
18	Class III	\$35,640
19	Class IV	\$34,980
20	Class V	\$34,320
21	Class VI	\$28,380
22	Class VII	\$27,720

1	Class VIII	\$25,080
2	Class IX	\$24,420
3	Class X	\$19,800

4 After June 30, 2014:

5 COUNTY COMMISSIONERS BASE SALARIES

6	Class I	\$41,395
7	Class II	\$40,656
8	Class III	\$39,917
9	Class IV	\$39,178
10	Class V	\$38,438
11	Class VI	\$31,786
12	Class VII	\$31,046
13	Class VIII	\$28,090
14	Class IX	\$27,350
15	Class X	\$22,176

16 ~~(6)~~ (3) For the purpose of determining the base salaries to be paid to the elected county
 17 officials of each county, the base salaries for each county office by class, set out in ~~subdivision (7)~~
 18 ~~of this subsection (4) of this section,~~ are established and shall be used by each county commission
 19 in determining the base salaries of each of their county officials other than salaries of members of
 20 the county commission.

21 ~~(7)~~ (4) Prior to July 1, 2014:

1 OTHER ELECTED OFFICIALS BASE SALARIES

2			County	Circuit	Prosecuting	
3	Sheriff	Clerk	Clerk	Assessor	Attorney	
4	Class I	\$44,880	\$55,440	\$55,440	\$44,880	\$ 96,600
5	Class II	\$44,220	\$54,780	\$54,780	\$44,220	\$ 94,400
6	Class III	\$43,890	\$53,460	\$53,460	\$43,890	\$ 92,200
7	Class IV	\$43,560	\$53,154	\$53,154	\$43,560	\$ 90,000
8	Class V	\$43,230	\$52,800	\$52,800	\$43,230	\$ 87,800
9	Class VI	\$42,900	\$49,500	\$49,500	\$42,900	\$ 59,400
10	Class VII	\$42,570	\$48,840	\$48,840	\$42,570	\$ 56,760
11	Class VIII	\$42,240	\$48,180	\$48,180	\$42,240	\$ 54,120
12	Class IX	\$41,910	\$47,520	\$47,520	\$41,910	\$ 50,160
13	Class X	\$38,280	\$42,240	\$42,240	\$38,280	\$ 46,200

14 After June 30, 2014:

15 OTHER ELECTED OFFICIALS BASE SALARIES

16			County	Circuit		Prosecuting
17	Sheriff		Clerk	Clerk	Assessor	Attorney
18	Class I	\$50,266	\$62,093	\$62,093	\$50,266	\$108,192
19	Class II	\$49,526	\$61,354	\$61,354	\$49,526	\$105,728
20	Class III	\$49,157	\$59,875	\$59,875	\$49,157	\$103,264
21	Class IV	\$48,787	\$59,532	\$59,532	\$48,787	\$100,800
22	Class V	\$48,418	\$59,136	\$59,136	\$48,418	\$98,336

1	Class VI	\$48,048	\$55,440	\$55,440	\$48,048	\$66,528
2	Class VII	\$47,678	\$54,701	\$54,701	\$47,678	\$63,571
3	Class VIII	\$47,309	\$53,962	\$53,962	\$47,309	\$60,614
4	Class IX	\$46,939	\$53,222	\$53,222	\$46,939	\$56,179
5	Class X	\$42,874	\$47,309	\$47,309	\$42,874	\$51,744

6 ~~(8)~~ (5) Any county clerk, circuit clerk, county assessor, prosecuting attorney or sheriff of a
7 Class I through Class V county, inclusive, any assessor or any sheriff of a Class VI through Class
8 IX county, inclusive, shall devote full time to his or her public duties to the exclusion of any other
9 employment: *Provided*, That any public official whose term of office begins when his or her
10 county’s classification imposes no restriction on his or her outside activities may not be restricted
11 on his or her outside activities during the remainder of the term for which he or she is elected.

12 (6) On March 1, 2017, and each second year after that, the county commission of each county
13 shall review the annual Consumer Price Index published by the United States Department of
14 Commerce and determine if the proposed annual county budget for the fiscal year beginning July,
15 1, 2017, has increased over the previous fiscal year in an amount sufficient for the payment of an
16 increase in the salaries and the related employment taxes of the county commissioners and other
17 elected county officials in an amount up to the increase in the Consumer Price Indices over the prior
18 two years or three percent, whichever is greater.

19 (7) If the proposed annual county budget for the fiscal year beginning July 1, 2017, has
20 increased over the previous fiscal year in an amount sufficient for the payment of an increase in the
21 salaries and the related employment taxes of the county commissioners and other elected county
22 officials in an amount up to the increase in the Consumer Price Index or three percent, whichever

1 is greater, then the county commission may fix the salary of the county commissioners and the other
2 elected county officials at an annual rate of salary to which the county official is entitled pursuant
3 to the salary schedules contained in this section including an increase up to the increase in Consumer
4 Price Index or three percent, whichever is greater, as determined by the county commission.

5 (8) Before the increased salaries are paid to the county commissioners and the elected county
6 officials, the following requirement must be met:

7 (A) Each county commissioner or other elected official described in this subsection in office
8 on the effective date of the increased salaries provided by this subsection who desires to receive the
9 increased salary has prior to that date filed in the office of the clerk of the county commission his
10 or her written agreement to accept the salary increase. The salary for the person who holds the office
11 of county commissioner or other elected official described in this subsection who fails to file the
12 written agreement as required by this paragraph is the salary for that office in effect immediately
13 prior to the effective date of the increased salaries provided by this subsection until the person
14 vacates the office or his or her term of office expires, whichever first occurs.

15 (B) Any request for a salary increase shall use the following language:

16 I, (name of office holder], the duly elected [name of office] in and for the County of [name
17 of county], West Virginia, do hereby request a salary increase pursuant to W. Va. Code §7-7-4, as
18 amended. This salary increase is effective July 1, 2017.

19 [Signature of office holder]

20 [Date]

21 (9) If there is an insufficient protected increase in revenues to pay the increased salaries and
22 the related employment taxes, the salaries of that county's elected officials and commissioners

1 remain at the level in effect at the time certification was sought.

NOTE: The purpose of this bill is to allow county commissioners an ongoing mechanism to consider compensation increases for elected county officials every two years in an amount up to the increase in the annual Consumer Price Index published by the United States Department of Commerce over the prior two years or three percent, whichever is greater.

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