

## ARTICLE 7. COMPENSATION OF ELECTED COUNTY OFFICIALS.

## §7-7-1. Legislative findings and purpose.

(a) The Legislature finds that it has, since January 1, 2003  
2007, consistently and annually imposed upon the county  
commissioners, sheriffs, county and circuit clerks, assessors and  
prosecuting attorneys in each county board, new and additional  
duties by the enactment of new provisions and amendments to this  
code. The new and additional duties imposed upon the aforesaid  
county officials by these enactments are such that they would  
justify the increases in compensation as provided in section four  
of this article, without violating the provisions of section  
thirty-eight, article VI of the Constitution of West Virginia.

(b) The Legislature further finds that there are, from time to  
time, additional duties imposed upon all county officials through  
the acts of the Congress of the United States and that such acts  
constitute new and additional duties for county officials and, as  
such, justify the increases in compensation as provided by section  
four of this article, without violating the provisions of section  
thirty-eight, article VI of the Constitution of West Virginia.

(c) The Legislature further finds that there is a direct  
correlation between the total assessed property valuations of a  
county on which the salary levels of the county commissioners,  
sheriffs, county and circuit clerks, assessors and prosecuting  
attorneys are based, and the new and additional duties that each of  
these officials is required to perform as they serve the best

1 interests of their respective counties. Inasmuch as the  
2 reappraisal of the property valuations in each county has now been  
3 accomplished, the Legislature finds that a change in classification  
4 of counties by virtue of increased property valuations will occur  
5 on an infrequent basis. However, it is the further finding of the  
6 Legislature that when such change in classification of counties  
7 does occur, that new and additional programs, economic  
8 developments, requirements of public safety and the need for new  
9 services provided by county officials all increase, that the same  
10 constitute new and additional duties for county officials as their  
11 ~~respective counties reach greater heights of economic development,~~  
12 as exemplified by the substantial increases in property valuations  
13 and, as such, justify the increases in compensation provided in  
14 ~~section four of this article, without violating the provisions of~~  
15 section thirty-eight, article VI of the Constitution of West  
16 Virginia.

17 (d) The Legislature further finds and declares that the  
18 amendments enacted to this article are intended to modify the  
19 provisions of this article so as to cause the same to be in full  
20 compliance with the provisions of the Constitution of West Virginia  
21 and to be in full compliance with the decisions of the Supreme  
22 Court of Appeals of West Virginia.

23 §7-7-3. Classification of counties for purpose of determining  
24 compensation of elected county officials.

25 (a) Effective ~~July 1, 1996~~ July 1, 2014, and thereafter, for

1 the purpose of determining the compensation of elected county  
 2 officials, the counties of the State of West Virginia will be  
 3 grouped into ~~ten~~ five classes based on their assessed valuation of  
 4 property, all classes. These ~~ten~~ five classes and the minimum and  
 5 maximum valuation of property, all classes, established to  
 6 determine the classification of each county are as follows:

7	Minimum Assessed	Maximum Assessed
8	Valuation of Property	Valuation of Property
9 Class	All Classes	All Classes
10 Class I	\$ 2,000,000,000	No Limit
11 Class II	\$ 1,500,000,000	\$ 1,999,999,999
12 Class III	\$ 1,000,000,000	\$ 1,499,999,999
13 Class IV	\$ 700,000,000	\$ 999,999,999
14 Class V	\$ 600,000,000	\$ 699,999,999
15 Class VI	\$ 500,000,000	\$ 599,999,999
16 Class VII	\$ 400,000,000	\$ 499,999,999
17 Class VIII	\$ 300,000,000	\$ 399,999,999
18 Class IX	\$ 200,000,000	\$ 299,999,999
19 Class X	\$ 0	\$ 199,999,999

20	<u>Minimum Assessed</u>	<u>Maximum Assessed</u>
21	<u>Valuation of Property</u>	<u>Valuation of Property</u>
22 <u>Class</u>	<u>All Classes</u>	<u>All Classes</u>
23 <u>Class I</u>	<u>\$ 8,000,000,000</u>	<u>No Limit</u>
24 <u>Class II</u>	<u>\$ 2,000,000,000</u>	<u>\$ 7,999,999,999</u>
25 <u>Class III</u>	<u>\$ 600,000,000</u>	<u>\$ 1,999,999,999</u>

1    Class IV                                \$ 400,000,000                                \$ 599,999,999

2    Class V                                \$-0-                                \$ 399,999,999

3            (b) The assessed valuation of property, all classes, that  
4 shall be used as the base to determine the class of a county shall  
5 be the assessed valuation of property, all classes, of the county  
6 as certified by the county assessor, State Auditor and county clerk  
7 prior to March 29, ~~1996~~ 2014.

8            (c) Prior to March 29, ~~1998~~ 2016, and each second year  
9 thereafter, the county commission of each county, shall determine  
10 if the assessed valuation of property, all classes, of the county,  
11 ~~as certified by the county assessor, State Auditor and county clerk~~  
12 ~~is within the minimum and maximum limits of a class above or below~~  
13 ~~the class in which the county then is. If the county commission so~~  
14 ~~determines, it shall record the new classification of the county~~  
15 with the State Auditor and State Tax Commissioner and record its  
16 action on its county commission record.

17            (d) The classification of each county shall be subject to  
18 review by State Auditor. He or she shall determine if the  
19 classification of each county is correct based on the final assessed  
20 valuation of property, all classes, certified to him or her by the  
21 county assessor, State Auditor and county clerk. If he or she finds  
22 that a county is incorrectly classified, he or she shall notify the  
23 county commission of that county promptly of his or her finding and  
24 in any case shall notify the county prior to June 30 of that current  
25 fiscal year. Any county commission so notified shall correct its

1 classification immediately and make any necessary corrections in the  
2 salaries of its elected county officials for the next fiscal year.

3 (e) Notwithstanding the provisions of this article, whenever  
4 any other provision of this code refers to classifications of  
5 counties for purposes of imposing any right, duty or responsibility,  
6 the classification system set forth in subsection (a) of this  
7 section shall be utilized for determining the classification of a  
8 particular county.

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

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(1) The increased salaries to be paid to the county  
commissioners and the other elected county officials described in  
this subsection on and after July 1, ~~2006~~ 2014, are set out in  
subdivisions (5) and (7) of this subsection. Every county  
commissioner and elected county official in each county, whose term  
of office commenced prior to or on or after July 1, ~~2006~~ 2014, shall  
receive the same annual salary by virtue of legislative findings of  
extra duties as set forth in section one of this article.

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

(A) The Auditor has certified that the proposed annual county  
budget for the fiscal year beginning the first days of July, ~~2006~~  
2014, has increased over the previous fiscal year in an amount

sufficient for the payment of the increase in the salaries, set out in subdivisions (5) and (7) of this subsection, and the related employment taxes: *Provided*, That the Auditor may not approve the budget certification for any proposed annual county budget containing anticipated receipts which are unreasonably greater or lesser than that of the previous year. For purposes of this subdivision, the term "receipts" does not include unencumbered fund balance or federal or state grants; and

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

(3) If there is an insufficient projected increase in revenues to pay the increased salaries and the related employment taxes, then the salaries of that county's elected officials and commissioners shall remain at the level in effect at the time certification was

sought.

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

(5)	COUNTY COMMISSIONERS	
	Class I	\$36,960
	Class II	\$36,300
	Class III	\$35,640
	Class IV	\$34,980
	Class V	\$34,320
	Class VI	\$28,380
	Class VII	\$27,720
	Class VIII	\$25,080
	Class IX	\$24,420
	Class X	\$19,800

<u>(5)</u>	<u>COUNTY COMMISSIONERS</u>	
	<u>Class I</u>	<u>\$42,000</u>
	<u>Class II</u>	<u>\$41,000</u>
	<u>Class III</u>	<u>\$40,000</u>
	<u>Class IV</u>	<u>\$31,000</u>
	<u>Class V</u>	<u>\$28,000</u>

(6) For the purpose of determining the salaries to be paid to the elected county officials of each county, the salaries for each county office by class, set out in subdivision (7) of this

subsection, are established and shall be used by each county commission in determining the salaries of each of their county officials other than salaries of members of the county commission.

~~(7) OTHER ELECTED OFFICIALS~~

	<del>County</del>	<del>Circuit</del>	<del>Prosecuting</del>
	<del>Sheriff</del>	<del>Clerk</del>	<del>assessor Attorney</del>
<del>Class I</del>	<del>\$44,880</del>	<del>\$55,440</del>	<del>\$44,880 \$ 96,600</del>
<del>Class II</del>	<del>\$44,220</del>	<del>\$54,780</del>	<del>\$44,220 \$ 94,400</del>
<del>Class III</del>	<del>\$43,890</del>	<del>\$53,460</del>	<del>\$43,890 \$ 92,200</del>
<del>Class IV</del>	<del>\$43,560</del>	<del>\$53,154</del>	<del>\$43,560 \$ 90,000</del>
<del>Class V</del>	<del>\$43,230</del>	<del>\$52,800</del>	<del>\$43,230 \$ 87,800</del>
<del>Class VI</del>	<del>\$42,900</del>	<del>\$49,500</del>	<del>\$42,900 \$ 59,400</del>
<del>Class VII</del>	<del>\$42,570</del>	<del>\$48,840</del>	<del>\$42,570 \$ 56,760</del>
<del>Class VIII</del>	<del>\$42,240</del>	<del>\$48,180</del>	<del>\$42,240 \$ 54,120</del>
<del>Class IX</del>	<del>\$41,910</del>	<del>\$47,520</del>	<del>\$41,910 \$ 50,160</del>
<del>Class X</del>	<del>\$38,280</del>	<del>\$42,240</del>	<del>\$38,280 \$ 46,200</del>

(7) OTHER ELECTED OFFICIALS

	<u>County</u>	<u>Circuit</u>	<u>Prosecuting</u>
	<u>Sheriff</u>	<u>Clerk</u>	<u>Assessor Attorney</u>
<u>Class I</u>	<u>\$51,000</u>	<u>\$63,000</u>	<u>\$51,000 \$109,000</u>
<u>Class II</u>	<u>\$50,000</u>	<u>\$62,000</u>	<u>\$50,000 \$108,000</u>
<u>Class III</u>	<u>\$49,000</u>	<u>\$61,000</u>	<u>\$49,000 \$105,000</u>
<u>Class IV</u>	<u>\$48,000</u>	<u>\$55,000</u>	<u>\$48,000 \$ 66,000</u>
<u>Class V</u>	<u>\$47,000</u>	<u>\$54,000</u>	<u>\$47,000 \$ 60,000</u>

(8) Any county clerk, circuit clerk, county assessor or sheriff



of a Class I through Class ~~V~~ III county, inclusive, any assessor or any sheriff of a Class ~~VI~~ IV through Class ~~IX~~ V county, inclusive, shall devote full-time to his or her public duties to the exclusion of any other employment: *Provided*, That any public official, whose term of office begins when his or her county's classification imposes no restriction on his or her outside activities, may not be restricted on his or her outside activities during the remainder of the term for which he or she is elected.

(9) Beginning July 1, 2016, and every two years thereafter, the elected county officials of each county shall receive a salary increase equal to three percent of the county official's salary during the preceding year so long as the requirements of subsection 2 are met.

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