

The county commission is the governing body of a county. Fifty-four counties elect three-member commissions while Jefferson County has a five-member commission. Commissioners serve in part-time positions with salaries ranging from \$22,176 - 41,395.

The Constitution provides certain powers to the county commission, but these powers are limited to "the manner prescribed by law." This means that the county commissions' powers must be expressly conferred by the Constitution or by acts of the Legislature. With respect to the powers of a county commission, the West Virginia Supreme Court of Appeals has stated that "a county court (now county commission) possesses only such powers as are expressly conferred upon it by constitutional or statutory provisions, together with such powers as are reasonably and necessarily implied in the full and proper exercise of powers expressly conferred upon it." The West Virginia Constitution, Section 11, Article 9, specifically grants the following powers and duties to county commissions:

1. The custody, through their clerks, of all deeds and other papers presented for record in their counties, with responsibility for their preservation or disposal as may be prescribed by law.
2. The administration of the internal police and fiscal affairs of their counties, with authority to lay county levies, under regulations as may be prescribed by law.
3. Serve as the judge of the election, qualification and return of their own members, and of all county and district officers, subject to regulations as may be prescribed by law.

Other duties and responsibilities are specified in chapter 7 of the *West Virginia Code*, particularly in §7-1-3. These include

- - ~Preparation and adoption of budget for all county offices, except judicial
  - ~Jurisdiction in all matters of probate
  - ~Appoint guardians for minor children; receive court settlements generally
  - ~Own and maintain county property
  - ~Sit as Board of Canvassers
  - ~Lay and disburse county levies based on assessed property values
  - ~Sit as Board of Review and Equalization in February hear appeals on property values for assessment purposes
  - ~Appoint Fiduciary Commissioners to oversee and certain estates as required
  - ~Appoint members of certain county boards, authorities and public service districts
  - ~Adopt ordinances and orders in areas of jurisdiction as prescribed by law
  - ~Approve purchase orders and payment vouchers for elected county offices, except judicial

County commissions are required by section 9, article 9 of the Constitution to hold four regular sessions (meetings) each. These meetings must be held at the courthouse. Special sessions may be held throughout the year if called by the president of the Commission with the concurrence of at least one other commissioner. The number of meetings held varies from county to county, with some commissions meeting once month and others several times a month.

Notice of all meetings must be given and meetings are public, as required by the open meetings law, *West Virginia Code* §6-9A-3. Executive, or private, sessions may be held as authorized by law. Two

commissioners in attendance at a meeting establish a quorum. At the first session of each year, the commissioners choose one of their members to serve as president.

- - *West Virginia Association of Counties*
- - *West Virginia County Government Basics Handbook*