

At a Regular Session of the County Commission of Kanawha County, West Virginia, held at the Courthouse thereof, on the 27<sup>th</sup> day of June, 2013, the following Order was made and entered:

**SUBJECT: Order adopting policy statement regarding succession of certain county elected officials per W.Va. §3-10-1 et seq., effective June 27, 2013**

The following motion was offered by W. Kent Carper, Commissioner.

The County Commission of Kanawha County, West Virginia hereby policy statement (attached hereto) regarding succession of certain county elected officials per W.Va. §3-10-1 *et seq.*, effective June 27, 2013.

The adoption of the foregoing motion having been moved by W. Kent Carper, Commissioner, and duly seconded by Henry C. Shores, Commissioner, the vote thereon was as follows:

W. Kent Carper, President	<u>AYE</u>
Henry C. Shores, Commissioner	<u>AYE</u>
Dave Hardy, Commissioner	<u>AYE</u>

WHEREUPON, W. Kent Carper, President, declared said motion duly adopted; and it is therefore **ADJUDGED** and **ORDERED** that said motion be, and the same is hereby adopted.

W. Kent Carper  
W. Kent Carper, President

Henry C. Shores  
Henry C. Shores, Commissioner

Dave Hardy  
Dave Hardy, Commissioner

Approved by: Marc Slotnick  
Marc Slotnick, County Attorney

**KANAWHA COUNTY COMMISSION  
POLICY STATEMENT PERTAINING TO FILLING OF VACANCIES IN CERTAIN  
ELECTED COUNTY OFFICES.**

**W.Va. Code §3-10-1 *et seq.***

1. W.Va. Code § 3-10-1 *et seq.* was amended to clarify the procedure the County Commission must follow when filling vacancies in certain elected County offices (which includes the offices of County Commission, County Clerk, Prosecuting Attorney, Sheriff, Assessor, and Surveyor). The code permits vacancies in certain County offices to be filled by temporary replacements for no more than thirty days (30) days. A permanent replacement must be appointed within thirty (30) days of the original vacancy. *See* W.Va. Code §3-10-7(b); §3-10-8(b). The temporary appointee is eligible to serve as the permanent replacement.
2. The Kanawha County Commission is committed to transparency and as a policy shall require that ample public notice and an opportunity for meaningful public comment occur prior to any individual being selected as a permanent replacement to a vacancy in the office of County Commission, County Clerk, Prosecuting Attorney, Sheriff, Assessor, or Surveyor.
3. The Kanawha County Commission will not make a permanent appointment until there has been at least one duly noticed public meeting with opportunity for meaningful public comment, input, and participation.
4. Notice of the vacancy will be of the utmost importance. Any vacant position shall be advertised on the Kanawha County Commission website and by Legal Advertisement. Media outlets will be informed and kept apprised throughout the process. Every reasonable effort will be made to see that all eligible and interested candidates are allowed an opportunity to apply for the position.
5. The Kanawha County Commission will conduct a public interview of all candidates at a duly noticed and advertised County Commission meeting or special meeting.
6. The term that the permanent appointee holds the office depends on when the vacancy occurs, as set forth in W.Va. Code §3-10-1(b).
7. W.Va. Code §3-10-1 *et seq.* continues to set forth that the County Commission has no statutory authority or participation regarding the appointment to vacancies in the office of Circuit Clerk of the Thirteenth Judicial Circuit. When a vacancy occurs in the office of Circuit Clerk, the Chief Judge may appoint a temporary successor to position to serve for not more than thirty (30) days. W. Va. Code §3-10-6.