

CLERK OF THE COUNTY COMMISSION

TERM: 6 YEARS

RESIDENCE: County

Each county elects a county clerk (except Hardy County which has a joint county/circuit clerk) whose responsibilities include the management of records of the county commission and certain election duties. The primary responsibilities center around two basic functions: 1) to act as clerk (fiscal officer) of the county commission, and 2) to act as the receiver of fees charged for the instruments filed and recorded within the county. To carry out the numerous duties, the clerk of the county commission may select deputies and other employees with the advice and consent of the county commission. The budget for the operation of the county clerk's office as a whole is determined by the county commission. Their duties include:

- Issuance of marriage licenses, birth and death certificates;
- Record births, marriages and deaths in the county;
- Chief Voter Registration Official for the county; register qualified voters;
- Maintain custody and integrity of the county's voting machines, ballot boxes and other election supplies;
- Conduct training sessions for poll clerks and other election officials prior to their service
- Serve as the recorder of all documents;
- Keep records of County Commission transactions;
- Keep minutes of all County Commission meetings;
- Probate wills Oversee guardianship appointments.

CLERK OF THE CIRCUIT COURT

TERM: 6 YEARS

RESIDENCE: County

The Clerk of the Circuit Court is elected in each county to carry out administrative functions and to act as record-keeper for circuit court actions in that county. The office of the clerk is authorized by Article 8, Section 9 of the West Virginia Constitution. The Circuit Clerk is an officer within the judicial system and plays a pivotal role in that system. The West Virginia Constitution establishes a hierarchy of administrative control that gives overall authority for the entire judicial system to the Supreme Court of Appeals. Local administrative authority lies in the circuit court, including the office of circuit clerk with regard to the clerk's judicial functions but the clerk has autonomy to establish procedures and policies necessary to carry out statutory responsibilities. The Circuit Clerk also serves as an election officer. Examples of duties and responsibilities include:

- Issue writs;
- Issue final process to enforce and execute judgments;
- Appoint a guardian ad litem where required;
- Respond to other requests that do not require a court order;
- Responsible for the administration and management of the petit and grand jury systems in the county;
- Create the master list of prospective jurors; select panels for attendance qualify and summon jurors; provide juror orientation; and monitor jurors' attendance and mileage
- Serve as fee officer of the court;
- Serve as election officer prepare ballot, conduct absentee voting and other election-related duties;
- Report various statistics to other governmental agencies;
- Appoint deputy clerks subject to the review of the court and/or county commission.

ASSESSOR

TERM: 4 years

RESIDENCE: County

Training required after taking office

The assessor of every county is elected every four years. The position is required to be full-time in all but Class X counties. Assessors annually appraise or place a true and actual value on all real and personal property for tax purposes and from that determine the assessed value for the calculation of taxes. They are responsible for listing all property in the county, both real estate and personal property. The assessor then develops the Land Property Book containing the names of all owners of real estate and the Personal Property Book with names of all persons owning personal property for each tax district. These books are used by the County Commission, the County Board of Education and by municipalities within the county for the levying and collection of taxes. The books are open for public inspection and are kept in the County Clerk's office. Other responsibilities include:

- List all properties exempt from taxation, such as that owned by federal, state, county or local governments; property used for public or charitable purpose, or property used for schools and hospitals;
- Collect county and local dog taxes;
- Determine eligibility of property owners for the Homestead Exemption;
- Maintain tax maps and property records and make them available for public use
- Assist state tax commissioner with annual review of public service corporations and utilities;
- Estimating Real Estate Tax:
 - Appraised Value X 60% = Assessed Value
 - Assessed Value X Levy Rate = TAX
- Property Tax Classification
 - CLASS 1- All tangible personal property employed exclusively in farming, livestock
 - CLASS 2- All property owned, used and occupied by owner, exclusively for residential purposes, and farms used and occupied by their owners or bona fide tenants
 - CLASS 3 & 4- All real and personal property exclusive of Classes 1 & 2, situated outside a municipality (Class 3) or within a municipality (Class 4), including property occupied by renters

SURVEYOR

Each county elects a surveyor every four years, but the office carries no official duties and no salary. It is an office required by the West Virginia Constitution and the county must provide office space. Many counties do not have a surveyor. In counties with surveyors, they are compensated for the work performed such as providing documents for property tax sales or assisting in property disputes and boundary locations.

SHERIFF

TERM: 4 YEARS

RESIDENCE: County

The Sheriff of the county serves as its chief law enforcement officer, charged with the responsibility of policing the county and keeping the peace, including the power to make arrests. A sheriff may not serve more than two consecutive terms. It is required to be a full-time position in all counties except Class X. In counties that operate county jails, the Sheriff has responsibility for administration of the jail and custody of the inmates. In addition to duties related to law enforcement, the Sheriff also serves as the Treasurer of the county and collects all taxes levied by the county. To assist the Sheriff in the performance of his/her duties, law enforcement deputies, tax deputies and legal process deputies may be hired. Correctional officers may also be hired in those counties which have a county jail. The sheriff's duties include:

- Serve and execute all returns, notices and processes issued by the courts which must be served in the county;
- Act as bailiff in court proceedings;
- Enforce court orders;
- Administer transportation of prisoners, mental patients and extraditions;
- Administer the financial matters of adults who are unable to do so for themselves
- Issue licenses to citizens who apply for a concealed weapons permit;
- Collect all state, county, municipal and school taxes; disburse money to appropriate agencies; maintain all tax records;
- Enforce payment of delinquent taxes.

PROSECUTING ATTORNEY

TERM: Four Years

RESIDENCE: State

Must be admitted to practice law by date term begins.

Every four years, all fifty-five counties elect a prosecuting attorney. In Class I through V counties, the position is full-time with outside employment prohibited. The prosecuting attorney is the chief legal officer of the county. They have areas of responsibility in both criminal and civil cases. In criminal cases, the prosecuting attorney assists in the investigation of all crimes and other law violations in the county. In civil cases, the prosecuting attorney acts as legal advisor to the County Commission and other county officials. They may also be called upon to assist the state Attorney General in state legal actions within the county. The prosecuting attorney's office must be kept open during elections and be available to advise election officials or answer questions from the public. Other duties and responsibilities include:

- The prosecution of all crimes, both misdemeanors and felonies, within the county
- Request warrants to be issued for persons charged with felonies;
- Try cases before magistrate and circuit judges;
- Present information to the Grand Jury for indictment of persons in connection with criminal activity;
- Represent the Department of Health & Human Resources in child abuse and neglect cases;
- Represent the State in juvenile delinquency cases;
- Appoint and supervise assistant prosecuting attorneys and support staff;
- Represent all elected county officials and county agencies;
- Prepare contracts and other documents for the county;
- File civil suits for county agencies and defend county agencies against civil suits;
- Represent applicants for involuntary commitment of patients to mental institutions;
- Serve as special prosecutors in other counties.