



Kanawha County Commission

Media Release

For Immediate Release

Date: January 10, 2017

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Carper and Shores Congratulate Hardy on New Position

Charleston, W.Va. – Today, Governor-Elect Jim Justice announced he will appoint, Commissioner Dave Hardy to the position of Secretary of the Department of Tax and Revenue for the State of West Virginia. Commissioner Hardy will resign from the Kanawha County Commission, effective January 20th, and begin serving the Justice Administration in his position as Secretary of the Department of Tax and Revenue immediately following.

Commissioner Hardy has served the Kanawha County Commission as a Commissioner since 2001, when he was appointed to the seat vacated by Louis H. Bloom, who was then elected to Judge. Commissioner Hardy was then Elected to his seat as Commissioner in 2002.

“It has been a pleasure to serve with Commissioner Hardy on the Commission for the past 16 years. His experience in City and County Government Finance makes him the right person at the right time for this very important appointment in the Justice Administration. I look forward to continuing to work with him in his new position,” stated Commission President Kent Carper.

Commissioner Henry C. Shores stated, "Commissioner Hardy has been a great colleague to work with over the years. I wish him well in his new position at the State and hope we continue to work together in the future to better Kanawha County and the State of West Virginia."

The Kanawha County Commission, in June of 2013, adopted a policy statement regarding the succession of certain county elected officials per W.Va. Code 3-10-1 et seq, which commits the Commission to transparency and allows for public notice and an opportunity for meaningful public comment, input and participation in the process of the selection of successors to positions when a vacancy occurs.

"I intend to follow our policy statement, which I have attached to this press release and include public participation in this process as I believe the public has every right to help select the person who replaces Commissioner Hardy and fills his vacated seat on the Commission," stated Commissioner Carper.

Whoever is appointed, will serve until the next Election, which will be the Primary of 2018. State Law requires the successor to be a Democrat in the correct Magisterial District.

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At a Regular Session of the County Commission of Kanawha County, West Virginia, held at the Courthouse thereof, on the 27th 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.

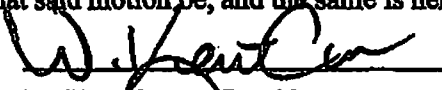
The adoption of the foregoing motion having been moved by

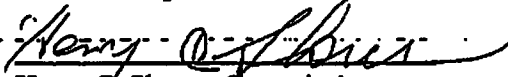
W. Kent Carper, Commissioner, and duly seconded by

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, President


Henry C. Shores, Commissioner


Dave Hardy, Commissioner

Approved by: 
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.