

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 957

By Senators Rose and Rucker

[Introduced February 16, 2026; referred
to the Committee on Government Organization]

1 A BILL to amend and reenact §8-3-2 and §8-5-7 of the Code of West Virginia, 1931, as amended,
 2 relating to the minimum number of council members for certain municipalities; reducing the
 3 minimum number of council members from five to three for Class IV towns or villages with
 4 a population of 2,000 or fewer when not divided into wards or election districts; providing
 5 flexibility for local determination; and reducing the minimum number of council members
 6 from five to three for the manager plan and manager-mayor plan forms of government for
 7 Class IV towns or villages with a population of 2,000 or fewer.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 3. FRAMING AND ADOPTING AN ORIGINAL CHARTER FOLLOWING
 INCORPORATION OF A CITY; REVISING OR AMENDING A CHARTER;
 EXPENSES OF INCORPORATION.**

**§8-3-2. Charter board for cities -- Organization; journal; quorum; duties; time for draft of
 charter; form of city government.**

1 If on the returns being canvassed on the question of incorporation of a city, such
 2 canvassing to be done by the county commission, a majority of the legal votes cast be in favor of
 3 such incorporation, then the legal votes cast for members of the charter board shall be counted
 4 and canvassed by the county commission, and the candidates in the number to be chosen who
 5 received the highest number of votes shall be declared elected. The charter board shall be
 6 convened at a suitable place within the territory, by the member receiving the highest number of
 7 votes, not less than five days nor more than ten days after the canvass of the returns. He or she
 8 shall notify the other members of the board in writing of the time and place of the first meeting of
 9 the charter board. At such first meeting, the board shall perfect its organization by electing a
 10 chairman and secretary from its membership and by determining the rules to govern its
 11 proceedings. Any vacancy in the membership of the board occurring before a charter is approved
 12 by the qualified voters of the incorporated territory shall be filled by appointment by majority action

13 of the remaining members, and any vacancy occurring after approval of a charter as aforesaid
14 shall be filled as specified in section nine of this article. A journal shall be kept by the secretary, in
15 which journal shall be entered, upon demand by any member, the vote by ayes and nays on any
16 question. A majority of the members of said board shall constitute a quorum. The board shall
17 specify the manner for nominating and electing candidates for the first elective offices provided for
18 in the proposed charter at the election to be held on the question of approval of the charter. It shall
19 fix the date of said election and it shall do and provide all other things necessary for making
20 nominations and holding and conducting such election. Any qualified voter and any freeholder of
21 the incorporated territory may file with said charter board any written material bearing upon the
22 purposes of the board, and the board shall give such material so filed such consideration as it may
23 deem proper. The charter drafting process may be carried on through committees, but their work
24 shall be advisory only. The charter board shall complete its draft of a charter within ninety days
25 after its first meeting. It shall be the duty of the charter board to provide in the charter so drafted for
26 a form of city government in accordance with one of the following plans:

27 Plan I -- "*Mayor-Council Plan.*" Under this plan:

28 (1) There shall be a city council, elected at large or by wards, or both at large and by wards,
29 by the qualified voters of the city; a mayor elected by the qualified voters of the city; and such other
30 elective officers as the charter may prescribe; and

31 (2) The mayor and council shall be the governing body and administrative authority.

32 Plan II -- "*Strong-Mayor Plan.*" Under this plan:

33 (1) There shall be a mayor elected by the qualified voters of the city; and a city council
34 elected at large or by wards, or both at large and by wards, by the qualified voters of the city;

35 (2) The council shall be the governing body;

36 (3) The mayor shall be the administrative authority; and

37 (4) Other officers and employees shall be appointed by the mayor or by his or her order in
38 accordance with this chapter, but such appointments by the mayor or by his or her order may be

39 made subject to the approval of the council.

40 Plan III -- "*Commission Government.*" Under this plan:

41 (1) There shall be, except as hereinafter in this plan provided, a commission of five
42 members elected at large by the qualified voters of the city;

43 (2) The members of the commission shall be a commissioner of public affairs, a
44 commissioner of finance, a commissioner of public safety, a commissioner of public works and a
45 commissioner of streets: *Provided*, That a charter for a Class I or Class II city may, and a charter
46 for a Class III city shall, provide for a commission of three members, viz., a commissioner of
47 finance, a commissioner of public works and a commissioner of public safety;

48 (3) The members of the commission shall elect a mayor from among their membership;

49 (4) The commission shall be the governing body and administrative authority; and

50 (5) Officers and employees, other than members of the commission, shall be appointed in
51 accordance with this chapter by the commissioners or by each commissioner with respect to his or
52 her department, as the charter may prescribe.

53 Plan IV -- "*Manager Plan.*" Under this plan:

54 (1) There shall be a council of not less than three for a Class IV town or village with a
55 population of 2,000 or fewer, and not less than five nor more than eleven members for all other
56 municipalities, elected either at large or from such geographical districts as may be established by
57 the charter, or partly at large and partly from such geographical districts, and the charter may
58 empower the council to change, from time to time, such districts without amending the charter:
59 *Provided*, That the change of such districts shall not take effect during the terms of office of the
60 members of such council making such change;

61 (2) There shall be a mayor elected by the council from among its membership who shall
62 serve as the presiding officer of the council; and a city manager who shall be appointed by the
63 council;

64 (3) The council shall be the governing body; and

65 (4) The manager shall be the administrative authority. He or she shall manage the affairs of
66 the city under the supervision of the council and ~~he~~ the manager shall be responsible to such
67 council. ~~He~~ The manager shall appoint or employ, in accordance with this chapter, all subordinates
68 and employees for whose duties or work ~~he~~ the manager is responsible to the council.

69 Plan V -- "*Manager-Mayor Plan.*" Under this Plan:

70 (1) There shall be a council of not less than three for a Class IV town or village with a
71 population of 2,000 or fewer, and not less than five nor more than eleven members for all other
72 municipalities, elected either at large or from such geographical districts as may be established by
73 the charter, or partly at large and partly from such geographical districts, and the charter may
74 empower the council to change, from time to time, such districts without amending the charter:
75 *Provided*, That the change of such districts shall not take effect during the terms of office of the
76 members of such council making such change.

77 (2) There shall be a mayor elected at large by the qualified voters of the municipality as
78 may be established by the charter, who shall serve as a member and the presiding officer of the
79 council; and a city manager who shall be appointed by the council;

80 (3) The council shall be the governing body; and

81 (4) The manager shall be the administrative authority. He or she shall manage the affairs of
82 the city under the supervision of the council and ~~he~~ the manager shall be responsible to such
83 council. ~~He~~ The manager shall appoint or employ, in accordance with this chapter, all subordinates
84 and employees for whose duties or work ~~he~~ the manager is responsible to the council.

85 The purpose of the provisions of this section pertaining to Plan I, Plan II, Plan III, Plan IV
86 and Plan IV is to establish basic requirements of alternative plans of structure and organization of
87 city government. The structure and organization of a city government may be specified by the
88 charter in respects other than those enumerated, and in elaboration of the basic requirements,
89 insofar as such charter provisions do not conflict with the purpose and the provisions of the
90 alternative plans prescribed.

ARTICLE 5. ELECTION, APPOINTMENT, QUALIFICATION AND COMPENSATION OF OFFICERS; GENERAL PROVISIONS RELATING TO OFFICERS AND EMPLOYEES; ELECTIONS AND PETITIONS GENERALLY; CONFLICT OF INTEREST.

§8-5-7. Certain officers; wards or election districts; residency and other requirements.

1 (a) Unless otherwise provided in the charter of a municipality, there shall be elected a
2 mayor, a recorder and council members, who together shall form the governing body of the
3 municipality.

4 (b) When a municipality has not been divided into wards or election districts; ~~there shall be~~
5 ~~at least five council members, but~~

6 (1) For a Class I, Class II, or Class III city, there shall be at least five council members to be
7 elected; or

8 (2) For a Class IV town or village with a population of 2,000 or fewer, there shall be at least
9 three council members.

10 (c) When the municipality has been divided into wards or elections districts, the governing
11 body may, by ordinance, determine the number of council members to be elected from each ward
12 or election district.

13 When it is considered necessary, the governing body may, by ordinance, increase or
14 decrease the number of wards or election districts and change the boundaries thereof, the wards
15 or election districts to be made as nearly equal as may be, in population, and when the
16 municipality is divided into wards or election districts, or there is an increase or decrease in the
17 number of wards or election districts as aforesaid, the governing body may increase or decrease
18 the number of council members and, in the case of an increase in the number of council members,
19 direct an election to be held at the next regular municipal election in the additional ward or wards or
20 election district or districts so that each ward or election district may have its full number of council

21 members residing therein and may have equal representation on the governing body. When a
22 municipality has been divided into wards or election districts, the governing body may, by
23 ordinance, also provide for the election of council members at large in addition to the council
24 members to be elected from each ward or election district. The provisions of this subsection are
25 applicable to any municipality except to the extent otherwise provided in the charter of the
26 municipality.

27 ~~(e)~~ (d) Unless otherwise provided by charter provision or ordinance, the mayor, recorder
28 and council members must be residents of the municipality and must be qualified voters entitled to
29 vote for members of its governing body. A city manager in a manager form of government need
30 only be a resident of the city at the time of his or her appointment.

NOTE: The purpose of this bill is to allow for Class IV towns and villages to have fewer council members.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.