WEST VIRGINIA CODE: §8A-2-3

§8A-2-3. Municipal planning commission.

(a) A municipal planning commission in a Class I, II, or III city shall have not less than five nor more than 15 members, the exact number to be specified in the ordinance creating the planning commission. A municipal planning commission in a Class IV town or village shall have not less than three nor more than nine members, the exact number to be specified in the ordinance creating the planning commission.

(b) Each member of a municipal planning commission must be:

(1) A West Virginia resident who has maintained continuous West Virginia residency for the three years immediately preceding his or her appointment;

(2) A resident of the municipality for one year immediately preceding his or her appointment; and

(3) Qualified by knowledge and experience in matters pertaining to the development of the municipality.

(c) Any member who does not meet the requirements stated in subsection (b) of this section may not be grandfathered in, and may not be or remain a member of the planning commission.

(d) At least three fifths of all of the members must have been residents of the municipality for at least three years prior to nomination or appointment and confirmation.

(e) The members of a municipal planning commission must fairly represent different areas of interest, knowledge, and expertise, including, but not limited to, business, industry, labor, government, and other relevant disciplines. One member must be a member of the municipal governing body or a designee and one member must be a member of the administrative department of the municipality or a designee. The term of membership for these two members is the same as their term of office.

(f) The Legislature finds that there are persons willing to serve on planning commissions who may also own interests in businesses that regularly conduct business in front of or with planning commission staff. Such persons may have experience and expertise which would be valuable assets to a planning commission. For those reasons, notwithstanding any other provisions in this code to the contrary, any person employed by, owning an interest in, or otherwise associated with a business that regularly conducts business in front of or with planning commission staff may also serve as a member of a planning commission and shall not be disqualified from serving as a member because of a conflict of interest as defined in §61-10-15 of this code and shall not be subject to prosecution under provisions of that

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chapter when the violation is created solely as a result of his or her relationship with the business. This member must recuse himself or herself from any vote, discussion, participation, or other activity regarding the conflicting issue.

(g) The Legislature finds that there are persons willing to serve on planning commissions who may also own interests in businesses who regularly conduct business in front of or with planning commission staff. Such persons may have experience and expertise which would be valuable assets to a planning commission. For those reasons, notwithstanding any other provisions in this code to the contrary, any person employed by, owning an interest in, or otherwise associated with a business that regularly conducts business in front of or with planning commission staff may also serve as a member of a planning commission and shall not be in violation of §6B-2-5(g) of this code if the member recuses himself or herself from any vote, discussion, participation, or other activity regarding the conflicting issue: *Provided*, That such members do not constitute a majority of the members of the planning commission at the same time.

(h) The remaining members of the municipal planning commission first selected shall serve respectively for terms of one year, two years, and three years, divided equally or as nearly equally as possible between these terms. Thereafter, members shall serve three-year terms. Vacancies shall be filled for the unexpired term and made in the same manner as original selections were made.

(i) The members of a municipal planning commission shall serve without compensation, but shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their official duties.

(j) Nominations for municipal planning commission membership shall be made by the administrative authority and confirmed by the governing body when the administrative authority and the governing body are separate, or appointed and confirmed by the governing body where the administrative authority and governing body are the same.

(k) An individual may serve as a member of a municipal planning commission, a county planning commission, a multicounty planning commission, a regional planning commission, or a joint planning commission, at the same time.

(l) The governing body of the municipality may establish procedures for the removal of members of the planning commission for inactivity, neglect of duty, or malfeasance. The procedures must contain provisions requiring that the person to be removed be provided with a written statement of the reasons for removal and an opportunity to be heard on the matter.

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