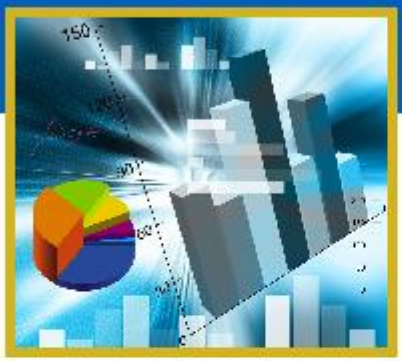
County Government Guideline to the Budget Process



WEST VIRGINIA

State Auditor's Office

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OVERVIEW

County Commissions have the superintendence and administration of the fiscal affairs of their counties with authority to lay and disburse the county levies. Such functions are performed through the clerk of the county commission. *W. Va. Code §* 7-1-3

County commissions are required to determine the fiscal condition of the county and make an itemized statement between March 7 and March 28. This statement, which is commonly referred to as the Levy Estimate – Budge Document, is submitted to the State Auditor for approval on or before March 28. *W. Va. Code § 11-8-9, W. Va. Code § 11-8-10*

The meeting at which the county commission adopts the budget will stand adjourned until the 3rd Tuesday in April. During this time period, March 28 through the 3rd Tuesday in April, the State Auditor's Local Government Services Division will review the Levy Estimate – Budget Document for each of the 55 county commissions, 232 municipal corporations and the Schedule of Proposed Rates for each of the 55 boards of education. A notice is mailed to each entity notifying them of the State Auditor's approval or ***conditional approval*** of the budget. At the meeting on the 3rd Tuesday in April, the county commission will officially ***lay the levy*** with the written approval of the State Auditor. *W. Va. Code § 11-8-10a*

The county clerk will then forward the ***Levy Order and Rate Sheet*** within three days to the State Auditor. The ***Levy Order and Rate Sheet*** is similar to the L**evy Page** submitted in the Levy Estimate – Budget Document to the State Auditor for review and approval. The L***evy Order and Rate Sheet*** submitted by the levying body is reviewed to ensure that it reflects the same rates that were approved by the State Auditor. An "approved" copy of the L***evy Order and Rate Sheet*** is then forwarded to the county assessor by the State Auditor so that the assessor may enter the property tax rates into the statewide computer assisted assessment system and so that a property tax book may be printed. The assessor proofs the property tax books for errors and corrections are made. The final property tax books are printed and turned over to the sheriff by electronic media on or before June 7 so that the property tax statements may be printed and mailed to the taxpayer by July 15. The property tax collection process begins and the sheriff distributes the taxes collected to the levying body by the 10th of each month. *W. Va. Code § 11-8-11*

In the early months of the ***fiscal year***, the county may experience cash flow problems. Taxpayers receive a tax discount if their property taxes are paid on or before September 1 and March 1. Many taxpayers do not pay their taxes until these dates so the tax distribution at the beginning and end of the fiscal year may be inadequate to cover monthly expenses. Without careful planning, the time frame associated with the collection and distribution of property taxes along with limited fund balances may result in cash flow problems for the entity.

Levy Estimate – Budget Document and other required forms are provided by the State Auditor's Office. These forms are now provided on the Auditor's website in approved electronic and paper versions. *W. Va. Code § 11-8-18*

NO OUTDATED OR UNAPPROVED FORMS WILL BE ACCEPTED BY THE AUDITOR'S OFFICE.

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Introduction

The purpose of this guideline is to provide a narrative of the entire budget process including a calendar of events, budget preparation, budget monitoring and budget revisions.

This guideline, including the official Levy Estimate - Budget Document, the Levy Order and Rate Sheets and other worksheet forms are available for downloading from our website. The forms have been developed in excel spreadsheet form and have been formatted to perform most of the needed calculations. We recommend downloading the forms to your personal computer's hard drive in order to take full advantage of this tool. Please retain the guideline for current and future reference.

Terminology has been included in the Glossary for those words appearing in *italic* type.

WV Code sections referenced throughout this guideline are also included in a section titled "Statutory Provisions".

CALENDAR OF EVENTS

JANUARY

County Commissions:
Obtain the following data necessary to prepare the Levy Estimate – Budget for the coming fiscal year:

- Actual revenues and expenditures for last fiscal year
- Budgeted revenues and expenditures for current fiscal year
- Actual revenues and expenditures through December 31 of current fiscal year
- Projected revenues for coming fiscal year
- Projected expenditures for coming fiscal year (See March 2)

FEBRUARY

- **County Commission meets as a Board of Equalization & Review**
- **Budget Information –** will be distributed to the county by the first week in February
- **Special Excess Levies - *W. Va. Code § 11-8-16 and 17***
  If you have a special excess levy, a notice of election, sample ballot, and certified canvass of votes must be on file with the State Auditor before the rate for a special excess levy may be approved.
- **Bond Debt Levy - *W. Va. Code § 13-3-6***
  The Municipal Bond Commission shall render to each levying body having outstanding bonds a statement showing the amount to be raised by levy to pay the interest and principal on the outstanding bonds.

MARCH

- **March 2: Elected Officials/Department Heads Budget Proposal - *W. Va. Code § 7-7-7***

  County officials and department heads are required to submit their request for their offices prior to March 2 each year to the county commission. *W. Va. Code § 7-7-7*

- **March 3: Certificates of Valuation & Rolled Back Value Forms**

  The county assessor is required to certify the assessed value of real and personal property and the clerk is to certify the assessed value of public utility properties not later than March 3. *W. Va. Code § 11-3-6 and W. Va. Code § 11-8-6e*

Increasing the property tax Levy Rate: County commission's must publish a Notice of Public Hearing regarding regular levy rates when the proposed rate results in a tax increase of more than 1% plus a percentage to be dedicated to the assessor's valuation fund.

CALENDAR OF EVENTS (con't)

a. At least seven (7) days prior to the date of each hearing, one (1) notice must be placed outside the section of the newspaper reserved for legal notices and classified advertisements, in a newspaper of general circulation.

b. Also publish as a legal advertisement one (1) time each week for two (2) successive weeks in two (2) newspapers of opposite politics, where available (Class II-O legal advertisement). The publication area is the county.

- **March 7 through March 28: County Commission Budget Meetings**

  County commissions are required to hold a meeting or meetings between March 7 and March 28 to ascertain the fiscal condition of the county, and make an itemized statement which makes up what is commonly referred to as the Levy Estimate – Budget Document. *W. Va. Code § 11-8-9*

EACH ELECTED OFFICIAL SHOULD RECEIVE A COPY OF THEIR DETAILED REQUEST FOR APPROPRIATION OUTLINING THE AMOUNT THE COUNTY COMMISSION HAS APPROVED FOR THE OPERATION OF THEIR OFFICE IMMEDIATELY AFTER THE COMMISSION ADOPTS THE BUDGET.

- **March 29 (Prior to): Allocation of Funds**

  The county commission is required to fix the total amount of money to be expended by the county for the ensuing fiscal year by order prior to March 29. This amount will include the total compensation by department for county assistants, deputies and employees. *W. Va. Code § 7-7-7*

APRIL

- **Third Tuesday in April: State Auditor's approval and laying of the property tax levy rates**

  The county commission will reconvene the 3rd Tuesday in April to hear and consider any objections made orally or in writing by the prosecutor, State Auditor or his representative, or by any taxpayer of the county. The county commission shall reconsider the proposed original estimate and the proposed rates of levy and if the objections are well taken, should correct the estimate and levy. "No such estimate and levy, however, shall be entered until the same shall have been approved, in writing by the State Auditor." The clerk enters the estimate and levy, the order of the county commission approval, and the written approval of the State Auditor in the proper record book. *W. Va. Code § 11-8-10a*

- **Within 3 days after the Third Tuesday: County Clerk to forward order to the State Auditor**

  Within three days the clerk will prepare, certify and forward the levy order to the State Auditor. The State Auditor reviews each order and certifies the property tax levy rates to the county assessor who immediately extends the taxes in the land and personal property books. The land and personal property books are then turned over to the sheriff not later than June 7 so that tax statements may be prepared and the collection process may begin. *W. Va. Code § 11-8-11*

CALENDAR OF EVENTS (con't)

JUNE

- **June 7: Property books; time for completing; extension of levies;**

  Assessor turns property books over to sheriff so that the tax statements may be printed. *W. Va. Code § 11-3-19*

- **June 15: Final budget revision for current fiscal year:**

  The State Auditor should be in receipt of the final budget revision for the current fiscal year by June 15. This deadline date should better assure sufficient time to review, approve and return the request to the county before fiscal year end. An exception may be granted in an emergency situation and/or if time permits.

- **Prior to June 30: Budget statement filed with county clerk**

  After fixing the amount to be paid to each assistant, deputy and employee the county official is required to file prior to June 30 with the clerk of the county commission, a budget statement for the ensuing fiscal year. This statement should include the name, or the designation if then vacant, of each of his assistants, deputies and employees, the period of time for which each is employed, or is to be employed if the position is then vacant, and the monthly or semimonthly compensation. The statement may be filed as early as March 29 but not later than June 29. *W. Va. Code § 7-7-7*

JULY

- **July 15: Coal Severance Fund budget revision:**

  The projected fund balance for July 1 shall be revised to actual by July 15. If the entity finds the fund balance was revised in error for whatever reason, the fund balance may be corrected with another revision after this date. *W. Va. Code § 11-13a-6*

- **July 15: Notice of time and place for payment; mailing of tax tickets**

  After July 15, the sheriff may begin tax collection process for the new fiscal year. *W. Va. Code § 11A-1-8*

- **July 30: General Fund budget revision**

  The projected fund balance for July 1 should be revised by July 30. If the entity finds that the fund balance was revised in error for whatever reason, the fund balance may be corrected with another revision after this date.

CALENDAR OF EVENTS (con't)

AUGUST

- **August 10: Payment by sheriff to municipal and county board of education treasuries**

  The county sheriff makes the first distribution of property taxes for the new fiscal year. The distribution should occur not later than the 10th day of each month. *W. Va. Code § 11A-1-15*

SEPTEMBER

- **Financial Statement due 90 days after first meeting of the commission:**

  The county financial statement is due within ninety days after the adjournment of the first regular session after the beginning of the new fiscal year. It must be published one (1) time in two (2) newspapers of opposite politics, where available. The publication area is the county. *W. Va. Code § 7-5-15*

UNIFORM CHART OF ACCOUNT

Under Separate Cover

The State Auditor is the **ex officio, the chief inspector and supervisor** of public offices. The chief inspector is required to formulate, prescribe and install a system of accounting and reporting which is uniform for all county governments. *W. Va. Code § 6-9-2*

The chart of accounts is designed to provide a uniform and orderly list from which the county commission may select the accounts applicable to their own accounting needs.

The levy estimate – budget document incorporates the chart of accounts as the basis for providing a uniform and orderly list of revenues and expenditures to account for General and Coal Severance Tax Funds. The county Chart of Account is under separate cover and available at the West Virginia State Auditor's Website: www.wvsao.gov. It is listed under Local Government, then County Government.

All account numbers are assigned by the State Auditor's Local Government Services Division. All new revenue or expenditure accounts assigned during the fiscal year are automatically included in the levy estimate – budget document. If you need a new account number assigned for a particular purpose, please contact the State Auditor's Local Government Services Division.

Each county is required to keep a separate accounting for each fund. Each fund must have separate accounts with breakdowns for each department and for each group of expenditures. The uniform chart of accounts for counties follows guidelines set by GASB for the proper classification of funds, departments and accounts in order to prepare the annual financial statements and budget. *W. Va. Code § 6-9-3*

THE LEVY ESTIMATE – BUDGET

County commissions are required to have a meeting between March 7 and March 28 of each year to prepare a Levy Estimate – Budget Document. (**The Levy Estimate – Budget Document will hereafter be referred to as simply the *BUDGET*)** At this meeting the county commission is to determine the following information and compile this into the budget form:

1. The amount of account receivables from all sources and the amount of revenues that will be received and collected in the upcoming fiscal year (Fund balances, receivables and revenues)
2. The interest, sinking fund and amortization requirements for all bonds indebtedness legally incurred (Bond funds)
3. Other contractual indebtedness not bonded (Short and long-term liabilities)
4. All expenditures to be paid out of the receipts for the current fiscal year, with allowance for delinquent taxes, exonerations and contingencies (Expenditures, account payables, uncollectable taxes)
5. The amount necessary to be raised by each fund by the levy of taxes (Excess and special levies)
6. The proposed county levy in cents on each one hundred dollars' assessed valuation of each class of property (Levy rates for county)
7. The proposed levy in each district for district funds, if any (Cities, school boards, etc. levies)
8. The separate and aggregate amounts of the real, personal and public utilities properties in each class (Levy Page of budget)

Reverence: *W. Va. Code § 11-8-10*

The following pages of the guideline are designed to assist the county commission with the preparation of the "itemized statement" or the Budget document. The words "levy estimate" and "budget" are interchangeable in this guideline and refer to the itemized statement required in *W. Va. Code § 11-8-10; W. Va. Code § 11-8-6b; W. Va. Code § 11-8-6e; W. Va. Code § 11-8-10*

COAL SEVERANCE TAX BUDGET

Each county is to create a Coal Severance Tax Fund from the money distributed to the county from the additional tax on the severance, extraction and production on coal. Each county is required to prepare a budget for Coal Severance Tax Fund on or before March 28 for each year. *W. Va. Code § 11-13A-6*

Pertinent Points

1. **Separate Fund:** The levying body is required to establish a separate fund for the deposit of Coal Severance Tax revenue.

2. **Public Purpose:** Coal severance tax funds may be used for any public purpose generally funded by the general fund.

3. **75% Rule:** In counties where the population exceeds 200,000 at least 75% of the coal severance funds must be expended in the coal producing areas of the county.

4. **25% Rule:** Not more than 25% of the fund may be used for personal services. In the Chart of Accounts, personal services are Objects of Expenditure numbers 101 to 199. An example of the percentage allowed is as follows:

298 Assigned Fund Balance	$ 25,000
305 Coal Severance Revenue	100,000
365 Interest	5,000
Total Coal Severance Fund Balance	130,000
Allowable percentage for personal services	25%
Restriction on personal services	$ 32,500

5. For fiscal years ending after June 30, 2010, the title of fund balances was changed by GASB Statement 54. **This statement requires all prior fund balance not allocated to the other fund balance classifications to be "assigned fund balance" for all special revenue funds. General county fund is the only fund that can use the classification #299 – Unassigned fund balance.**

6. **Budget:** The levying body is required to adopt a Budget for the Coal Severance Fund and submit the budget to the State Auditor for approval on or before March 28 of each year. *W. Va. Code § 11-13A-6(i)*

7. **Fund Balance Budget Revision:** The projected fund balance shall be revised to actual fund balance by July 15.

REVENUE PROJECTIONS – GENERAL FUND

Before the county commission prepares the **Budget Document** there is much work to be done. They must determine the fiscal condition of the county and the financial needs and requirements of elected officials and department heads.

In order to prepare the budget for the coming fiscal year, the commission should, through the clerk of the county commission, gather data relevant to revenue and expenditure patterns for at least the current (from July through December of current year) and prior fiscal year. The State Auditor prescribes and furnishes forms that allow for a systematic gathering of this information. They are:

- Revenue Projections
- Budget Proposal for Elected Officials/Department Heads
- Budget Request (Combination of the two forms above – Located in County Budget File)

The format allows the entity to systematically pull together the actual revenues and expenditures for the last fiscal year, the budgeted revenues and expenditures for the current year, the actual revenues received and expenditures made through December 31 for the current year and the projected revenues and expenditures for the upcoming fiscal year. Counties using computer assisted financial programs have this type of data available on an historical basis.

At a minimum, this information should be ascertained in an effort to support and document the formal budget adopted by the county commission and submitted to the State Auditor for approval.

Note: The revenues include projections for the upcoming fiscal year and the current fiscal year for comparison purposes. The amounts reflected under the current fiscal year should be as revised to date.

Revenues that should be reported in the county's general fund are but not limited to:

Account Number	Description
301-01	Ad Valorem Property Taxes – Current Year
304	Property Transfer Tax
306	Gas & Oil Tax
330	Sheriff's Earnings
331	County Clerk's Earnings
332	Circuit Clerk's Earnings
333	Prosecuting Attorney's Earnings
350	IRP Fees
361	Fines, Fees & Court Costs
365	Interest Earned
370	Gaming Income
373	Limited Video Lottery

REVENUE PROJECTIONS – GENERAL FUND (con't)

Please review the Chart of Accounts for a complete listing of various revenue accounts. The Chart of Accounts also includes a brief description of the revenue type along with possible restrictions that may apply to the expenditure of such revenues. A review of the restrictions will assist in the preparation of the budget. A few revenues which are statutorily restricted are:

Account Number	**Description**
305	Coal Severance Tax
306	Gas & Oil Severance Tax
309	Hotel Occupancy Tax
310	Waste Coal Producing Counties
312	Synthetic Fuel Tax
329	Sheriff's Service of Process
368	Confiscated Property
388	Transfer from Other Funds
399	Transfer from Assessor's Valuation Fund

Account #299, Unassigned Fund Balance

In addition to estimating and classifying projected revenues for the upcoming fiscal year, the county commission should also project how much, if any, funds will be carried over from the current fiscal year to the new fiscal year. The carry-over is classified as an Unassigned Balance, account #299. **Conservatism should be exercised when projecting the carry-over balance. Likewise, if a significant carry-over is projected, additional information must be submitted with the budget which explains the reasons for the amount estimated. Finally, any budget submitted with a negative carry-over balance should also be accompanied by a letter of explanation.**

Examples:

Account #366 – Miscellaneous Revenue and **Account #382, Refunds and Reimbursements,** are examples of other accounts that are monitored with respect to the total amount projected for these purposes. Please remember that miscellaneous revenue is only that revenue generated which is not ongoing and/or cannot be properly classified under some other revenue account. Refunds and reimbursements should only include money received for overpayment, return of goods or services from external sources, or from rebates from the LG P-Card Program.

An appropriation in **Account #388, Contributions from Other Funds**, requires the prior approval of the State Auditor. Special funds created under *W. Va. Code § 7-1-9* requires a unanimous decision of the county commission and they must declare that a necessity or emergency exists before funds may be transferred from a special fund to the general fund.

In addition to reporting the projected revenues for the upcoming fiscal year, the county budget document also includes a column for the entity to report the current year's projected revenues. When reporting the current year's projected revenues, please include the impact of any budget revisions made to date.

PROPERTY TAX REVENUE
Certificate of Valuation

Based on a statewide average, property tax revenue generally makes up a majority of the total funds available for current expense. Therefore, property tax revenue is an important revenue source. (This does not take into account the funds generated from special excess levies for specific purposes that are not included in the general county fund nor does it consider revenue generated for bond levies.)

The county assessor is charged with the appraisal and assessment of real and personal property and the board of public works is charged with setting the value for public utility property. Public utility values are certified to the county commission and the clerk of the county commission certifies the values to the ***levying body***. The assessor will certify the value of all real and personal property and the clerk of the county commission will certify the public utility value to each ***levying body*** on or before March 3. In order to facilitate these certifications the assessor and the county clerk jointly certify values on a form prescribed and furnished by the State Department of Tax and Revenue. This form is commonly referred to as the ***Certificate of Valuation***. The certification is addressed to the president of the county commission and signed by both the county assessor and the county clerk. *W. Va. Code § 11-31-6 and W. Va. Code § 11-6-13*

The amounts reported in the various columns on the Certificate of Valuation include:

A. **Total Assessed Value:** This column includes the total assessed valuation by class and purpose; including back tax property, new property and improvement values, incremental values and homestead exempt values.

B. **All Other Exempt Property:** This column includes the assessment of any other exempt property in the county; such as churches and county owned property, etc.

C. **Gross Assessed Value:** This is the amount of value reported in Column A plus the value reported in Column B. All other exempt property must be added to the total assessed value in Column A in order to determine the "gross assessed value" for the county. The gross assessed value is used for determining county classification.

D. **Homestead Exempt Value:** This column breaks down the amount of value reported in Column A that is attributable to homestead exempt property values.

E. **Assessed Value for Tax Purposes:** This column subtracts the amount reported in Column D from Column A. Homestead exempt values must be deducted for tax purposes and budget purposes because the county will not generate tax revenues on homestead exempt values. Column E – Assessed Value for Tax Purposes – is the value used on the county's ***Levy Page*** to project the amount of taxes that will be available for general current expense.

The Certificate of Valuation reports the value by type of property (real, personal and public utility) and by class of property (*Class I, Class II, Class III and Class IV*). The various *classes of property* are defined in the Glossary. A sample Certificate of Valuation appears in the back of this guideline.

PROPERTY TAX REVENUE (con't)

Property Tax Levy Rates

Property tax levy rates and the county's classification are determined by the values certified by the county assessor and county clerk. County classification will be discussed in detail later in this guideline but first we will address property tax levy rates. Generally speaking **West Virginia Constitution Article X**, **Section 1, *W. Va. Code § 11-8-6b, 6c, and 6d*** (current and bond levies), ***W. Va. Code § 11-8-6e*** (current and bond levies) and ***W. Va. Code § 11-8-16*** (excess levies) dictate the maximum levy rates available for current expense levies, bond levies and excess levies. The following chart outlines the maximum current and bonded debt rates as provided by the previous references for state, county, school and municipal levies:

Current & Bond Levies
In Cents per $100 of Assessed Valuation

Purpose	**Class I**	**Class II**	**Class III**	**Class IV**
State	0.25	0.50	1.00	1.00
County Current	11.90	23.80	47.60	47.60
County Debt	0.25	0.50	1.00	1.00
District Debt	2.15	4.30	8.60	8.60
Total County	**14.30**	**28.60**	**57.20**	**57.20**
School Current	21.10	42.20	84.40	84.40
School Debt	0.35	0.70	1.40	1.40
Permanent Improvement	1.50	3.00	6.00	6.00
Total School	**22.95**	**45.90**	**91.80**	**91.80**
Municipal Current	11.00	22.00	n/a	44.00
Municipal Debt	1.50	3.00	n/a	6.00
Total Municipal	**12.50**	**25.00**	**n/a**	**50.00**
GRAND TOTAL	**$ 0.50**	**$ 1.00**	**$ 1.50**	**$ 2.00**

PROPERTY TAX REVENUE (con't)
Property Tax Levy Rates

Maximum Excess Levy Rates
In Cents per $100 Assessed Valuation

Purpose	Class I	Class II	Class III	Class IV
County Excess	7.15	14.30	28.60	28.60
School Excess	22.95	45.90	91.80	91.80
Municipal Excess	6.25	12.50	n/a	25.00

The property tax rates are applied to the values reflected on the Certificate of Valuation to determine the amount to be raised by the levy of taxes. Please note that levy rates should always be stated in a 1:2:4 ratio; that is the Class II rate is two (2) times the Class I rate and the Class III and Class IV rate is four (4) times the Class I rate. A brief explanation of the various types of levies available to county commissions follows:

Bond Levy Rate – A county commission may sell its bonds for such purposes as acquiring, constructing and erecting, enlarging, extending, reconstructing or improving any building, library or museum, or a building or structure for educational purposes, or acquiring a recreation park, civic arenas, auditoriums, exhibition halls and theaters, in an amount not to exceed 2.5% of the total taxable assessed value of property. The county may issue bonds in an additional sum not exceeding 2.5% of the value of taxable property for the purpose of erecting and equipping a courthouse with funds borrowed from the government of the United States or any governmental agency, federal or state. A bond levy put before the voters must receive 3/5 of the votes cast in favor of the bond levy. A bond levy may not extend for more than 34 years. *W. Va. Code § 13-1-1 et seq.*

The bond levy rate must be deducted from the rate available for current expense. Any county interested in bond levies should contact the Municipal Bond Commission and they should seek bond counsel. The Bond Levy is reported on a supplemental levy page; however, the revenue generated is not reported in the general fund because the bond levy distribution is forwarded to the Municipal Bond Commission. *W. Va. Code § 11-8-6b*

Excess Levy Rate – A county commission may provide for an election to increase the levy rates for specific purposes; the levy must receive 60% of the votes cast in favor of the excess levy and the levy may not extend for more than 5 years. **County commissions are encouraged to account for these levies in a special fund; however, excess levies included in the general fund should be reported under account numbers 301-90, 301-91, 301-92, etc.** Excess levies are discussed in detail under a separate guideline which is available on our web page and is also available on disk or the file may be transferred electronically to your email address. *W. Va. Code § 11-8-16 and W. Va. Code § 11-8-17*

PROPERTY TAX REVENUE (con't)
Property Tax Levy Rates

Current Expense Regular Levy Rate – Revenue generated from the current year **regular levy** of property taxes that is available for general current expense. A detailed discussion of the regular levy rate follows:

A. As outlines in the chart of "Maximum Levy Rates" in this guideline, the maximum levy rate for this purpose is Class I – 14.3¢; Class II – 28.6¢; and Classes III and IV – 57.2¢ per $100 of assessed valuation of property. *W. Va. Code § 11-8-6b*

B. County commission is required to make a reduction in the regular current expense levy rate when the appraisal of property value results in a tax increase of more than 101% of the prior year projected property tax revenue. *W. Va. Code § 11-8-6e*

C. County commission is allowed to increase the 101% by a percentage equal to the percent approved by the Property Valuation and Training Commission (PVTC) for the Assessor's Valuation Fund. This percent cannot exceed 2%. The amount generally requested by the county assessor and approved by the PVTC is 2%. Therefore, the rate of levy should produce no more than 103% of the previous year's **projected property tax revenues**. *W. Va. Code § 11-8-6(b)(3)*

D. Increases in value that are a result of the assessor appraising and assessing any new property or improvements are not required to be included in the calculation of a reduced rate. *W. Va. Code § 11-8-6e*

The new levy rate calculation by using the above requirements is known as the **"Reduced Levy Rate**" or the **"Rolled Back Levy Rate"**. The following pages discuss how the county commission makes a determination as to what portion of the certified value is attributable to new property and improvements for purposes of calculating the property tax levy rate for the budgeted year.

PROPERTY TAX REVENUE (con't)

Assessed Values for Calculating the Reduced "Rolled Back" Levy Rate

When the assessor and county clerk certify the **Certificate of Valuation** on or before March 3, they will also certify the valuation excluding the value due to new property and improvements. This certification is referred to as the **Assessed Valuation for Calculating the Reduced "Rolled Back" Levy Rate**. The only difference in the Certificate of Valuation and the Assessed Valuation for Calculating the Reduced "Rolled Back" Levy Rate is the value of new property and improvements. When a comparison is made of the valuation on the Assessed Valuation for Calculating the **Reduced "Rolled Back" Levy Rate form** with the Certificate of Valuation the value on the "Rolled Back" form **should never be higher than the Certificate of Valuation**. There may be cases in personal property and public utility property where the value may be the same; however, the value will never be higher than the value on the Certificate of Valuation. If it is, the assessor should be contacted immediately.

In addition to excluding new property and improvement values from the **"Rolled Back" certification**, the assessor also excludes any value that is attributable to tax increment financing or what is commonly referred to as **incremental value**. The taxes levied on incremental value are distributed directly to the county's tax increment financing fund to pay bonds and /or the cost associated with tax increment financing projects. These funds are not available for current expense. To learn more about tax increment financing, please contact the West Virginia Development Office.

Like the Certificate of Valuation, the Assessed Valuation for Calculating the Reduced "Rolled Back" Levy Rates is certified to the president of the county commission and signed by both the assessor and county clerk. The amounts reported in the various columns include:

A. **Assessed Valuation for Tax Purposes w/o Homestead and Exempt Value:** The amounts reported in this column should mirror those reported on the Certificate of Valuation – Column E.

B. **New Property and Back Tax Property**: The amount reported in this column represents the valuation of any new property and new improvements appraised and assessed by the assessor in the last year. The amount also reflects back tax property values. Back tax property values include the value of property that has been omitted from the land books for several years, therefore; these amounts have been removed from the current year assessed valuation.

C. **Incremental Value:** The difference in the value certified by the county assessor in the base year in which a development area was established and the current assessed value. This value should not be used in the formulas used to calculate the reduced "rolled back" rate for regular current expense levies.

D. **Assessed Valuation for Tax Purposes:** This column is the total of Assessed Valuation for Tax Purposes (Column A) less New Property and Back Tax Property (Column B) and less Incremental Value (Column C).

A sample Assessed Value for Calculating the Reduced "Rolled Back" Levy Rate has been included in the sample forms section of this guideline. Note that the value on the **"rolled back" form** is either the same or less than the Certificate of Valuation.

PROPERTY TAX REVENUE (con't)

Calculating the Reduced "Rolled Back" Levy Rate

The *'Certificate of Valuation'* and the *'Assessed Values for Calculating the Reduced "Rolled Back" Levy Rate'* sheets are in the electronic budget file. These forms along with the *'Calculating the Reduced Levy Rate'* sheet will perform the calculations. See the budget file on the Auditor's website. The actual calculation of the property tax rate and the preparation of the levy page for budget purposes are explained below.

The county commission is required to reduce or roll back the levy rate if the current rate, if used, would generate 101% or more plus a percent for the county Assessor's Valuation Fund. Usually the Assessor's Valuation Fund percentage is 2% but his rate may be lower than 2%. That is, if the projected tax revenues exceed 103%. **(The examples presented in the guideline related to the levy rate calculation will assume that a percentage equal to 2% has been approved by the PVTC for the county assessor.)** *W. Va. Code § 11-8-6e*

The calculation for determining a levy rate that will generate exactly 103% is performed using the **"Rolled Back" Certification** and is calculated as follows:

1. Levy rates are stated in a 1:2:4 ratio. This means that the Class II rate is exactly two times the Class I rate and the Class III and IV rate is exactly four times the Class I rate. In order to maintain this ratio, you must first do a weighting on the values reported on the "Rolled Back" Certification – Column D.

2. Determine the amount of the projected property tax revenues. This amount will be reflected on the **Levy Page** of the current year's budget. **Be careful to use the projected tax revenue or gross taxes levied.** This is the amount of taxes levied before any allowance is made for delinquencies, exonerations, tax discounts or the Assessor's Valuation Fund. Using the net amount to be raised by the levy or the projected tax collection is a common mistake made by levying bodies when making this calculation.

3. Multiply the projected tax revenue by 101% plus the percentage approved for the assessor's valuation fund.

4. Divide this amount by the total weighted assessed value and multiply by 100. This will equal the Class I levy rate.

5. The Class II levy rate is calculated by multiplying the Class I rate by 2 and the Class III and IV rate is calculated by multiplying the Class I rate by 4.

Once the levy rate has been determined the county commission must decide whether they will use the **reduced or "rolled back" levy rate** or if some lower or higher rate is needed.

PROPERTY TAX REVENUE (con't)

Increasing the Reduced "Rolled Back" Levy Rate
Public Hearing Requirements

County commissions are authorized to increase the reduced rate with a public hearing but the rate may not exceed a 10% increase plus a set percent for the Assessor's Valuation Fund or 112% in any given year nor may it exceed the statutory maximums. The maximum limits are Class I – 14.30¢ ; Class II – 28.6¢ ; and Classes III and IV – 57.20¢. Refer to the levy rate chart under Property Tax Levy Rates. *W. Va. Code § 11-8-6b and W. Va. Code § 11-8-6e*

If the county commission decides to increase the reduced rate they must conduct a public hearing. Notice of the public hearing must be published as a class II-O legal advertisement **once a week** for two (2) consecutive weeks. The latest publication must be at least seven (7) days before the actual hearing. Publication is to be in newspapers of general circulation and opposite politics, where available. A notice must also be published outside the section of the newspaper reserved for legal notices and classified advertisements. This notice must be ⅛ page of a standard size newspaper or 1/4 of a tabloid size newspaper and the headline must be no smaller than 24 points.

The county commission is required to hold a public hearing regarding the proposed tax increase and make a decision regarding the levy rate at a public meeting. Both requirements may be accomplished on the same date if the county commission makes a decision on whether or not to increase the levy rate at the public hearing in which they hear comments regarding the tax increase. Most county commissions choose to do the latter given the narrow time frame for adopting the budget.

The county commission is required to provide, at a minimum, the information outlined on the Notice of Proposed Tax Increase. The Notice sets forth seven (7) items along with the name of the entity and the date, time and place that the public hearing will be held and a decision will be made:

1. **Percent of Appraisal Assessment Increase:**
   This percent is determined by subtracting the total assessed value in Column E on the Certificate of Valuation used the previous March from the total reflected in Column D on the current year's "Rolled Back" Certification. Divide the difference by the current year's "Rolled Back" certification and multiply this amount by 100.

2. **Lowered Rate Necessary to Offset Increased Assessments:**
   This is the rate calculated to generate a 103% increase over the previous year's projected tax revenue. It is the "**reduced rate**".

3. **Effective Rate Increase:**
   The **Proposed Rate** is the higher rate that the entity proposes to use instead of a "reduced rate". The higher rate will generate from 103% to 112%. The higher rate may never exceed a 112% increase. **Effective Tax Rate Increase** is the numerical difference in the Proposed Rate (higher rate) and the Reduced Rate (lower rate). **Percentage of Increase** is the difference in the higher and lower rate divided by the lower rate. This amount is then multiplied by 100.

PROPERTY TAX REVENUE (con't)

Increasing the Reduced "Rolled Back" Levy Rate
Public Hearing Requirements

4. Revenue Produced Last Year:
This is the projected tax revenues from the levy page of the budget that was prepared in March of the previous year or, in other words, the current year budget. The projected tax revenue is the "gross" taxes levied before allowances are made for delinquencies, exonerations, tax discounts and the Assessor's Valuation Fund.

5. Revenue Projected Under the Effective Rate Increase:
This is the difference in the gross taxes levied using the reduced or lowered levy rate and the proposed or higher levy rate. The taxes should be extended using Column E or the Certificate of Valuation.

6. Revenue Projected from New Property or Improvements:
To determine this amount you must first subtract the R**olled Back Certification** by class from the Certificate of Valuation by class. The difference in the value is the value of new property and improvements. The taxes should be extended on the amount of the difference using the proposed higher levy rates.

7. General Areas in Which Revenue is to be Allocated:
The county commission should indicate the purpose or use of the additional revenue.

A sample worksheet for Calculating the Rate for Proposed Tax Increase and a sample Notice of Proposed Tax Increase can be found in the sample section of this guideline. The samples use the values reflected on the same Certificate of Valuation and Assessed Values for Calculating the Reduced "Rolled Back" Rates also included in the sample section of this guideline.

A form for preparing this notice is included in our electronic Budget file.

THE LEVY PAGE and
THE LEVY ORDER AND RATE SHEET

These forms are part of the electronic Budget file and will perform all calculations for preparing these forms when all required information is entered.

The levy page sets forth the total taxable assessed valuation from the Certificate of Valuation (Column E), the calculated property tax levy rate for regular current expense, the taxes levied by class and type of property including the total projected (tax) revenue (gross taxes levied), allowances for delinquent taxes, exonerations, uncollectable taxes, tax discounts, the allowance for Tax increment Financing, the projected tax collection, the Assessor's Valuation Fund and the net amount to be raised by the levy for budget purposes.

The excess levy and the bond levy are reported separately on a supplemental levy page. It is the recommendation of this office that excess levies be maintained in separate funds and not be included in the general fund for accounting and bookkeeping purposes. Bond levies are maintained in a separate fund and forwarded directly to the Municipal Bond Commission for the payment of principal and interest on the bonds. Generally speaking, several provisions of statute apply only to regular current expense levies, for example, the allowance for the Assessor's Valuation Fund and Tax Increment Financing. For these reasons, each type of levy authorized by the county commission should be reported on separate supplemental levy pages.

The prescribed Levy Order and Rate Sheet will follow the same format as the Levy Page. When the commission enters their order on the 3rd Tuesday in April to officially lay the levy they will enter an order for each excess levy they have been authorized to levy by a vote of the people and approved by the State Auditor.

A sample Levy Page appears in the sample section of this guideline along with a sample Levy Order and Rate Sheet. Both forms are outlined as follows:

OUTLINE OF THE LEVY PAGE

First Line:

Includes the name of entity.

First Column:

Includes the various types of property by class of property; that is personal property, public utility property and real estate property by Class I, Class II, Class III and Class IV.

Second Column:

The values reflected in this column should be the values as certified by the assessor and the clerk on the Certificate of Valuation (Column E). This is the value used for tax purposes.

THE LEVY PAGE and
THE LEVY ORDER AND RATE SHEET (con't)

The property tax levy rate calculated and adopted by the county commission appears in cents per $100 of assessed valuation. If the county commission adopts a levy rate that exceeds a 103% increase over the previous year's projected revenue, the clerk of the county commission must certify that according to the county commission's formal record, a Notice of Public Hearing was made and a hearing was held on the proposed tax increase. This requirement is accomplished by submitting the "Certification of Notice and Public Hearing" form signed by the clerk of the county commission with the budget document to the State Auditor.

Third Column: Levy Rate/$100

Fourth Column:

Taxes levied – The rate of levy in the third column is extended on each type and class of property value reported in the second column to determine the taxes levied.

Total Value & Projected Revenue:

The total value is the total value of Class I, II, III and IV reported in column two. The **Total Projected Revenue** is the total taxes levied on Class I, II, III and IV taxes reported in column four. This is the "**Gross**" amount of taxes levied before allowances for delinquencies, exonerations, uncollectable taxes, tax increment financing and the Assessor's Valuation Fund. The Total Projected Revenue is the amount used in the calculation of a levy rate.

Less Delinquencies, Exonerations & Uncollectable Taxes:

This is the allowance made for delinquencies, exonerations and uncollectable taxes. Generally county commissions estimate between 2.5% and 7% of the Projected Tax Revenue or "Gross" revenue as an estimate for this allowance. However, it is recommended that the county commission discuss the amounts that have been historically uncollected with the sheriff's tax office in order to make a reasonable estimate. Once these amounts have been determined, dividing the sum of the amounts for delinquent taxes, exonerations and uncollectable taxes by the Projected Tax Revenue and multiplying this amount by 100 will give you the percent to be used for this allowance. Applying the percent to the Projected Tax Revenue or the "Gross" taxes levied should give you an amount equal to the total allowance. **The allowance should be subtracted from the Projected Tax Revenue before the allowance for Tax Discounts is calculated.**

Less Tax Discounts:

A taxpayer may receive up to a 2.5% discount on their property tax obligation if the first half taxes are paid by September 1 and the second half taxes are paid by March 1. Therefore, an allowance should be made to allow for those taxpayers taking advantage of the tax discount. Generally, county commissions estimate between 1% and 2%. Again, it is recommended that the county commission discuss this allowance with the sheriff's tax office to assist them with making a reasonable estimate. The Levy Page does not include a line to report the net of Projected Tax Revenue "Gross" minus the allowance for delinquent, exonerated or uncollected taxes. **Please remember, when calculating the allowance for Tax Discounts, the percent should be applied to the net of the Projected Tax Revenue "Gross" minus the allowance for delinquencies, exonerations and uncollectable taxes.**

THE LEVY PAGE and
THE LEVY ORDER AND RATE SHEET (con't)

Example:

Projected Tax Revenue	1,866,548
Less Delinquencies, Exonerations & Uncollectable Taxes:	93,327
Net: This is the Projected Tax Revenue minus (-) Delinquencies, Exonerations & Uncollectable Taxes:	1,773,221*
***This amount is not actually reported on the Levy Page, however, It should be the amount used to apply the percent for the allowance on tax discounts.**	
Less Tax Discounts: (1,773,221 x 2%)	35,464

Less Allowance for Tax Increment Financing:

As discussed earlier, tax increment financing applies to regular current expense levies only and applies only in those counties that have taken the steps to establish a tax increment financing development area which has been approved by the West Virginia Development Office. If your county has an approved tax increment financing development area, then it will be necessary to determine the amount of taxes levied that will be distributed to the tax increment financing fund to pay the principal and interest on any bonds that have been issued and/or the costs associated with tax increment financing projects. This may be accomplished by extending the taxes using the assessed value reported on the "Rolled Back" Certification – Column C. This column reflects the incremental value. Taxes will be levied on this value and distributed to the tax increment financing fund. Simply apply the adopted property tax rate for the regular current expense levy to the value reported under Column C of the "Rolled Back" Certification. You will note that the Worksheet for determining the allowance for the tax increment financing fund is set up similar to the levy page. Once the taxes have been extended and the proper allowances made, transfer the amount reflected on the line titled "Allowance for Tax Increment Financing" to the Levy Page.

Total Projected Property tax Collection:

This is the amount projected to be collected on behalf of the county commission after allowances for delinquencies, exonerations, uncollectable taxes, tax discounts and tax increment financing. This is the amount in which the percent approved by the Property Valuation and Training Commission (PVTC) for the county assessor's valuation fund is applied. *W. Va. Code § 11-1C-8* states that the sheriff shall distribute an approved percent of the **projected property tax collection** to the assessor's valuation fund.

THE LEVY PAGE and
THE LEVY ORDER AND RATE SHEET (con't)

Less Assessor Valuation Fund:

This is the amount of the taxes levied that will be distributed directly to the assessor's valuation fund by the county sheriff and will not be available for current expense. The percent approved by the PVTC is applied to the **Projected Property Tax Collection**.

Net Amount to be Raised by Levy of Property Tax for Budget Purposes:

This amount should be carried to the revenue section of the Budget document, account #301-01 Property Taxes – Current Year. This amount is net of all allowances for taxes that will be available to the county commission for current expense.

OUTLINE OF THE LEVY ORDER AND RATE SHEET

The primary difference in the Levy Page of the Budget document and the Levy Order and Rate Sheet is that the Levy Order and Rate Sheet provides an area at the top of the form for the clerk of the county commission to certify the actions taken on the 3rd Tuesday in April by the county commission. The certification is as follows:

The following is a true copy from the record of orders entered by the entity on the _____ day of April _____.

Signature: _____, Clerk of the County Commission

EXPENDITURES

Note that the amounts reported in the Budget document that is submitted to the State Auditor for review and approval only reflects the total for each department. This means that once the budget proposal for each elected official and department has been reviewed and approved by the county commission, it is only necessary to pick up the total of all objects of expenditure for each department (account) to prepare the Budget submitted to the State Auditor. Projected expenditures are reported for the upcoming fiscal year and the current fiscal year for comparison purposes. Expenditures for the current fiscal year, like revenues, should be reported as revised to date.

County expenditures are broken down into five broad categories:

General Government

Includes the elected officials' general operating accounts, courthouse, other buildings, community, economic and industrial development, building inspection, planning and zoning and grants (Accounts # 401 – 600). **Contingencies, account #699, is not an expenditure account.** This account is used to report an appropriation for unexpected or unknown expenditures. **Money must be transferred to a department prior to expenditure for the contingencies account.** The amount appropriated for contingencies should not exceed 10% of the total budget.

Public Safety

Includes the sheriff's law enforcement and service of process operating accounts, regional jail, fire protection and ambulance expenditures. (Accounts # 700 – 799)

Health and Sanitation

Includes the health department, mental health, vital statistics, sewer, water, garbage and recycling. (Accounts # 800 – 899)

Culture and Recreation

Includes parks, swimming pools, 4-H Camp, fairs, visitor's bureau and libraries. (Accounts #900 – 949)

Social Services

Includes senior citizens, public transit, homeless shelters and cemeteries. (Accounts #950 – 959)

EXPENDITURES (con't)

Capital Projects

These accounts are to be used for reporting amounts budgeted for purchase of assets that are to be capitalized and depreciated over time. These items are generally large ticket items such as automobiles. The county commission is charged with establishing a capitalization criterion for the various assets purchased by the county. The Capital Projects categories include an account for each elected official and various other departments that have illustrated a need to purchase capital assets. Note that the Capital Projects category also includes an assignment of an account number for each of the broad categories: general government account #960, public safety account #961, health and sanitation account #962, culture and recreation account #963 and social services account #964. These accounts may be used for departments that have not otherwise been assigned. (Accounts # 960 – 999)

The Budget:

Expenditures for the general fund and the coal severance fund are reported for each account on the same page. **Please keep in mind that revenues and expenditures for the General and Coal Severance Tax Funds must balance.**

Several analyses are made on expenditure appropriations. **Generally, a review of the appropriation for each elected official is compared to the current year budget. The county commission may be asked to provide additional information or support for a particular funding level if the budget of an elected official has been reduced**. In addition the following amounts are also confirmed:

- **Salaries and commissions** based on the county's classification is confirmed for all elected officials. *W. Va. Code § 7-7-4*

- **Accounts # 406 & 977**, **Assessors' Office** is funded at a level equal to or greater than the funding provided for the fiscal year ending 1991. *W. Va. Code § 11-1C-8(c)(2)*

- **Account # 407**, **Assessor's Valuation Fund**: When this fund appears in the county's general fund it must be used for payroll expenses only. Any and all other expenses of the valuation fund must be paid directly from the Assessor's Valuation Fund, fund number 056. **The amount appropriated under account #407 for this purpose must equal the amount reported under account #399, Transfers from County Assessor's Valuation Fund.**

- **Account #408**, **Statewide Computer Network** has been sufficiently funded at a level set by the Department of Tax & Revenue. *W. Va. Code § 11-1A-21 Legislative Rules Title 110 Series 2*

- **Accounts # 701 & 995**, **Sheriff's Service of Process** is at least equal to the revenue projected to be generated for this purpose under account #329, Sheriff's Service of Process Fees. *W. Va. Code §59-1-14*

EXPENDITURES (con't)

- The premium for the **Prosecuting Attorney's Institute** has been sufficiently funded at a level based on the county's assessed value. *W. Va. Code § 7-4-6*

- The premium to the **Regional Development Authority** has been sufficiently funded at a level set by the Authority under *W. Va. Code § 8-25-12.*

The Uniform Chart of Accounts includes a detailed description of all accounts. In addition, some accounts include restrictions.

In addition to reporting the projected expenditures for the upcoming fiscal year, the county budget document also includes a column for the entity to report the CURRENT year's projected expenditures. When reporting the current year's projected expenditures, please include the impact of budget revisions made to date.

Objects of Expenditure

Objects of expenditure are descriptive line items which support the appropriation for each department reported in the Budget document and on the county's books. Objects are broken down into five broad categories:

Personal Services:

Includes but is not limited to the expense associated with salary and wages of elected officials and employees, official's supplemental salaries, FICA tax, group insurance, retirement expense, overtime, extra help and other fringe benefits.

Contractual Services:

Includes but is not limited to the expense associated with telephone service, printing, utilities, travel, maintenance and repair of building and grounds, equipment, and automobiles, postage, building and equipment rents, advertising and legal publications, training and education, dues and subscriptions, professional services, audit costs, insurance and bonds and contractual services.

Commodities:

Includes but is not limited to the expenses associated with materials and supplies, record books, automobile supplies, feeding prisoners, uniforms, and charges by other funds, and charges from other entities.

Capital Outlay:

Includes but is not limited to the costs associated with the acquisition of land, buildings, other improvements and equipment.

Contributions/Transfers:

Is broken down by contributions and/or transfers to other funds, other governmental entities and other contributions/transfers.

EXPENDITURES (con't)

Budget Proposals of Elected Officials

The Budget Proposal for Elected Officials and Department Heads includes the objects of expenditure that are typically used. The Uniform Chart of Accounts includes a complete listing of the various objects under the above referenced categories along with an assigned object number for each type of expenditure.

Each elected official is required to provide a written request for appropriation to the county commission prior to March 2. *W. Va. Code § 7-7-7*

The **Budget Proposal** is a detailed request for appropriation based on a prescribed list of **objects of expenditure** that are classified under four broad categories: personal services, contractual services, commodities and capital outlay. These categories make up the operating budget of the elected official or department. Objects of expenditure are discussed in more detail later in this guideline. The elected official/department has also been assigned a "Capital Projects" account number (90 series). This account is used to report budgeted amounts for assets that will be capitalized and depreciated over time. These items are usually large ticket items that meet the county commission's capitalization criteria; for example, automobiles and trucks. Please refer to the Chart of Accounts for a complete listing of the various objects of expenditure with descriptions. Generally speaking, the operating budget for each elected official is reported in the 400 series and their capital project accounts are reported in the 900 series of the expenditure section of the Chart of Account. The sheriff's law enforcement operating budget falls under the 700 series.

In addition to the historical data provided on the Budget Proposal, the form also includes an area for the elected official or department head to formally provide the commission with the required **"detailed request for appropriation"**. There is also a column for the county commission to indicate the amounts approved for each object of expenditure. The Budget Proposal should include the signature of the elected official or department head bringing the proposal before the commission along with the approval signatures of the county commission. Please keep in mind that the information provided on the Budget Proposal is a minimum requirement and should not limit the official's ability to provide additional information that supports the requested level of appropriation.

Once the county commission has reviewed the information the official provides to support their Budget Proposal, and the commission has given consideration to that Budget Proposal and officially adopted the Budget, **a copy of the official's budget proposal, as approved and adopted by the county commission, should be provided to each elected official**. A copy of the official's approved budget should be provided to each official when the commission submits the Budget to the State Auditor for approval. **The county commission may not alter the amount approved for each elected official after the Budget has been adopted without the prior approval of that elected official.**

The county clerk, circuit clerk, joint clerk of the county commission and circuit court, if any, sheriff, county assessor and prosecuting attorney should fix the compensation of their assistants, deputies and employees based on the total amount of money designated for expenditure for their respective offices by the county commission and the amount expended should not exceed the total expenditure designated by the county commission for each office. *W. Va. Code § 7-7-7*

EXPENDITURES (con't)

Budget Proposals of Elected Officials

After fixing the amount to be paid to each assistant, deputy and employee, the county official is required to file prior to June 30 with the clerk of the county commission a budget statement for the ensuing fiscal year. This statement should include the name, or the designation if then vacant, of each of his assistants, deputies and employees, the period of time for which each is employed, or is to be employed if the position is then vacant, and the monthly or semi-monthly compensation. The statement may be filed as early as March 29, but not later than June 29.

The Budget document also includes a section on the bottom of the expenditure page which contains supplementary information that the county commission is required to report.

The commission is statutorily required to fund certain items in the budget at a required level of funding that cannot be readily ascertained by a review of the departmental accounts. Therefore, the commission must also report the amounts included in the budget for:

- **Premiums to the Prosecuting Attorney's Institute**

- **Audit Costs**

- **Gas and Oil Severance Tax**
  The State Auditor is required to submit a consolidated budget report to the Legislature on or before December 15 of each year. This report provides the projected revenues and expenditures for the general fund, coal severance tax fund and gas and oil severance tax. The gas and oil severance tax is included in the general fund; therefore we cannot readily ascertain the proposed expenditures from this revenue source. For this reason, we ask that you complete the supplementary information on the schedule provided in the budget document which outlines the projected gas and oil severance tax revenue reported in account #306 of the budget document AND the proposed expenditure of gas and oil severance tax revenues by category only. Please keep in mind that the projected gas and oil severance tax revenues and expenditures must be in balance.

- **Chart for Transfers to Account #388** – Transfer from other Funds
  Transfers from some special revenue funds are restricted. Therefore in order to identify the transfers from other funds, the Chart for Transfers from other funds must be completed, listing funds transferred from, and the amount. This amount must equal the amount that is posted to Account #388.

SUPPLEMENTAL INFORMATION

Roster Sheet
This roster includes the name of the county, mailing address, when the commission meets, courthouse hours, phone numbers, fax numbers and email addresses. In addition to this information, we ask that you also provide the **names of those persons authorized to sign budget revisions AND the name(s) to contact regarding the budget, their title, phone and fax numbers and email address.**

Certification and Recap Sheet
The Certification and Recap Sheet contains charts for a summary of the revenues and expenditures by categories. This worksheet also asks that the county provide the basis of accounting for the budget. Last on this worksheet is the certification that needs to be signed by the county clerk.

1. **Revenue Recap**
   This chart asks for a summary of the revenues by the following categories:
   a. Beginning Balance, July 1st
   b. Taxes
   c. Other Taxes
   d. Licenses & Permits
   e. Intergovernmental
   f. Charges for Services
   g. Fines
   h. Interest
   i. Miscellaneous
   j. Transfers

2. **Expenditures Recap**
   This chart asks for a summary of the expenditures by the following categories:
   a. General Government
   b. Transfers
   c. Public Health
   d. Health & Sanitation
   e. Cultures & Recreation
   f. Social Services
   g. Capital Projects

The Revenue Recap chart totals must equal the Expenditure Recap chart totals because West Virginia counties are required to have a balanced budget.

SUPPLEMENTAL INFORMATON (con't)

3. **Basis of Accounting**
   County budgets are generally submitted using one of the following basis of accounting:
   a. Cash Basis
      Cash basis of accounting is the amount of actual money that will be received during the fiscal year and the actual expenses that are expected to be paid.
   b. Modified Accrual Basis of Accounting except OPEB
      This basis of accounting includes sixty (60) days of payables and the estimated taxes receivable along with the current receivables and payables. This would include 60 days of payables. The current liability, Other Post Employees Benefits, has been excluded from the budget for most entities.

4. **Certification of Budget**
   The clerk of the county commission must certify that the budget is a true copy from the record of orders made and entered by the county commission. This certification attests that the budget is a true and actual copy of the actions taken by the county commission in the adoption of the budget. The certification does not attest that the budget is accurate or in compliance with statute.

Publication of the Budget Document

The county clerk shall **publish the budget statement forthwith**. "Forthwith" is defined to mean "as soon as practicable". Therefore, once the county commission adopts the budget, the clerk should certify the budget and forward the budget to the State Auditor (prior to March 29) and cause the budget to be published immediately. The intent of the statute is to allow the public an opportunity to review the actions taken by the county commission so that they may voice any objections they may have at the meeting on the 3rd Tuesday in April when the commission reconvenes to hear and consider objections to the levy budget.

The budget should be published as a Class II-O legal advertisement which means it should be published once a week for two (2) consecutive weeks in two (2) newspapers of general circulation and of opposite politics published in the area. If the area has just one such newspaper, then publish in only that one. The budget must be published for two (2) consecutive weeks; therefore, if the county commission does not adopt the budget until March 28 there is a very tight time frame in which to publish the budget; that is between March 28 and the 3rd Tuesday in April.

It is recommended in order to cut down the publication costs that all line items not presented in the budget should be struck from the publication. Any items used but not included on the sample should be added. In addition to revenues and expenditures, **this publication should also include a copy of the Levy Page for Regular Current Expense Levy, any Levy Page Supplements for Excess, Bond or Permanent Improvement Levies and the clerks' certification statement.**

SUPPLEMENTAL INFORMATON (con't)

LEVY ORDER AND RATE SHEET

As discussed earlier, the prescribed Levy Order and Rate Sheet will follow the same format as the Levy Page. That is, when the commission enters their order on the 3rd Tuesday in April to officially lay the levy they will enter an order for each type of levy they have been authorized to levy by a vote of the people and approved in writing by the State Auditor. IT WILL ONLY BE NECESSARY TO SUBMIT THE ORIGINAL COPY OF THE LEVY ORDER AND RATE SHEET ON STANDARD PAPER to the Auditor's office.

The county court shall, when it reconvenes upon the 3rd Tuesday in April, hear and consider any objections made orally or in writing by the prosecuting attorney, by the tax commissioner or his representative or by any taxpayer of the county, to the estimate and proposed levy or to any item thereof. The court shall enter of record any objections so made and the reasons and grounds therefore. *W. Va. Code § 11-8-10a*

The failure of any officer or taxpayer to offer objections shall not preclude him from pursuing any legal remedy necessary to correct any levy made by any fiscal body under this article.

The court, after hearing objections, shall reconsider the proposed original estimate and proposed rates of levy, and if the objections are well taken, shall correct the estimate and levy. No such estimate and levy, however, shall be entered until the same shall have first been approved, in writing, by the State Auditor. When the same shall have been approved by the State Auditor, the clerk shall then enter the estimate and levy, together with the order of the court approving them and the written approval of the State Auditor thereof, in the proper record book.

The county commission shall then levy as many cents per hundred dollars' assessed valuation on each class of property in the county or its subdivisions, as the case may be, as will produce the amounts, according to the last assessments, shown to be necessary by the statement in the following order:

First, for the bonded debt and for the contractual debt not bonded, if any, of the county incurred prior to the adoption of the Tax Limitation Amendment;

Second, for the bonded debt and for the contractual debt not bonded, if any, of any magisterial or special taxing district for which the county court is required to lay the levy;

Third, for general current expenses of the county.

The only difference in the Levy Page of the budget document and the Levy Order and Rate Sheet is that the Levy Order and Rate Sheet provides an area at the top of the form for the clerk of the county commission to certify the actions taken on the third Tuesday in April by the county commission. For example:

The following is a true copy from the record of orders entered by the entity on the _____day of _____.
Signature: _____ Clerk of the County Commission

A sample Levy Order and Rate Sheet appears in the form section of this guideline.

BUDGET CONTROL REPORTS

Each county government is required to maintain a budget control report. The report should include the fund type, an account description, account number and category, the amount budgeted July 1, and any approved revisions to the budgeted amount, the amount received or expended to date and the balance for the period ending.

The entity may use their own form or a computer program to prepare the budget control report, as long as the report contains at least the information provided in the sample by revenue source and objects of expenditure for each expenditure account.

The county commission, through their clerk, should monitor the budget using the budget control report. The county commission and/or other elected officials and department heads should be notified when an object of expenditure is in danger of being over expended so that the proper adjustments may be made to the account through the budget revision process outlined in this guideline.

Please Note: The budget control report is not submitted to the State Auditor's office; however, this does not eliminate the requirement for maintaining this type of information for bookkeeping and account purposes and for monitoring or tracking the budget.

REVISING THE BUDGET

The State Auditor, by uniform regulations, provides for the revision of the budget of the county commission to permit expenditures for purposes for which no appropriation or an insufficient appropriation was made. **The revision must be made prior to the obligation and expenditure of funds and with the prior written approval of the State Auditor.** *W. Va. Code § 11-8-26a*

The clerk of the county commission, through the bookkeeping and accounting records, should alert the county commission and/or other elected officials and department heads when an object of expenditure is in danger of being over expended. This may be accomplished by providing the official with a copy of the **Budget Control Report**. See section on Budget Control in this guideline.

The following pages should facilitate the preparation of the budget revisions for county commissions, elected officials and department heads. While many questions may be answered with a careful review of the material, it is difficult to anticipate all questions that may arise. Please feel free to contact this office at any time if we may be of further assistance.

Budget Revision Guideline

1. County commissions are charged with the fiscal authority for their counties, which includes the responsibility of preparing and revising the budget.

2. **Elected officials and department heads may not transfer funds from one item of their budget to another item without approval of the county commission.** They may not solicit approval directly from the State Auditor to revise their budget.

3. A county commission should be prepared to provide reasonable support as to why an elected official's request to revise his/her budget was denied.

   The following accounts are under the control of the elected official and their budget accounts may not be altered without the request or authorization of the elected official:

402 & 975	County Clerk
413	Elections – County Clerk
403 & 976	Circuit Clerk
414	Elections – Circuit Clerk
404 & 979	Sheriff –Treasurer
405 & 978	Prosecuting Attorney
406 & 977	Assessor
407	Assessor's Valuation Fund
700 & 980	Sheriff-Law Enforcement
701	Sheriff – Service of Process
702 & 981	County Jail – Reimbursable Jail Costs
703	County Jail – Non-reimbursable Jail Costs

REVISING THE BUDGET (con't)

4. All expenditures of a department are to be **budgeted, properly classified and charged to that department**. Particular attention will be given to the budget accounts of elected officials to ensure that funds have been allocated for the operation of their offices. For example, funding should be included in each elected official's budget for, but not limited to salaries, including benefits and overtime, travel, training, materials and supplies and record books. *W. Va. Code §6-9-3*

5. The county commission must ensure that an adequate budgetary appropriation exists in an object of expenditure under a department, **prior to the obligation or expenditure of funds**.

6. Budget revisions require a record of **formal action** taken by the county commission and therefore, must be acted upon during a regular or special session of the county commission; therefore, revisions to the budget should appear on the agenda of the county commission meeting.

7. The budget revision request should be typed. Budget revisions must be submitted on the form provided by the Auditor's Office. The revision is to be forwarded to the Local Government Services Division, 200 West Main Street, Clarksburg, WV 26301 for approval. A copy should be retained by the county commission for their record.

   A. **CONTROL NUMBER**:
   FY is the fiscal year for which the request to revise the budget applies
   FUND is 01 General or 02 Coal Severance
   REV. NO. is the number of cumulative budget revisions related to each fund
   PG OF NO. means this page of the budget revision is "Page 1 OF the total number of pages". For Example: Page 1 of 3, Page 2 of 3 and Page 3 of 3

   B. This area is reserved for the **name and address** of the county commission.

   C. Please include the name, telephone number and fax number of the person to contact if any questions arise regarding the budget revision.

   D. **REVENUES**: The top half of the budget revision form should be used by the county commission to report any REVENUE accounts to be adjusted.

      1. **Account Number** is the 3-digit number of the revenue account and any sub account number; for example: Current Year Property Tax would be 301-01. The Auditor's Office does **NOT** deal with sub accounts so unless it is a 301 account that has -01 to -99 after it, please do **NOT** include sub accounts with the 3-digit account number.

      2. **Account Description** should reflect the name of the account; for example: The Account Description for 301-01 would be Property Tax-Current Year and for 299 the account description would be Unassigned Fund Balance.

      3. **Previously Approved Amount** is the amount originally approved by the State Auditor's Office plus any budget revisions approved by the State Auditor prior to the budget revision under consideration.

REVISING THE BUDGET (con't)

4. **Increase** should reflect the amount to be added to the account.

5. **Decrease** should reflect the amount to be subtracted from the account.

6. **Revised Amount** should reflect the equivalent of:

   Previously Approved Amount + Increase = Revised Amount
   OR
   Previously Approved Amount – Decrease = Revised Amount

7. Must reflect the **net** effect of increases/decreases to revenues.

E. **EXPENDITURES**: The lower half of the budget revision form should be used by the county commission to report any EXPENDITURE accounts to be adjusted.

1. **Account Number** is a 3-digit number of the expenditure account; for example: the 3-digit account number for the county clerk would be 402.

2. **Account Description** should reflect the name of the account; for example: The account description for #424 would be Courthouse and for #442 the account description would be Federal Grants.

3. **Previously Approved Amount** is the amount originally approved by the State Auditor plus any budget revisions approved by the State Auditor prior to the budget revision under consideration.

4. **Decrease** should reflect the amount to be subtracted from the account.

5. **Increase** should reflect the amount to be added to the account.

6. **Revised Amount** should reflect the equivalent of:

   Previously Approved Amount – Decrease = Revised Amount
   OR
   Previously Approved Amount + Increase = Revised Amount

7. Must reflect the **net** effect of increases/decreases on expenditures. **Revenues and expenditures must balance.**

NOTE: Budget revisions which involve adjustments to accounts too numerous to list on the budget revision form should be listed on a **supplemental budget revision form, located on a tab on the bottom of the form from our website**. The supplemental form may be used for the listing of revenue or expenditure accounts. This form is also available in excel format.

REVISING THE BUDGET (con't)

F. **Authorized Signature for Governing Body – Entity Approval Date**
Each budget revision should include the signature of the person whose name appears on the original budget submitted to the State Auditor for approval in March. This person's name appears on the roster of the budget on file with the State Auditor. The Entity Approval Date is the date of the county meeting in which the budget revision was on the agenda and should correspond with the date reflected on the resolution.

G. **Approved by the State Auditor**: Reflects the signature of the person who has authority to approve budget revisions from the State Auditor's Office. **DO NOT SIGN IN THIS AREA**.

8. **Resolutions/Orders:** Budget revisions require a record of formal action taken by the county commission and therefore must be acted upon during a regular or special session of the county commission. Budget revisions must be accompanied by the resolution or order of the county commission approving such revision. The resolution/order must include:

   A. The name of the county commission
   B. The date of the meeting in which the budget revision was on the agenda
   C. The fund to be revised (general or coal severance)
   D. The statement that the request to revise the budget is **"PRIOR TO THE EXPENDITURE OF OBLIGATION OF FUNDS"**
   E. The commission who moved and seconded the budget revision to be approved
   F. The yes or no vote of the commission
   G. The person authorized to sign the budget revision form

9. Budget revisions will not be approved by the Auditor's Office for a county commission that has not satisfactorily responded to the issues of noncompliance or the request for additional information outlined in the county's **"Conditional Approval of the Levy Estimate-Budget"**.

10. If an object of expenditure is deficient, first determine if there is any way to make adjustments within the previously approved expenditure account, so that the original appropriation approved in the levy estimate will be sufficient without a transfer of funds from one account to the deficient account. For example:

	Approved Amount
Account #404 – Sheriff – Tax Office	$ X,XXX
Object of Expenditure #459 Capital Outlay – Equipment	$ X,XXX

11. A revision to the coal severance fund must be made by July 15 to bring into the current year's budget the actual amount of assigned fund balance (acct. #298) from the previous year. *W. Va. Code § 11-13A-6* For whatever reason, if the county finds that the fund balance has changed from the amount that was reported on the fund balance budget revision that was submitted by July 15, you may revise the fund balance again to correct the error.

REVISING THE BUDGET (con't)

12. A revision to bring in the actual amount of carry-over or unassigned fund balance (acct. #299) in the general fund should be submitted by July 30. This amount should include balances in checking accounts, savings accounts, investments, etc. For whatever reason, if the county finds that the fund balance has changed from the amount that was reported on the fund balance budget revision that was submitted by July 30, you may revise the fund balance again to correct the error.

    Under the modified accrual basis of accounting, the fund balance should also include all other assets and liabilities as of June 30. This includes taxes receivable and an off-setting deferred revenue liability account for that portion of taxes receivable which will be collected within 60 days. All other delinquent taxes estimated to be received should be brought into the budget under account #301-02/05 – Prior Year Taxes, instead of #299 – Unassigned Fund Balance.

13. Make only **one entry** per account; that is the **net effect** of **all increases/decreases** to that single account.

14. **State account numbers in numerical order**. Budget revisions submitted with accounts not listed in numerical order are subject to be returned to the entity.

15. **Assignment of account numbers**: Account numbers are assigned by the State Auditor's Office Local Government Services Division only. Refer to the Uniform Chart of Accounts for assigned numbers OR the most current Budget document.

16. Amounts must be state in whole dollars; **DO NOT USE CENTS**.

17. Budget revisions for the **general** and **coal severance** fund must be submitted on **separate forms.**

18. **Budget revisions must balance**. Net change to revenues must equal the net change of expenditures.

19. Year End Budget Revisions: No budget revisions will be accepted at the end of the fiscal year which cannot be reviewed, posted approved and RETURNED TO THE COUNTY COMMISSION PRIOR TO JUNE 30. This means that the entity should submit its last revision no later than June 15, except in emergency situations.

20. Budget revisions made for the obvious purpose of bringing all line items into balance at the end of the year after the expenditures have been made will not be approved by this office. The county commission must set up budgetary controls to ensure that such year-end corrections of line items which have been over expended do not occur.

21. **Emergencies**: Budget revisions must be made prior to the obligation and expenditure of funds and with the prior approval of the county commission and the State Auditor, except in the following circumstances:

REVISING THE BUDGET (con't)

In the event it becomes necessary to make an emergency purchase for an unanticipated expense and there is not sufficient time to obtain the prior approval of the county commission or State Auditor due to the urgent nature of the purchase, make the purchase and then make a budget revision request to rectify the action taken. In such instances, the resolution should state that the revision is being made to adjust the budget for emergency purchases, and it should also indicate the circumstances which required such emergency purchases.

PLEASE NOTE THAT, GENERALLY, EMERGENCY CIRCUMSTANCES ARE VIEWED AS THOSE CONDITIONS WHICH ARE LIFE THREATENING OR FINANCIALLY SIGNIFICANT.

22. Budget revisions for account #301-01, Property Taxes – Current Year, which are the result of the county commission having received an amended certificate of valuation from the assessor, must be accompanied by a new levy page and a copy of the amended certificate of value. Please note that if the difference in the taxes levied is not a material amount, the county commission may make an adjustment for the difference in uncollectable so that the new amount to be raised by the levy of property taxes remains unchanged. This action would not require a revision to the budgeted revenues. However, the entity should still submit a new levy page reflecting the amended values, adjustments, and a copy of the amended certificate of valuation.

23. **Special Funds:** County commissions are authorized to create, by proper order, special funds for specific purposes. They are authorized to allocate funds raised by tax levies, and transfer unexpended or surplus money in the county general fund to a special fund. Expenditures must be made only for the purpose for which the special fund was created. However, in the event of a necessity or emergency the county commission, by **unanimous vote and with the approval of the State Auditor**, may transfer money from the special fund to the county's general fund. When the purpose for which the special fund has been accomplished or completed, the county commission may transfer any balance remaining to the general county fund. *W. Va. Code § 7-1-9*

    The request to transfer money from the special fund to the general county fund should include the following:

    A. Unanimous decision of the commission with the signatures of all commissioners
    B. Indicate the nature of the emergency or necessity
    C. Indicate that no other funds are available for the purpose
    D. Indicate the purpose for which the special fund was originally created and the balance currently in the fund
    E. Transfer must be requested and approved in writing from the State Auditor in advance of the obligation or expenditure of funds

    Revenue account #388, "Transfers from Other Funds" was established to facilitate the transfer of monies from special funds created by the county commission to the county's general funds.

REVISING THE BUDGET (con't)

Any county including budgeted amounts in account #388 should enclose a copy of the written authorization from the State Auditor with the budget. In addition, any budget revision made during the fiscal year to the general fund budget which reflects a contribution from a special fund should also be accompanied by a copy of the State Auditor's written request.

24. **Reimbursements** from a special fund created for a specified purpose must be reflected under a descriptive revenue account that reflects the type of funds being transferred. For example: If funds are transferred from the county's home confinement fund to reimburse the county's general fund for expenses paid on behalf of the home confinement program, the reimbursement should be reflected in revenue account #393 Home Confinement. Reporting reimbursements this way will provide a clearer understanding of the types of funds being transferred to the county's general fund and the amount of expense involved with providing particular services.

    Reporting reimbursements in the general fund under the specific revenue source description does not in any way eliminate the county commission's responsibility for establishing special funds for special revenue sources where statutorily required to do so.

    Reimbursements/Refunds account #382 may be used to reflect external refunds/reimbursements to the general county fund from external sources which are not material and are used to infrequently to classify or from rebates from the LG P-Card Program.

25. Please contact this office if a request to revise the budget is not returned within two (2) weeks.

26. Budget revision forms are prescribed and supplied by the State Auditor. You may download these forms from our website or by writing or telephoning the Local Government Services Division.

    It is not necessary to submit multiple copies of the budget revision form if you are using the forms created in excel format.

First Scenario:

The sheriff needs new equipment in the tax office but no funds were appropriated in the original levy estimate.

Determine if funds may be transferred from one of the other objects of expenditure within account #404 to object of expenditure #459 to satisfy the deficiency.

The sheriff has determined that he will have surplus funds available under objects of expenditure #341 materials and supplies.

This is an in-house transfer and will require the authorization/request of the sheriff and approval of the county commission but not the approval of the State Auditor.

REVISING THE BUDGET (con't)

Second Scenario

The sheriff needs new equipment in the tax office but no funds were appropriated in the original budget. The sheriff has determined that no surplus funds exist in any of the other objects of expenditure within expenditure account #404.

The county commission, in order to provide funding for this purpose, will need to determine if any of the other accounts in the budget have surplus funds appropriated.

The commission determines there are surplus funds available from another account #424, object of expenditure #211 – Telephone.

The commission must first submit a budget revision request to the State Auditor for approval **before they obligate or expend** the funds for the sheriff's tax office equipment.

In other words, the only budget revision requests that require the State Auditor's approval are those that have a NET EFFECT on the ACCOUNT TOTAL.

Summary:

All Transfers within a single 3-digit account number are considered in-house transfers and require the approval of the elected official and the county commission. Transfers from one account to another also require the State Auditor's approval.

Budget revisions submitted to the State Auditor for approval, which reflect reductions to an elected official's budget account, must also be accompanied by that official's request or authorization to make such a transfer.

COUNTY CLASSIFICATION AND ELECTED OFFICIAL'S SALARY

W. Va. Code § 7-7-4 sets the elected officials compensation based on the county's classification as fixed under *W. Va. Code § 7-7-3* as follows:

	Commissioners	County & Circuit Clerks	Assessor & Sheriff	Prosecuting Attorney
Class I	36,960	55,440	44,880	96,600
Class II	36,300	54,780	44,220	94,400
Class III	35,640	53,460	43,890	92,200
Class IV	34,980	53,154	43,560	90,000
Class V	34,320	52,800	43,230	87,800
Class VI	28,380	49,500	42,900	59,400
Class VII	27,720	48,840	42,570	56,760
Class VIII	25,080	48,180	42,240	54,120
Class IX	24,420	47,520	41,910	50,160
Class X	19,800	42,240	38,280	46,200

Assessor's Supplemental Salary:

In addition to the compensation reflected under *W. Va. Code § 7-7-4,* the county assessor and county sheriff receive additional compensation or salary supplements based on performance of certain duties.

W. Va. Code § 7-7-6b provides the assessor with additional compensation based on a certification from the Department of Tax and Revenue that the duties outlined under *W. Va. Code § 7-7-6a* have been performed. The Department of Tax and Revenue certifies the assessor's eligibility not later than November 15 or each year. The additional compensation paid to each assessor is also based on the county's classification:

	Assessor Supplemental Salary For Additional Duties
Class I through Class V	15,000
Class VI through Class VII	10,000
Class VIII through Class IX	9,000
Class X	6,500

COUNTY CLASSIFICATION AND ELECTED OFFICIAL'S SALARY (con't)

The values certified by the county assessor and the county clerk also determine the county's classification. **County Classification** determines at what level elected officials will be compensated. Counties are eligible to change classification every two years on the even year. Therefore, every even year budget, county commissions must determine if the assessed values certified by the assessor and the clerk are at a level that will cause the county to change classification. Elected official's salaries are set at the level certified by the county's classification in the class change year.

Total Assessed Value is reported in Column C of the **Certificate of Valuation**. Total Assessed Value means total taxable value + total exempt value + back tax value + total incremental value. The county commission should determine if the assessed valuation of property is within the minimum and maximum limits of a class above or below the class in which the county currently holds. If the commission determines it is above or below the minimum or maximum the commission should record its new classification by Order and so notify the State Auditor and state tax commissioner. *W. Va. Code § 7-7-3*

The ten classes and the minimum and maximum valuation of all property along with the amounts to be paid each elected official based on the county's classification are outlined on the following pages.

Class	Minimum Property Value	Maximum Property Value
Class I	2,000,000,000	No Limit
Class II	1,500,000,000	1,999,999,999
Class III	1,000,000,000	1,499,999,999
Class IV	700,000,000	999,999,999
Class V	600,000,000	699,999,999
Class VI	500,000,000	599,999,999
Class VII	400,000,000	499,999,999
Class VIII	300,000,000	399,999,999
Class IX	200,000,000	299,999,999
Class X	0	199,999,999

Please note that a county's classification and therefore, elected official's salaries, are determined by the total assessed value and may be subject to an increase or reduction based on the total assessed value when certification of the class occurs every other year.

Assessor's Agricultural Report

In addition, pursuant to ***W. Va. Code § 7-7-6c*** the county assessor may also receive up to 10% of his or her base salary for completing a report for the State Department of Agriculture not later than March 1. The Department of Agriculture certifies that the report has been completed to the county commission. Again, the assessor may receive up to 10% of the base salary; that is, without consideration for the salary supplement related to completion of additional duties.

COUNTY CLASSIFICATION AND ELECTED OFFICIAL'S SALARY (con't)

Assessor's Dog Tax Commission

Pursuant to *W. Va. Code § 19-20-2* the assessor is allowed a commission of ten percent upon the collection of the head tax on dogs. All such dog taxes, except those belonging to municipalities, shall be accredited to the dog and kennel fund provided for in section ten of this article. The assessor's commission should be transferred from the dog and kennel fund to the county's payroll clearing account or general fund so that a check may be issued to the assessor for his or her dog tax commission.

Sheriff's Commission

Pursuant to *W. Va. Code § 11A-1-17* the county sheriff may receive additional compensation based on the amount of property taxes collected. After the sheriff collects 85% of the combined real and personal property tax, the sheriff is allowed to receive the following commission, not to exceed $15,000, if the collection is made before the delinquent list has been approved by the county commission:

2.5% of the remainder of the taxes collected up to 90%
3.5% of the remainder of the taxes collected up to 95%
5.0% of the remainder of the taxes collected above 95%

Taxes collected should be exclusive of interest and charges. The commission should be determined by the county commission and charged against the various funds for which the taxes are collected. The sheriff's tax office completes a report on the sheriff's commission for the use of the county commission in making this determination.

The **STATEMENT OF SALARIES OF ELECTED OFFICIALS** is where the level of compensation expected to be paid to each elected official should be reported for verification and approval of the State Auditor. The STATEMENT includes the county classification scale along with the salary scale for each elected official by class.

GLOSSARY OF TERMINOLOGY

Assessed Valuations for Calculating the Reduced "Rolled Back" Levy Rate (see "Rolled Back" Certification):

These values are used to calculate the reduced or rolled back levy rate for regular current expense levies. The values do not include any new property or improvement values, back tax value or incremental value.

Assessor's Valuation Fund:

Created under *W. Va. Code § 11-1C-8* these funds are to be used to fund the ongoing extra costs associated with the valuation and training mandated by this article. The funds are intended to enable assessors to maintain current valuations and to perform the periodic reevaluation required under *W. Va. Code § 11-1C-9.*

W. Va. Code §11-1C-8 requires that a percent of the regular current expense levies be distributed to the assessor's valuation fund for this purpose. The county commission will exercise no control over this fund and the clerk of the county commission performs the bookkeeping function for the fund in the same manner as any other county fund.

Bond Levy Rate (property tax):

A county commission may sell its bonds in accordance with the provisions of *W. Va. Code § 13-1-1 et seq.* for such purposes as acquiring, constructing and erecting, enlarging, extending, reconstructing or improving any building, library or museum, or a building or structure for educational purposes, or acquiring a recreation park, civic arenas, auditoriums, exhibition halls and theaters, in an amount not to exceed 2.5% of the total taxable assessed value of property. The county may issue bonds in an additional sum not exceeding 2.5% of the value of taxable property for the purpose of erecting and equipping a courthouse with funds borrowed from the government of the United States or any governmental agency, federal or state. A bond levy put before the voters must receive 3/5 of the votes cast in favor of the bond levy. A bond levy may not extend for more than 34 years and the levy rate must be deducted from the rate available for current expense. A levying body wishing to incur bonded indebtedness should seek bond counsel.

Budget Proposal for Elected Officials and Department Heads:

The Budget Proposal for Elected Officials and Department Heads is the detailed request for appropriation from an elected official or department which is broken down by objects of expenditure. This document supports the departmental line item appropriation adopted and approved by the county commission in the budget and is the basis for the county clerks bookkeeping and accounting records.

Certificate of Valuation:

A form used by the county assessor and county clerk to certify real, personal and public utility valuation to the levying body pursuant to *W. Va. Code § 11-3-6.* The form is prescribed and furnished by the State Department of Tax and Revenue to the county assessor.

Certification of Notice and Public Hearing (form):

The clerk of the county commission certifies by affixing his/her signature that a Notice of Tax Increase has been published and a public hearing has been conducted regarding the property tax increase.

GLOSSARY OF TERMINOLOGY (con't)

Classification of Property:

Class I: All tangible personal property employed exclusively in agriculture, including horticulture and grazing; all products of agriculture, including livestock, while owned by the producer.

Class II: All property owned, used and occupied by the owner exclusively for residential purposes, all farms, including land used for horticulture and grazing, occupied and cultivated by their owners or bona fide tenants.

Class III: All real and personal property situated outside of municipalities, exclusive of Classes I and II.

Class IV: All real and personal property situated inside of municipalities, exclusive of Classes I and II.

Conditional Budget Approval:

The budget document has been for all practical purposes approved. The entity is required to submit additional information. Satisfactory completion and submission of the requested information will bring the budget into compliance. The entity should, with a conditional approval, still meet the 3rd Tuesday in April to officially lay the levy.

County Classification:

There are ten classes of counties based on a minimum and a maximum assessed value. A county's classification is defined by *W. Va. Code § 7-7-3:* "The assessed valuation of property, all classes, that shall be used as the base to determine the class of a county shall be the assessed valuation of property, all classes, of the county as certified by the county assessor, State Auditor and county clerk prior to March twenty-nine, one-thousand nine hundred seventy-two". Total Assessed Value means total taxable value + total exempt value + back tax value + total incremental value. Total assessed value is reported in Column C of the certificate of valuation. The county's classification is the basis for determining elected official's salaries. The county commission must determine if the assessed valuation of property is within the minimum and maximum limits of a class above or below the class in which the county then is. If the commission determines it is above or below the minimum or maximum the commission should record its new classification by Order and so notify the State Auditor and state tax commissioner.

Current Expense Regular Levy Rate (property tax):

Property tax revenue generated from the current year regular levy of property taxes that is available for general current expense.

Excess Levy Rate (property tax):

W. Va. Code § 11-8-16 and 11-8-17 state that a county commission may provide for an election to increase the levy rates for specific purposes; the levy must receive 60% of the votes cast in favor of the excess levy and the levy may not extend for more than 5 years. Excess levies are discussed in detail under a separate guideline which is also available on our website or in hard copy form.

Fiscal Year:

July 1 – June 30

GLOSSARY OF TERMINOLOGY (con't)

Fund Balance:

Unassigned cash available July 1 and accounts receivable due within 60 days after the beginning of the fiscal year.

Incremental Value:

The difference in the value certified by the county assessor in the base year in which a development area was established and the current assessed value. This value should not be used in the formulas used to calculate the reduced "rolled back" rate for regular current expense levies.

Itemized Statement:

Levy Estimate – Budget Document; a document that sets forth the property tax rates and the general and coal severance fund projected revenues by source and expenditures by department.

Lay the Levy:

The levying body meets on the 3rd Tuesday in April to officially lay the levy; or in other words, officially adopt the proposed property tax levy rate and budget that was adopted by the governing body between March 7 and 28 and approved in writing by the State Auditor. The levying body may not officially lay the levy until it has first been approved, in writing, by the State Auditor.

Levy Estimate – Budget Document

A document that sets forth the property tax rates and the general and coal severance fund projected revenues by source and expenditures by department.

Levy Order/Rate Sheet:

Documents that the levying body met on the 3rd Tuesday in April to officially lay the levy. The format of the Order is prescribed by the State Auditor and includes the assessed values and property tax rates. This form is similar to the levy page of the levy estimate – budget document.

Levy Page:

Page 3 of the levy estimate – budget document. Reflects the assessed valuation for tax purposes (Column E of the Certificate of Valuation), property tax levy rates for regular current expense levies, excess levies and bond levies and the taxes levied thereon.

Levying Body:

A county commission, municipal government or board of education that has been given constitutional and statutory authority to levy taxes on its citizens.

Objects of Expenditure:

An object of expenditure is a descriptive line item expenditure which supports the appropriation for each departmental line item reported in the levy estimate budget and on the county's books. Objects are broken down into five broad categories: Personal Services, Contractual Services, Commodities, Capital Outlay and Contributions/Transfers.

GLOSSARY OF TERMINOLOGY (con't)

Projected Property Tax Collection:

The amount of taxes levied after an allowance is made for delinquent taxes, exonerations and tax discounts.

Projected Property Tax Revenue:

The "gross" amount to be raised by the levy of property taxes. The amount of taxes levied before any allowance is made for delinquent taxes, exonerations and tax discounts.

Property Tax Levy Rate:

A tax rate adopted pursuant to *W. Va. Code § 11-8-6e* that is applied to each $100 of assessed valuation on each class of property to generate property tax revenues. Maximum rate for current expense and bond levies as provided by *W. Va. Code § 11-8-6b* is Class I – 14.3¢; Class II – 28.6¢; Class III/IV – 57.2¢. The maximum levy rate for an excess levy is Class I - 7.15¢; Class II – 14.3¢; and Class III and IV – 28.6¢.

Property Valuation and Training Commission (PVTC):

This commission was created under *W. Va. Code § 11-1C-3* and the commission's powers and duties are reflected under *W. Va. Code § 11-1C-4.* The commission sits as an oversight committee for the reappraisal and maintenance of valuation effort charged to the county assessor and tax commissioner. For county budget purposes, the PVTC approves the percent the assessor will receive from each entity's regular levies that will be distributed to the county assessor's valuation fund. This distribution to the assessor's valuation fund is to be used to help offset the costs associated with reappraisal and maintenance of valuation. The county commission exercises no control over the fund and the clerk of the county commission performs the bookkeeping function for the fund in the same manner as any other county fund.

Reduced "Rolled Back" Property Tax Rate:

Applies to regular current expense levy rates only. The rate has been adjusted so that it does not generate more than 103% increase over the previous year's projected property tax revenue. The 103% increase applies to existing property and does not take into consideration the taxes levied on new property and new improvements; therefore, once the rate has been applied to the Certificate of Valuation which does include new property and improvements, the entity may realize an increase in taxes levied that is greater than 103%. *W. Va. Code § 11-8-6e* anticipated and allows for this type of an increase. The definition assumes that a percentage equal to 2% was approved by the PVTC for the assessor's valuation fund.

Regular Levy Rate:

The rate generated from the current year regular levy of property taxes that is available for general current expense (general fund).

"Rolled Back" Certification (rolled back form or rolled back values):

A short term for identifying the Assessed Values used for Calculating the Reduced "Rolled Back" Levy Rate certification form. These values are used to calculate the reduced or "rolled back" levy rate for regular current expense levies. The values do not include new property or improvement value, back tax value, or incremental value.

STATUTORY PROVISIONS
WV Code References

Listed below are Code sites that should be included in this guideline which are directly or indirectly related to the budget process. Additional formatting, underlining and bold type were added for emphasizes.

W. Va. Code § 6-9-2 **Uniform system of accounting and reporting for local government offices and agencies:**

The chief inspector shall formulate, prescribe and install a system of accounting and reporting in conformity with the provisions of this article, which shall be uniform for all local governmental offices and agencies and for all public accounts of the same class and which shall exhibit true accounts and detailed statements for all public funds collected, received and expended for any purpose by all local governmental officers, employees or other persons. The accounts shall show the receipt, use and disposition of all public property under the control of local governmental officers, employees or other persons and any income derived there from and of all sources of public income, the amounts due and received from each source, all receipts, vouchers and other documents kept or required to be kept and necessary to identify and prove the validity of every transaction, all statements and reports made or required to be made for the internal administration of the office to which they pertain and all reports published or required to be published for the information of the people regarding any and all details of the financial administration of public affairs. The chief inspector shall prescribe receipt forms for all local governmental offices and agencies and shall formulate, prescribe and install a uniform system with respect to the utilization, processing and disposition of receipts given as evidence of moneys or property collected or received by local governmental offices and agencies. The chief inspector shall also formulate, prescribe and install a system of accounting for the civil accounts of the offices of the magistrates, which shall exhibit true accounts and detailed statements of the services rendered, the name and address of the persons for whom rendered, the charges made and collected therefore and other information as may be necessary to identify the transaction.

The chief inspector is vested and charged with the duties of administering and enforcing the provisions of this article and is authorized to promulgate and to enforce such rules as may be necessary to implement the administration and enforcement. The chief inspector shall use due diligence to ensure that all reports and audits are issued in a timely manner and to comply with all federal audit and bonded indebtedness requirements so as not to jeopardize the entity's funding. The power and authority herein granted shall be in addition to all other power and authority vested by law in the state tax commissioner as chief inspector or otherwise.

W. Va. Code § 6-9-3 **Separate accounts for different appropriations or funds, departments, undertakings, etc.**

Separate accounts shall be kept for every appropriation or fund made or levied by a local governing body, showing the date and manner of each payment made out of the funds provided by such appropriation or levy, the name, address and vocation of each person, organization, corporation or association to who paid, and for what purpose paid. Separate accounts shall be kept for each department, public improvement, and undertaking, institution and public service industry under the jurisdiction of every local governing agency.

STATUTORY PROVISIONS
WV Code References (con't)

W. Va. Code § 7-1-3 **Fiscal Authority**

The county courts (county commissions), through their clerks, shall have the custody of all deeds and other papers presented for record in their counties, and the same shall be preserved therein, or otherwise disposed of as now is or prescribed by law. They shall have jurisdiction in all matters of probate, the appointment and qualification of personal representatives, guardians, committees, curators, and the settlement of their accounts, and in all matters relating to apprentices. ***They shall also, under regulations, as now are or may be prescribed by law, have the superintendence and administration*** of the internal police and ***fiscal affairs of their counties,*** including the establishment and regulation of roads, ways, bridges, public landings, ferries and mills, ***with authority to lay and disburse the county levies.***"

W. Va. Code § 7-7-3 **further states, in part:**

Prior to the twenty-ninth day of March, one thousand nine hundred ninety-eight, and each second year thereafter, the county commission of each county shall determine if the assessed valuation of property, all classes, of the county, as certified by the county assessor, State Auditor and county clerk, is within the minimum and maximum limits of a class above or below the class in which the county then is. If the county commission so determines, it shall record the new classification of the county with the State Auditor and state tax commissioner and record its action on its county commission record.

The classification of each county shall be subject to review by the State Auditor. He shall determine if the classification of each county is correct based on the final assessed valuation of property, all classes, certified to him by the county assessor, State Auditor and county clerk. If he finds a county is incorrectly classified, he shall notify the county commission of that county promptly of his finding and in any case shall notify the county prior to the thirtieth day of June of that current fiscal year.

W. Va. Code § 7-7-1 **Legislative Findings and Purpose**

a) The legislature finds that it has, since the first day of January, two thousand three, consistently and annually imposed upon the county commissioners, sheriffs, county and circuit clerks, assessors and prosecuting attorneys in each county board, new and additional duties by the enactment of new provisions and amendments to this code. The new and additional duties imposed upon the aforesaid county officials by these enactments are such that they would justify the increase in compensation as provided in section four of this article, without violating the provisions of section thirty-eight, article VI of the Constitution of West Virginia.

b) The Legislature further finds that there are, from time to time, additional duties imposed upon all county officials through the acts of the Congress of the United States and that such acts constitute new and additional duties for county officials and, as such, justify the increases in compensation as provided by section four of this article, without violating the provisions of section thirty-eight, article VI of the Constitution of West Virginia.

STATUTORY PROVISIONS
WV Code References (con't)

c) The Legislature further finds that there is a direct correlation between the total assessed property valuations of a county on which the salary levels of the county commissioners, sheriffs, county and circuit clerks, assessors and prosecuting attorneys are based, and the new and additional duties that each of these officials is required to perform as they serve the best interests of their respective counties. Inasmuch as the reappraisal of the property valuations in each county has now been accomplished, the Legislature finds that a change in classification of counties by virtue of increased property valuations will occur on an infrequent basis. However, it is the further finding of the Legislature that when such change in classification of counties does occur, that new and additional programs, economic developments, requirements of public safety and the need for new services provided by county officials all increase, that the same constitute new and additional duties for county officials as their respective counties reach greater heights of economic development, as exemplified by the substantial increase in property valuations and, as such, justify the increases in compensation provided in section four of this article, without violating the provisions of section thirty-eight, article VI of the Constitution of West Virginia.

d) The Legislature further finds and declares that the amendments enacted to this article are intended to modify the provisions of this article so as to cause the same to be in full compliance with the provisions of the Constitution of West Virginia and to be in full compliance with the decisions of the Supreme Court of Appeals of West Virginia.

W. Va. Code § 7-7-7 **County Assistants, Deputies and Employees; their number and compensation; county budget**

The county clerk, circuit clerk, joint clerk of the county commission and circuit court, if any, sheriff, county assessor and prosecuting attorney, by and with the advice and consent of the county commission, may appoint and employ, to assist them in the discharge of their official duties for and during their respective terms of office, assistants, deputies and employees. The county clerk may designate one or more of his or her assistants as responsible for all probate matters.

The county clerk, circuit clerk, joint clerk of the county commission and circuit court, if any, sheriff, county assessor and prosecuting attorney shall, ***prior to the second day of March of each year***, file with the county commission a detailed request for appropriations for anticipated or expected expenditures for their respective offices, including the compensation for their assistants, deputies and employees, for the ensuing fiscal year.

The county commission shall, ***prior to the twenty-ninth day of March*** of each year by order fix the total amount of money to be expended by the county for the ensuing fiscal year, which amount shall include the compensation of county assistants, deputies and employees. Each county commission shall enter its order upon its county commission record.

STATUTORY PROVISIONS

WV Code References *(con't)*

The county clerk, circuit clerk, joint clerk of the county commission and circuit court, if any, sheriff, county assessor and prosecuting attorney shall then fix the compensation of their assistants, deputies and employees based on the total amount of money designated for expenditure by their respective offices by the county commission and the amount expended shall not exceed the total expenditure designated by the county commission for each office.

The county officials, in fixing the individual compensation of their assistants, deputies and employees and the county commission in fixing the total amount of money to be expended by the county, shall give due consideration to the duties, responsibilities and work required of the assistants, deputies and employees and their compensation shall be reasonable and proper.

After the county commission has fixed the total amount of money to be expended by the county for the ensuing fiscal year and after each county official has fixed the compensation of each of his or her assistants, deputies and employees, as provided in this section, **each county official shall file prior to the thirtieth day of June, with the clerk of the county commission, a budget statement for the ensuing fiscal year setting forth the name, or the position designation if then vacant, of each of his or her assistants, deputies and employees, the period of time for which each is employed, or to be employed if the position is then vacant, and his or her monthly or semimonthly compensation.**

All budget statements required to be filed by this section shall be verified by an affidavit by the county official making them. Among other things contained in the affidavit shall be the statement that the amounts shown in the budget statement are the amounts actually paid or intended to be paid to the assistants, deputies, and employees without rebate and without any agreement, understanding or expectation that any part thereof shall be repaid to him or her, and that, prior to the time the affidavit is made, nothing has been paid or promised him or her on that account, and that if he or she shall thereafter receive any money, or thing of value, on account thereof, he or she will account for and pay the same to the county. Until the statements required by this section have been filed, no allowance or payments shall be made to any county official or their assistants, deputies and employees.

Each county official named in this section shall have the authority to discharge any of his or her assistants, deputies or employees by filing with the clerk of the county commission a discharge statement specifying the discharge action: Provided, That no deputy sheriff appointed pursuant to the provisions of article fourteen, chapter seven of this code, shall be discharged contrary to the provisions of that article.

STATUTORY PROVISIONS
WV Code References (con't)

W. Va. Code § 11-1C-8(b)

During the fiscal year commencing the first day of July, one thousand nine hundred ninety-four, and thereafter as necessary, any county receiving moneys provided by the valuation commission under this section shall use the county's valuation fund receipts which exceed the total amount received in the fiscal year ending the thirtieth day of June, one thousand nine hundred ninety-four, and such other portion of the county's valuation fund receipts that may be required by the valuation commission, to repay the valuation commission the money received plus accrued interest: *Provided*, That the fund should not drop below one percent of the total municipal, county commission and county school board revenues generated by application of the respective regular levy rates.

W. Va. Code § 11-3-19 Property books; time for completing; extension of levies; copies

" . . . The assessor shall, as soon as practicable after the levy is laid, extend the levies on the land and personal property books, and shall forthwith make three copies of the land books and two copies of the personal property books with the levies extended; one of such copies of the land books he shall deliver to the sheriff not later than the seventh day of June, *one copy he shall deliver to the clerk of the county court not later than the first day of July, and one copy he shall send to the State Auditor not later than the first day of July, and one of such copies of the personal property books he shall deliver to the sheriff and one to the clerk of the county court on or before the same date fixed above for the delivery of the land books and such copies so delivered shall be official records of the respective officers " . . .*

W. Va. Code § 11-8-6b Maximum levies on each classification by county courts; order of levies

County courts are hereby authorized to lay not in excess of the following maximum levies, for the purposes specified and in the following order:

(1) With respect to the county as a whole for the payment of (a) interest and sinking fund requirements for bonded indebtedness incurred prior to the adoption of the Tax Limitation Amendment; and (to the extent not so required), (b) other legally incurred contractual indebtedness, not bonded, if any, incurred prior to the adoption of the Tax Limitation Amendment, of the county as follows: On Class I property, twenty-five one hundredths of one cent; on Class II property, one half of one cent; and on Classes III and IV property, one cent.

(2) With respect to a magisterial or special taxing district for which the county court is required to lay the levy, for the payment of (a) interest and sinking fund requirements for bonded indebtedness, incurred prior to the adoption of the Tax Limitation Amendment; and (to the extent not so required), (b) other legally incurred contractual indebtedness not bonded, if any, incurred prior to the adoption of the Tax Limitation Amendment, as follows: On Class I property, two and fifteen one hundredths cents; on Class II property, four and three tenths cents; and on Class III and IV property, eight and six tenths cents.

STATUTORY PROVISIONS

WV Code References (con't)

(3) For general county current expense as follows: On Class I property, eleven and nine tenths cents; on Class II property, twenty-tree and eight tenths cents; and on Classes III and IV property, forty-seven and six tenths cents. But in a county where the total assessed valuation of all classes of property is less than six million dollars, the county court may, with the prior written approval of the tax commissioner, exceed the rates of levy for general county current expense by not more than twenty-five percent of the rates specified: **Provided**, however, That if the rates of levy under paragraph (3) of this section are not required in whole or in part for the purpose for which they are allocated, the county court may, with the prior written approval of the state tax commissioner, surrender to the county board of education such unused parts of the authorized rates of levy as provided herein.

W. Va. Code § 11-8-6e Effect on regular levy rate when appraisal results in tax increase; public hearings

(a) Not withstanding any other provision of law, where any annual appraisal, triennial appraisal or general valuation of property would produce an assessment that would cause an increase of one percent or more in the total projected property tax revenues that would be realized were the then current regular levy rates by the county commission and the municipalities to be imposed, the rate of levy shall be reduced proportionately as between the county commission and the municipalities and for all classes of property for the forthcoming tax year so as to cause such rate of levy to produce no more than one hundred one percent of the previous year's projected property tax revenues from extending the county commission and municipality levy rates, unless there has been compliance with subsection (c) of this section.

An additional appraisal or valuation due to new construction or improvements to existing real property, including beginning recovery of natural resources, and newly acquired personal property shall not be an annual appraisal or general valuation within the meaning of this section, nor shall the assessed value of such improvements be included in calculating the new tax levy for purposes of this section. Special levies shall not be included in the reduced levy calculation set forth in subsection (b) of this section.

(b) The reduced rates of levy shall be calculated in the following manner:

(1) The total assessed value of each class of property as it is defined by section five, article eight of this chapter for the assessment period just concluded shall be reduced by deducting the total assessed value of newly created properties not assessed in the previous year's tax book for each class of property;

(2) The resulting net assessed value of Class I property shall be multiplied by .01; the value of Class II by .02; and the values of Class III and IV each by .04;

STATUTORY PROVISIONS
WV Code References (con't)

(3) Total the current year's property tax revenue resulting from regular levies for each county commission and municipality and multiply the resulting sum by one hundred one percent: Provided, That the one hundred one percent figure shall be increased by the amount the county's or municipality's increased levy provided for in subsection (b), section eight, article one-c of this chapter;

(4) Divide the total regular levy tax revenues, thus increased in subdivision (3), above, by the total weighted net assessed value as calculated in paragraph two of this section and multiply the resulting product by one hundred; the resulting number is the Class I regular levy rate, stated as cents-per-one hundred dollars of assessed value;

(5) The Class II rate is two times the Class I rate; Classes III and IV, four times the Class I rate as calculated in the preceding subdivision.

(c) The governing body of a county or municipality may, after conducting a public hearing, which may be held at the same time and place as the annual budget hearing, increase the rate above the reduced rate required in this section if any such increase is deemed to be necessary by such governing body: Provided, That in no event shall the governing body of a county or municipality increase the rate above the reduced rate required by subsection (b) of this section for any single year in a manner which would cause total property tax revenues accruing to the governing body of the county or municipality, excepting additional revenue attributable to assessed valuations of newly created properties not assessed in the previous year's tax book for each class of property, to exceed by more than ten percent those property tax revenues received by the governing body of the county or municipality for the next preceding year: Provided, however, That this provision shall not restrict the ability of a county or municipality to enact excess levies as authorized under existing statutory or constitutional provisions.

Notice of the public hearing and the meeting in which the levy rate shall be on the agenda shall be given at least seven days before the date for each public hearing by the publication of a notice in at least one newspaper of general circulation in such county or municipality: Provided, That a Class IV town or village as defined in section two, article one, chapter eight of this code, in lieu of the publication notice required by this subsection, may post no less than four notices of each public hearing, which posted notices shall contain the information required by the publication notice and which shall be in available, visible locations including the town hall. The notice shall be at least the size of one-eighth page of a standard size newspaper or one-fourth page of a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than twenty-four point. The publication notice shall be placed outside that portion, if any, of the newspaper reserved for legal notices and classified advertisements and shall also be published as a Class II-O legal advertisement in accordance with the provisions of article three, chapter fifty-nine of this code. The publication area is the county. The notice shall be in the following form and contain the following information, in addition to such other information as the local governing body may elect to include:

STATUTORY PROVISIONS

WV Code References (con't)

NOTICE OF PROPOSED TAX INCREASE

The (name of the county or municipality) proposes to increase property tax levies.

1. Appraisal/Assessment Increase: Total assessed value of property, excluding additional assessments due to new or improved property, exceeds last year's total assessed value of property by___ percent.

2. Lowered Rate Necessary to Offset Increased Assessment: The tax rate which would levy the same amount of property tax as last year, when multiplied by the new total assessed value of property with the exclusions mentioned above, would be $___ per $100 of assessed value for Class I property; $___ per $100 of assessed value for Class II property; $___ per $100 of assessed value for Class III and $___per $100 of assessed value for Class IV property. These rates will be known as the "lowered tax rates".

3. Effective Rate Increase: The (name of the county or municipality) proposes to adopt a tax rate of $___ per $100 of assessed value for Class I property; $___ per $100 of assessed value for Class II property; $___ per $100 of assessed value for Class III property and $___per $100 of assessed value for Class IV property. The difference between the lowered tax rates and the proposed rates would be $___ per $100 or___ percent for Class I; $___ per $100 or___ percent for Class II; $___ per $100 or___ percent for Class III and $___ per $100 or ___ percent for Class IV. These differences will be known as the "effective tax rate increases".

Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.

4. Revenue produced last year: $ ____

5. Revenue projected under the effective rate increases: $ ____

6. Revenue projected from new property or improvements: $ ____

7. General areas in which new revenue is to be allocated: A public hearing on the increases will be held on (date and time) at (meeting place). A decision regarding the rate increase will be made on (date and time) at (meeting place).

(d) All hearings are open to the public. The governing body shall permit persons desiring to be heard an opportunity to present oral testimony within such reasonable time limits as are determined by the governing body.

STATUTORY PROVISIONS
WV Code References (con't)

(e) This section shall be effective as to any regular levy rate imposed by the county commission or a municipality for taxes due and payable on or after the first day of July, one thousand nine hundred ninety-one. If any provision of this section is held invalid, such invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or its application and to this end the provisions of this section are declared to be severable.

W. Va. Code § 11-8-9 Meetings of local levying bodies

Each local levying body shall hold a meeting or meetings **between the seventh and twenty-eighth days of March** for the transaction of business generally and particularly for the business herein required.

W. Va. Code § 11-8-10 Levy estimate by county court (county commission); certification to tax commissioner (State Auditor) and publications

The county court shall, at the session provided for in section nine of this article, ascertain the fiscal condition of the county, and make an itemized statement setting forth:

(1) The amount due and the amount that will become due and collectable from every source during the current fiscal year **except from the levy of taxes** to be made for the year upon the county as a whole and upon any district of the county for which the levies are laid by the county court;

(2) The interest, sinking fund and amortization requirements for the current fiscal year of bonded indebtedness legally incurred upon a vote of the people, as provided by law, prior to the adoption of the Tax Limitation Amendment, owing by the county as a whole and by any district;

(3) Other contractual indebtedness not bonded, legally incurred prior to the adoption of the Tax Limitation Amendment, owing by the county as a whole and such debts owing by any district;

(4) All other expenditures to be paid out of the receipts for the current fiscal year, with proper allowance for delinquent taxes, exonerations and contingencies;

(5) The total amount necessary to be raised for each fund by the levy of taxes for the current year;

(6) The proposed county levy in cents on each one hundred dollars' assessed valuation of each class of property for the county and its subdivisions;

(7) The proposed levy in each district for district funds, if any, on each one hundred dollars' valuation of each class of property;

(8) The separate and aggregate amounts of the real, personal and public utility properties in each class in the county and in each subdivision thereof.

STATUTORY PROVISIONS
WV Code References (con't)

A copy of the statement, **duly certified by the clerk of the court**, shall be forwarded to the tax commissioner (State Auditor), and the clerk shall publish the statement forthwith. The session shall then stand adjourned until the 3rd Tuesday in April, at which time it shall reconvene.

W. Va. Code § 11-8-25 Funds expended only for purposes for which raised

Except as otherwise provided in this article, boards, or officers **expending funds derived from the levying of taxes shall expend the funds only for the purposes for which they were raised.**

W. Va. Code § 11-8-25a Right of county commission to expend surplus funds for equalization and revaluation

In order to permit county courts [county commissions] to participate more fully in an equalization and revaluation program, which equalization and revaluation would result in increased local support for the public schools, any county court having funds in excess of the amount needed for the purpose for which such funds were raised, may expend such funds for any equalization and revaluation program upon the written approval of the state tax commissioner [State Auditor], provided that under no circumstances shall a county court expend money or incur obligations in excess of the funds available for current expenses.

W. Va. Code § 11-8-26 Unlawful expenditures by local fiscal body

Except as provided in sections fourteen-b, twenty-five-a and twenty-six-a of this article, a local fiscal body shall not expend money or incur obligations:
(1) In an unauthorized manner
(2) For an unauthorized purpose
(3) In excess of the amount allocated to the fund in the levy order
(4) In excess of the funds available for current expenses

Notwithstanding the foregoing and any other provision of law to the contrary, a local fiscal body or its duly authorized officials shall not be penalized for a casual deficit which does not exceed its approved levy estimate by more than three percent, provided such casual deficit be satisfied in the levy estimate for the succeeding fiscal year.

W. Va. Code § 11-8-26a Revision of levy estimate

The tax commissioner [State Auditor] shall, by uniform regulations, provide for the revision of the levy estimate of a county court [county commission] or municipality to permit expenditures for purposes for which no appropriation or an insufficient appropriation was made in the annual levy estimate as approved by the tax commissioner [State Auditor]. The revision shall be made only with the prior written approval of the tax commissioner [State Auditor].

STATUTORY PROVISIONS

WV Code References (con't)

W. Va. Code § 11-8-27 When indebtedness, contracts or drafts are void

Any indebtedness created, contract made, or order or draft issued in violation of sections twenty-five and/or twenty-six of this article shall be void.

W. Va. Code § 11-8-28 Suit to recover unlawful expenditure or to cancel obligation

Whenever a fiscal body expends money or incurs obligations in violation of sections twenty-five and/or twenty-six of this article, suit shall be instituted by the prosecuting attorney of the county or the attorney general of the state, in a court of competent jurisdiction to recover the money expended or to cancel the obligation, or both.

W. Va. Code § 11-8-29 Personal liability of official participating in unlawful expenditure

A person who in his official capacity negligently participates in the violation of either section twenty-five or section twenty-six of this article shall be personally liable, jointly and severally, for the amount illegally expended.

W. Va. Code § 11-8-30 Recovery of unlawful expenditure from participating official by action; cost

A person who in his official capacity negligently participates in an illegal expenditure may be proceeded against for the recovery of the amount illegally expended. The political subdivision concerned, a taxpayer of the subdivision, the state tax commissioner [State Auditor] or a persons prejudiced may bring the proceeding.

All moneys recovered in these proceedings shall be paid into the treasury of the proper fiscal body and credited to the proper fund. Recovery in these proceedings shall, in all cases, include the principal and interest on the principal at a reasonable rate of interest as set by the court in the judgment order and may include in the discretion of the court, a penalty of not more than twenty-five percent of the aggregate amount of the judgment and interest.

If the plaintiff prevails, he shall recover against the defendant, the costs of the proceedings, including a reasonable attorney's fee to be fixed by the trial court and included in the taxation of costs.

W. Va. Code § 11-8-31 Criminal liability of official violating provisions of article; proceeding for removal

A person who in his official capacity willfully violates the provisions of this article shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred dollars, or confined in jail not more than one year, or both. Upon conviction he shall also forfeit his office: Provided, That no liability shall arise under the provisions of his section so far as obligations may have been incurred or may be incurred prior to the time tax levies may be made under the provisions of this article by fiscal bodies having for their purpose the maintenance and operation of free schools or other governmental functions for the fiscal year one-thousand nine hundred thirty-three, one-thousand nine hundred thirty-four.

STATUTORY PROVISIONS
WV Code References (con't)

Proceedings for the removal of a member of a local fiscal body who has willfully or with gross negligence violated any of the provisions of this article shall be brought and maintained in accordance with and shall be subject to the provisions of section seven, article six, chapter six of the code.

An attested copy of the petition and the charges contained therein shall be served upon the defendants at least twenty days prior to the date of hearing. No other pleading or notice of the proceedings shall be necessary.

If any person in his or her official capacity participates in an illegal expenditure and in so doing acts in accordance with and upon the advice of his or her statutory attorney or duly appointed attorney, which advice was asked for, received and given in good faith, such person so acting shall not be deemed guilty of gross negligence or of willfully violating any of the provisions of this article but may be found to have so acted in a negligent manner and may be proceeded against for the recovery of the amount illegally or improperly expended, both personally or upon his or her official bond.

W. Va. Code § 11-8-31a Recovery of attorneys' fees authorized

The governing body of the governmental entity of which a person is an official is hereby authorized to reimburse such person for the reasonable amount of such person's attorney fees in any case:

(a) Wherein such person has successfully defended against an action seeking his or her removal from office, or

(b) Wherein such person has successfully defended against any action seeking the recovery of moneys alleged to have been wrongfully expended

In either case such governing body shall have authority to determine if such reimbursement is warranted and the reasonableness of the amount sought to be recovered.

W. Va. Code § 11-8-32 Publication

The requirement of publication under this article shall be met by publication as a Class II-O legal advertisement in compliance with the provision of article three [§ 59-3-1 et. Seq.], chapter fifty-nine of this Code, and the publication area for such publication shall be the taxing unit.

STATUTORY PROVISIONS

WV Code References (con't)

W. Va. Code § 11-13A-6 Additional tax on the severance, extraction and production of coal; dedication of additional tax for benefit of counties and municipalities

(a) Additional coal severance tax - Upon every person exercising the privilege of engaging or continuing within this state in the business of severing coal, or preparing coal (or both severing and preparing coal), for sale, profit or commercial use, there is hereby imposed an additional severance tax, the amount of which shall be equal to the value of the coal severed or prepared (or both severed and prepared), against which the tax imposed by section three of this article is measured as shown by the gross proceeds derived from the sale of the coal by the producer, multiplied by thirty-five one hundredths of one percent. The tax imposed by this subsection is in addition to the tax imposed by section three of this article, and this additional tax is referred to in this section as the "additional tax on coal".

(b) This additional tax on coal is imposed pursuant to the provisions of section six-a, article ten of the West Virginia constitution. Seventy-five percent of the net proceeds of this additional tax on coal shall be distributed by the state treasurer in the manner specified in this section to the various counties of this state in which the coal upon which this additional tax is imposed was located at the time it was severed from the ground. Those counties are referred to in this section as the "coal-producing counties". The remaining twenty-five percent of the net proceeds of this additional tax on coal shall be distributed among all the counties and municipalities of this state in the manner specified in this section.

(c) The additional tax on coal shall be due and payable, reported and remitted as elsewhere provided in this article for the tax imposed by section three of this article, and all of the enforcement and other provisions of this article shall apply to the additional tax. In addition to the reports and other information required under the provisions of this article and the tonnage reports required to be filed under the provisions of section seventy-seven, article two, chapter twenty-two-a of this code, the tax commission is hereby granted plenary power and authority to promulgate reasonable rules requiring the furnishing by producers of such additional information as may be necessary to compute the allocation required under the provisions of subsection (f) of this section. The tax commissioner is also herby granted plenary power and authority to promulgate such other reasonable rules as may be necessary to implement the provisions of this section: Provided, That notwithstanding any language contained in this code to the contrary the gross amount of additional tax on coal collected under this article shall be paid over and distributed without the application of any credits against the tax imposed by this section.

STATUTORY PROVISIONS

WV Code References (con't)

(d) In order to provide a procedure for the distribution of seventy-five percent of the net proceeds of the additional tax on coal to the coal-producing counties, the special fund known as the "county coal revenue fund" established in the state treasurer's office by chapter one hundred sixty-two, acts of the Legislature, regular session, one thousand nine hundred eighty-five, as amended and reenacted in subsequent acts of the Legislature, is hereby continued. In order to provide a procedure for the distribution of the remaining twenty-five percent of the net proceeds of the additional tax on coal to all counties and municipalities of the state, without regard to coal having been produced therein, the special fund known as the "all counties and municipalities revenue fund" established in the state treasurer's office by chapter one hundred sixty-two, acts of the Legislature, regular session, one thousand nine hundred eighty-five, as amended and reenacted in subsequent acts of the Legislature, is hereby re-designated as the "all counties and municipalities coal revenue fund" and is hereby continued.

Seventy-five percent of the net proceeds of such additional tax on coal shall be deposited in the county coal revenue fund and twenty-five percent of the net proceeds shall be deposited in the all counties and municipalities coal revenue fund, from time to time, as the proceeds are received by the tax commissioner. The moneys in the funds shall be distributed to the respective counties and municipalities entitled to the moneys in the manner set forth in subsection (e) of this section.

(e) The moneys in the county coal revenue fund and the moneys in the all counties and municipalities coal revenue fund shall be allocated among and distributed quarterly to the counties and municipalities entitled to the moneys by the state treasurer in the manner specified in this section. On or before each distribution date, the state treasurer shall determine the total amount of moneys in each fund which will be available for distribution to the respective counties and municipalities entitled to the moneys on that distribution date. The amount to which a coal-producing county is entitled from the county coal revenue fund shall be determined in accordance with subsection (f) of this section, and the amount to which every county and municipality is entitled from the all counties and municipalities coal revenue fund shall be determined in accordance with subsection (g) of this section. After determining as set forth in subsection (f) and subsection (g) of this section the amount each county and municipality is entitled to receive from the respective fund or funds, a warrant of the State Auditor for the sum due to each county or municipality shall issue and a check drawn thereon making payment of such amount shall thereafter be distributed to each such county or municipality.

(f) The amount to which a coal-producing county is entitled from the county coal revenue fund shall be determined by: (1) Dividing the total amount of moneys in the fund then available for distribution by the total number of tons of coal mined in this state during the preceding quarter; and (2) multiplying the quotient thus obtained by the number of tons of coal removed from the ground in the county during the preceding quarter.

STATUTORY PROVISIONS

WV Code References (con't)

(g) The amount to which each county and municipality is entitled from the all counties and municipalities coal revenue fund shall be determined in accordance with the provisions of this subsection. For purposes of this subsection "population" means the population as determined by the most recent decennial census taken under the authority of the United States: (1) The treasurer shall first apportion the total amount of moneys available in the all counties and municipalities coal revenue fund by multiplying the total amount in the fund by the percentage which the population of each county bears to the total population of the state. The amount thus apportioned for each county is the county's "base share". (2) Each county's base share shall then be subdivided into two portions. One portion is determined by multiplying the base share by that percentage which the total population of all unincorporated areas within the county bears to the total population of the county, and the other portion is determined by multiplying the base share by that percentage which the total population of all municipalities within the county bears to the total population of the county. The former portion shall be paid to the county and the latter portion is the "municipalities' portion" of the county's base share. The percentage of the latter portion to which each municipality in the county is entitled shall be determined by multiplying the total of the latter portion by the percentage which the population of each municipality within the county bears to the total population of all municipalities within the county.

(h) All counties and municipalities shall create a "coal severance tax revenue fund" which shall be the depository for moneys distributed to any county or municipality under the provisions of this section, from either or both special funds. Moneys in the coal severance tax revenue fund, in compliance with subsection (i) of this section, may be expended by the county commission or governing body of the municipality for such public purposes as the county commission or governing body shall determine to be in the best interest of the people of its respective county or municipality: Provided, That in counties with population in excess of two hundred thousand, at least seventy-five percent of the funds received from the county coal revenue fund shall be apportioned to, and expended within the coal-producing area or areas of the county, said coal-producing areas of each county to be determined generally by the state tax commissioner: Provided, however, That the coal severance tax revenue fund moneys shall not be budgeted for personal services in an amount to exceed one fourth of the total funds available in such fund.

(i) On or before the twenty-eighth day of March, one thousand nine hundred eighty-six, and each twenty-eighth day of March thereafter, each county commission or governing body of a municipality receiving such revenue shall submit to the tax commissioner [State Auditor] on forms provided by the tax commissioner [State Auditor] a special budget, detailing how such revenue is to be spent during the subsequent fiscal year. Such budget shall be followed in expending the revenue unless a subsequent budget is approved by the state tax commissioner [State Auditor]. All unexpended balances remaining in coal severance tax revenue fund at the close of a fiscal year shall be re-appropriated to the budget of the county commission or governing body for the subsequent fiscal year. The re-appropriation shall be entered as an amendment to the new budget and submitted to the tax commissioner [State Auditor] on or before the fifteenth day of July of the current budget year.

STATUTORY PROVISIONS
WV Code References (con't)

(j) On or before the fifteenth day of December, one thousand nine hundred eighty-six, and each fifteenth day of December thereafter, the tax commissioner [State Auditor] shall deliver to the clerk of the Senate and the clerk of the House of Delegates a consolidated report of the special budgets, created by subsection (i) of this section, for all county commissions and municipalities as of the fifteenth day of July of the current year.

(k) The state tax commissioner shall retain for the benefit of the state from the additional taxes on coal collected the amount of thirty-five thousand dollars annually as a fee for the administration of such additional tax by the tax commissioner.

W. Va. Code § 11A-1-6 When collection to commence

The sheriff shall commence collection of current taxes on the fifteenth day of July, or as soon thereafter as he receives copies of the land and personal property books.

W. Va. Code § 11A-1-8 Notice of time and place for payment; mailing of tax tickets

". . .the sheriff shall send to every person owing real or personal property taxes a copy of such taxpayers' annual tax ticket or tickets showing what tax is due and how such tax may be paid. Such copy shall be sent to the last known address of such taxpayer by first class United States mail.

Failure of the sheriff to send or failure of the taxpayer to receive such copy shall not impair the right to collect such taxes, the right to collect any interest or penalty imposed as a result of the failure to pay such taxes or the method of enforcing the payment of such taxes, interest or penalty."

W. Va. Code § 11A-1-15 Payment by sheriff to municipal and county board of education treasuries

Each month the sheriff shall pay all moneys collected for any municipal corporation and the county board of education into the respective treasuries of such municipal corporation and county board of education, payment to be made on or before the tenth day of each month of all moneys collected during the preceding month for such municipal corporation and the county board of education . .

STC 12:40 (01/02)

CERTIFICATE OF VALUATION

Example County Commission	Example
(Levying Body)	(County)

TO: **County Commission President**

(County Commission President, School Board Secretary or Municipal Clerk or Recorder)

The undersigned Assessor and County Clerk of said County do hereby certify the assessed value of the various classes of real estate, personal property and public utility property for the assessment year 2010.

	Column A Assessed Value Including Back Tax And New Property (Total)	Column B All Other Exempt Value (excluding P U)	Column C Gross Assessed (Col A Plus Col B) (County Classification Purpose Only)	Column D Homestead Exempt Value	Column E Assessed Valuation For Tax Purposes (w/o Homestead & Exempt) (Col A Minus Col D)
Class I					
Personal Property	0	0	0		0
Public Utility Property	0	0	0		0
Total Class I	0	0	0		0
Class II					
Real Estate	192,771,020	332,040	193,103,060	23,587,590	169,183,430
Personal Property	1,176,171	0	1,176,171	60,106	1,116,065
Total Class II	193,947,191	332,040	194,279,231	23,647,696	170,299,495
Class III					
Real Estate	58,145,740	6,331,370	64,477,110		58,145,740
Personal Property	169,983,729	7,851	169,991,580		169,983,729
Public Utility Property	29,564,670		29,564,670		29,564,670
Total Class III	257,694,139	6,339,221	264,033,360		257,694,139
Class IV					
Real Estate	20,131,360	11,109,000	31,240,360		20,131,360
Personal Property	19,948,390	25,400	19,973,790		19,948,390
Public Utility Property	4,813,997	N/A	4,813,997		4,813,997
Total Class IV	44,893,747	11,134,400	56,028,147		44,893,747
TOTAL FOR LEVYING BODY	496,535,077	17,805,661	514,340,738	23,647,696	472,887,381

ROLL BACK (REV 2002)

ASSESSED VALUES FOR CALCULATING REDUCED (ROLLED BACK) LEVY RATES

Example County Commission (Levying Body)

Example County

TO: County Commission President

(County Commission President, School Board Secretary or Municipal Clerk or Recorder)

The undersigned Assessor and County Clerk of said County do hereby certify the assessed value of the various classes of real estate, personal property and public utility property FOR THE CALCULATION OF THE REDUCE (ROLLED BACK LEVY RATE for the assessment year 2010.

	Column A Assessed Valuation For Tax Purposes (w/o Homestead & Exempt)	Column B New Property and Back Tax Property (Excluding TIF)	Column C TIF Tax Incremental Financing Value	Column D Assessed Valuation For Tax Purposes Minus New Property, Back Tax Property & TIF (Col A Minus Col B and C)
Class I				
Personal Property	0	0	0	0
Public Utility Property	0	0	0	0
Total Class I	0	0	0	0
Class II				
Real Estate	169,183,430	3,232,080		165,951,350
Personal Property	1,116,065	252,544	0	863,521
Total Class II	170,299,495	3,484,624	0	166,814,871
Class III				
Real Estate	58,145,740	278,220		57,867,520
Personal Property	169,983,729	30,362,982		139,620,747
Public Utility Property	29,564,670	2,304,070		27,260,600
Total Class III	257,694,139	32,945,272	0	224,748,867
Class IV				
Real Estate	20,131,360	679,320		19,452,040
Personal Property	19,948,390	900,983		19,047,407
Public Utility Property	4,813,997	226,062		4,587,935
Total Class IV	44,893,747	1,806,365	0	43,087,382
TOTAL FOR LEVYING BODY	472,887,381	38,236,261	0	434,651,120

EXAMPLE COUNTY, WEST VIRGINIA
CALCULATING REDUCED LEVY RATE
2010 - 2011

CLASS		ROLL BACK VALUE (Column D)	X	WEIGHTING	=		WEIGHTED ASSESSED VALUE
Class I	$	0	X	0.01	=	$	0
Class 2		166,814,871	X	0.02	=		3,336,297
Class 3		224,748,867	X	0.04	=		8,989,955
Class 4		43,087,382	X	0.04	=		1,723,495
Total All Classes	$	434,651,120		(Total WAV)		$	14,049,747

Assessor's Valuation % per PVC: 2.00%

Previous year's projected revenue: $ 1,910,993 103.00% % $ 1,968,323

Divide by the **TOTAL WEIGHTED ASSESSED VALUE (Total WAV)**
(use 4 decimal places here) $ 0.1401

The result of this division is then multiplied x 100 **(use 2 decimal places here)**
and this will = the Class 1 Levy Rate in cents per $100 of assessed value **14.01**

The Class 2, 3, and 4 Levy Rates are determined by multiplying the Class I Rate as follows:

					Class 2 Rate:
Class 1 Rate	14.01	¢	X 2	=	28.02
					Class 3 & 4 Rate:
Class 1 Rate	14.01	¢	X 4	=	56.04

DO NOT USE RATES IN EXCESS OF 2 DECIMAL PLACES

Divide by the TOTAL WEIGHTED ASSESSED VALUE (TOTAL WAV) USE 4 DECIMAL POINTS HERE **0.1401**

EXAMPLE COUNTY, WEST VIRGINIA
CALCULATING REDUCED LEVY RATE
Maximum with Hearing
2010 - 2011

CLASS		ROLL BACK VALUE (Column D)	X	WEIGHTING	=		WEIGHTED ASSESSED VALUE
Class I	$	0	X	0.01	=	$	0
Class 2		166,814,871	X	0.02	=		3,336,297
Class 3		224,748,867	X	0.04	=		8,989,955
Class 4		43,087,382	X	0.04	=		1,723,495
Total All Classes	$	434,651,120		(Total WAV)		$	14,049,747

Assessor's Valuation % per PVC:			2.00%			
Previous year's projected revenue:	$	1,910,993	112.00%	%	$	2,140,312

Divide by the **TOTAL WEIGHTED ASSESSED VALUE (Total WAV)**
(use 4 decimal places here) $ **0.1430**

The result of this division is then multiplied x 100 **(use 2 decimal places here)**
and this will = the Class 1 Levy Rate in cents per $100 of assessed value **14.30**

The Class 2, 3, and 4 Levy Rates are determined by multiplying the Class I Rate as follows:

					Class 2 Rate:
Class 1 Rate	**14.30**	¢	X 2	=	**28.60**
					Class 3 & 4 Rate:
Class 1 Rate	**14.30**	¢	X 4	=	**57.20**

DO NOT USE RATES IN EXCESS OF 2 DECIMAL PLACES

Divide by the TOTAL WEIGHTED ASSESSED VALUE (TOTAL WAV) USE 4 DECIMAL POINTS HERE **0.1523**

NOTICE OF PROPOSED TAX INCREASE

The Example County Commission proposes to increase property tax levies.

1. **Appraisal/Assessment Increase:**
   Total assessed value of property, excluding additional assessments due to new or improved

2. **Lowered Rate necessary to Offset Increased Assessment:**
   The tax rate which would levy the same amount of property tax as last year, when multiplied by the

	Lowered Tax Rates
Class I	14.01 ¢
Class II	28.02 ¢
Class III	56.04 ¢
Class IV	56.04 ¢

3. **Effective Rate Increase:**
   The Example County Commission proposes to adopt a tax rate per $100 of assessed value on each

	Proposed Rate	Effective Tax Rate Increase	Percentage of Increase
Class I	14.30 ¢	0.29 ¢	2%
Class II	28.60 ¢	0.58 ¢	2%
Class III	57.20 ¢	1.16 ¢	2%
Class IV	57.20 ¢	1.16 ¢	2%

Individual property taxes may, however, increase at a percentage greater than or less than the above

4. **Revenue produced last year:** $1,910,993
5. **Revenue projected under the effective rate increases:** $44,978
6. **Revenue projected from new property or improvements:** $208,745
7. **General areas in which revenue is to be allocated** _____

A public hearing on the increases will be held on

_____ at 0, 0

(Date and Time) (Place)

the decision regarding the increase will be made on

_____ at 0, 0

(Date and Time) (Place)

CERTIFICATION OF
PUBLIC NOTICE AND HEARING

DATE: _____

STATE OF WEST VIRGINIA
COUNTY OF

I, _____, CLERK OF THE COUNTY COMMISSION OF SAID COUNTY, DO HEREBY CERTIFY THAT THE NOTICE WAS MADE REGARDING THE PUBLIC HEARING ON A PROPOSED TAX INCREASE AND THAT THE INFORMATION PROVIDED ON THE LEVY PAGE IS IN COMPLIANCE WITH W. VA. CODE §11-8-6e.

_____
(COUNTY CLERK'S SIGNATURE)

COUNTY OF _____

EXAMPLE COUNTY, WEST VIRGINIA
LEVY ORDER AND RATE SHEET
REGULAR CURRENT EXPENSE LEVY
2010 - 2011

The following is a true copy from the record of orders entered by Example County Commission on the of April, 20 .

Signature

Current Year	**Column E Certificate of Valuation Assessed Value for Tax Purposes**	**Levy Rate/$100**	**Taxes Levied**
Class I			
Personal Property	$ 0	14.30	$ 0
Public Utility	0		0
Total Class I	$ 0		$ 0
Class II			
Real Estate	$ 169,183,430	28.60	$ 483,865
Personal Property	1,116,065		3,192
Total Class II	$ 170,299,495		$ 487,057
Class III			
Real Estate	$ 58,145,740	57.20	$ 332,594
Personal Property	169,983,729		972,307
Public Utility	29,564,670		169,110
Total Class III	$ 257,694,139		$ 1,474,010
Class IV			
Real Estate	$ 20,131,360	57.20	$ 115,151
Personal Property	19,948,390		114,105
Public Utility	4,813,997		27,536
Total Class IV	$ 44,893,747		$ 256,792
Total Value & Projected Revenue	$ **472,887,381**		$ **2,217,859**
Less Delinquencies, Exonerations & Uncollectable Taxes		7.25%	160,795
Less Tax Discounts		1.50%	30,856
Less Allowance for Tax Increment Financing - see worksheet (Subtracted from regular current expense taxes levied only)			0
Total Projected Property Tax Collection			**2,026,208**
Less Assessor Valuation Fund (Subtracted from regular current expense taxes levied only)		**2.00%**	40,524
Net Amount to be Raised by Levy of Property Taxes For Budget Purposes			$ **1,985,684**

EXAMPLE COUNTY, WEST VIRGINIA
LEVY ORDER AND RATE SHEET
EXCESS LEVY PAGE
2010 - 2011

The following is a true copy from the record of orders entered by Example County Commission on the of April, 20 .

Signature

Current Year	**Column E Certificate of Valuation Assessed Value for Tax Purposes**	**Levy Rate/$100**	**Taxes Levied**
Class I			
Personal Property	$ 0	5.20	$ 0
Public Utility	0		0
Total Class I	$ 0		$ 0
Class II			
Real Estate	$ 169,183,430	10.40	$ 175,951
Personal Property	1,116,065		1,161
Total Class II	$ 170,299,495		$ 177,111
Class III			
Real Estate	$ 58,145,740	20.80	$ 120,943
Personal Property	169,983,729		353,566
Public Utility	29,564,670		61,495
Total Class III	$ 257,694,139		$ 536,004
Class IV			
Real Estate	$ 20,131,360	20.80	$ 41,873
Personal Property	19,948,390		41,493
Public Utility	4,813,997		10,013
Total Class IV	$ 44,893,747		$ 93,379
Total Value & Projected Revenue	$ **472,887,381**		$ **806,494**
Less Delinquencies, Exonerations & Uncollectable Taxes		7.25%	58,471
Less Tax Discounts		1.50%	11,220
Total Projected Property Tax Collection		. . . . .	**736,803**
Less Assessor Valuation Fund (Subtracted from regular current expense taxes levied only)		**2.00%**	14,736
Net Amount to be Raised by Levy of Property Taxes For Budget Purposes			$ **722,067**