

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: WV Commission for the Deaf and Hard of Hearing
Department of Health and Human Resources TITLE NUMBER: 192

CITE AUTHORITY W. Va. Code § 6-9A-3

RULE TYPE: PROCEDURAL INTERPRETIVE

EXEMPT LEGISLATIVE RULE

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

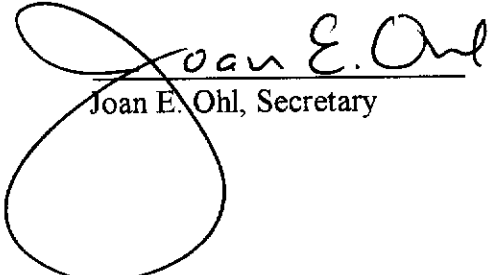
TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: 2

TITLE OF RULE BEING ADOPTED: Meetings and Bylaws

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE.

THE EFFECTIVE DATE OF THIS RULE IS August 15, 2000


Joan E. Ohl, Secretary

FILED

JUL 7 3 30 PM '00

TITLE 192
PROCEDURAL RULES
WEST VIRGINIA COMMISSION FOR THE DEAF AND HARD-OF-HEARING
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 2
MEETINGS AND BYLAWS

§192-2-1. General.

1.1. Scope. -- This procedural rule sets forth the means by which notice of meetings of the commission is given to the public and the news media and also establishes bylaws for the commission. This rule should be read in conjunction with W. Va. Code §§5-14-1 et seq. (West Virginia Commission for the Deaf and Hard-of-Hearing), 6-9A-1 et seq. (Open Governmental Proceedings) and 29B-1-1 et seq. (Freedom of Information), all available in public libraries and on the internet at <http://www.legis.state.wv.us/>.

1.2. Authority. -- W. Va. Code §6-9A-3.

1.3. Filing Date. -- July 7, 2000.

1.4. Effective Date. -- August 15, 2000.

1.5. Application. -- This rule applies to the commission, its staff and individuals desiring to attend commission meetings or address the commission.

1.6. Enforcement. -- This rule is

enforced by the chairperson of the commission with the assistance of the executive director of the commission.

§192-2-2. Definitions.

2.1. This rule incorporates the definitions in W. Va. Code §6-9A-2 of the Open Governmental Proceedings Law.

2.2. Commission. -- The West Virginia Commission for the Deaf and Hard-of-Hearing continued by W. Va. Code §5-14-3 within the Department of Health and Human Resources.

§192-2-3. Meetings; Notice; Public and Media Attendance; Interpreters.

3.1. Regular and Special Meetings.

3.1.a. Notice.

3.1.a.1. The chairperson or executive director notifies the public and the news media of a regular or special meeting by filing a notice of the meeting with the Secretary of State for publication in the State Register. The notice states the date, time, place and agenda of the meeting and is filed in time to allow the notice to appear in

the State Register at least five (5) days prior to the date of the meeting.

3.1.b. Purpose.

3.1.b.1. Regular and special meetings are general meetings for the consideration of any matter that may properly come before the commission and for which proper notice has been given.

3.1.c. Regular Meeting Schedule.

3.1.c.1. The commission establishes a regular meeting schedule and meets no less than four (4) times per year.

3.1.d. Special Meetings.

3.1.d.1. Special meetings of the commission may be called by the chairperson, the executive director, or by two (2) members of the commission upon written request to the executive director.

3.1.d.2. The chairperson or executive director sends members a written notice setting forth the date, time, place and agenda of a special meeting at least five (5) days in advance of the special meeting, except that the written notice to members is not required if the date, time, place, and agenda have been fixed in a meeting at which all members were present.

3.2. Emergency meetings.

3.2.a. In the event of an emergency requiring immediate official action, the chairperson or executive director may call an emergency meeting and file, with the Secretary of State at any time prior to the meeting, an emergency meeting notice stating the date, time, place and agenda of the meeting and the facts and circumstances of the emergency. The chairperson or the executive director notify members of the emergency meeting.

3.3. Public and Media Attendance.

3.3.a. The commission may without notice move the location of a meeting to accommodate members of the public and media who wish to attend the meeting and makes accommodations, in accordance with W. Va. Code §6-9A-9, for radio and television stations to broadcast, film or record a meeting.

3.4. Interpreters.

3.4.a. Meetings and activities held by the commission are attended by at least two qualified interpreters who are hired at the commission's expense or provided free of charge by agencies, organizations or individuals willing to volunteer qualified interpreters.

§192-2-4. Cancellation of Meetings.

4.1. Meetings may be canceled by the chairperson or the executive director, and the chairperson or the executive director notify members of

the cancellation.

4.2. Immediately upon meeting cancellation, the chairperson or executive director file a public notice of the cancellation with the Secretary of State.

§192-2-5. Open and Electronic Meetings; Executive Sessions.

5.1. Meetings of the commission are open to the public, but executive sessions may be held during meetings as provided in W. Va. Code §6-9A-4.

5.2. The commission may hold an executive session only upon a majority affirmative vote of the members present and after the chairperson has announced the specific authority in W. Va. Code §6-9A-4 for the executive session.

5.3. No decision is made in executive session.

5.4. The commission permits members of the public to address the commission for a reasonable time.

5.5. Meetings may be held by telephone conference or other electronic means if provision is made for interested members of the public to follow the proceedings as they occur and to address the commission.

§192-2-6. Minutes and Records.

6.1. The commission provides for the preparation of written minutes of its meetings. Minutes of meetings

except minutes of executive sessions, if any are taken, are available to the public within a reasonable time after the meeting and include at least the following information:

6.1.a. The date, time and place of the meeting;

6.1.b. The name of each member and whether he or she was present or absent;

6.1.c. The text and disposition of each motion, proposal, resolution, or measure proposed;

6.1.d. The name of the person who made the motion, proposal, resolution, or measure; and

6.1.e. The results of votes and, upon the request of a member, the vote of each member by name.

6.2. Records and proceedings of the commission are public records and are available to the public during the usual and customary business hours of the commission in accordance with W. Va. Code §§29B-1-3 and 29B-1-4 of the Freedom of Information Act.

§192-2-7. Deliberation and Voting.

7.1. The commission deliberates and votes in accordance with W. Va. Code §6-9A-8 so as to enable the public to understand what is being deliberated or voted upon.

7.2. The public vote of a majority of the members present after a quorum is

necessary for the commission to take action.

7.3. Ex officio members are voting members.

7.4. Proxy voting is prohibited.

§192-2-8. Election and Duties of Officers; Committees; Appointment of Executive Director and Other Personnel.

8.1. The members annually elect a chairperson and may elect other officers and assign duties.

8.2. If a vice-chairman is elected, he or she assumes the duties of the chairperson in the absence of the chairperson.

8.3. The duties of the chairperson are to:

8.3.a. Preside at and conduct meetings according to Robert's Rules of Order when such rules are applicable and not inconsistent with this rule;

8.3.b. Appoint members to serve on committees as may be created by the commission; and

8.3.c. Perform such other functions as pertain to the office of chairperson.

8.4. The commission appoints an executive director and may employ other personnel consistent with the provisions of W. Va. Code §5-14-8.

§192-2-9. Resignation of Members.

9.1. A member who does not serve ex officio and who desires to resign shall send a letter of resignation to the governor with a copy to the chairperson.