

\$3.40

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Rule Establishing Procedures To Provide Public Notice of Date, Time, Place, Agenda and Purpose of Meetings of West Virginia Infrastructure & Jobs Development Council And Manner In Which Meetings Are To Be Conducted.

Type of Rule: ☐ Legislative ☐ Interpretive ☒ Procedural

Agency West Virginia Infrastructure & Jobs Development Council

Address 980 One Valley Square

Charleston, WV 25301

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	DECREASE	DECREASE	CURRENT	NEXT	HEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

2. Explanation of above estimates:

NA

3. Objectives of these rules:

To comply with the requirements of W.Va. Code § 6-9A-3

Rule Title:

Rule Establishing Procedures To Provide Public Notice of Date, Time, Place, Agenda and Purpose of Meeting of West Virginia

Infrastructure & Jobs Development Council And Manner In Which Meetings Are To Be Conducted.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

None

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

None

C. Economic Impact on Citizens/Public at Large.

None

Date: September 7, 1999

Signature of Agency Head or Authorized Representative

Daniel B. Gombosky

BRIEF SUMMARY OF PROPOSED RULE

**TITLE 167
PROCEDURAL RULES
WEST VIRGINIA INFRASTRUCTURE &
JOBS DEVELOPMENT COUNCIL

SERIES 2
RULE ESTABLISHING PROCEDURES
TO PROVIDE PUBLIC NOTICE
OF DATE, TIME, PLACE, AGENDA AND PURPOSE OF MEETINGS
OF WEST VIRGINIA INFRASTRUCTURE & JOBS DEVELOPMENT COUNCIL
AND MANNER IN WHICH MEETINGS ARE TO BE CONDUCTED.**

This proposed rule is being filed in order to comply with the requirements of West Virginia Open Governmental Meetings Act, W Va Code §§ 6-9A-1, *et seq.* Section 6-9A-3 requires the West Virginia Infrastructure & Jobs Development Council to promulgate rules by which the date, time, place and agenda of all regularly scheduled meetings, and the date, time, place and purpose of all special meetings be made available, in advance, to the public and the news media.

TITLE 167
PROCEDURAL RULES
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SERIES 2
RULE ESTABLISHING PROCEDURES
TO PROVIDE PUBLIC NOTICE
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OF WEST VIRGINIA INFRASTRUCTURE AND JOBS DEVELOPMENT COUNCIL
AND MANNER IN WHICH MEETINGS ARE TO BE CONDUCTED.

§ 167-2-1. General.

1.1 Scope -- This rule establishes procedures for providing notice to the public and the news media of all regularly-scheduled, special and emergency meetings of the West Virginia Infrastructure & Jobs Development Council and certain committees thereof.

1.2 Authority -- W Va. Code § 31-15A-4 and § 6-9A-3

1.3 Filing Date -- September __, 1999

1.4 Effective Date -- _____, 1999

§ 167-2-2. Definitions.

2.1 "Council" means the West Virginia Infrastructure and Jobs Development Council created and established under W Va Code §§ 31-15A-1 *et seq*

2.2 "Consolidation Committee" means the consolidation committee of the Council.

2.3 "Funding Committee" means the funding committee of the Council.

2.4 "Governing Body" means the Council, the Consolidation Committee or the Funding Committee.

§ 167-2-3. Notice.

3.1 Regularly Scheduled Meetings -- The Council, the Consolidation Committee and the Funding Committee shall each cause notice of their respective regularly scheduled meetings to be filed with the office of the Secretary of State for the State of West Virginia for publication in the State Register in a manner to allow each notice to appear in said publication at least five days prior to the date of the meeting. Notice provided under this section shall include the date, time, place and agenda of the meeting.

3.2 Special Meetings -- The Council, the Consolidation Committee and the Funding Committee shall each cause notice of all of their respective special meetings to be filed with the office of the Secretary of State for the State of West Virginia for publication in the State Register in a manner to allow each notice to appear in said publication at least five days prior to the date of the meeting. Notice provided under this section shall include the date, time, place and purpose of the meeting.

3.3 Emergency Meetings -- The Council, the Consolidation Committee and the Funding Committee may each file notice of any of their respective emergency meetings requiring immediate official action with the office of the Secretary of State for the State of West Virginia for publication in the State Register at any time prior to such meeting. Notice provided under this section shall include the date, time, place and purpose of the meeting and the facts and circumstances of the emergency.

§ 167-2-4. Continued Meetings.

4.1 For purposes of this rule, the announcement of continuation at a meeting otherwise noticed hereunder shall be deemed reasonable notice of the reconvening of the continued meeting.

§ 167-2-5. Additional Notice.

5.1 Nothing in this rule shall prohibit a Governing Body from providing additional notice for any particular meeting which it deems desirable or necessary, including the practice of causing the notice to be provided to local newspapers, television stations, radio stations and other news media.

§ 167-2-6 Amendments to Agenda.

6.1 If amendments to the agendas published in accordance with § 167-2-3.1 should occur prior to the date of any regularly-scheduled meeting, the Governing Body shall provide immediate notice of such amendment by posting a copy of the amended agenda at a prominent place at the location where the meeting is to be held.

§ 167-2-7. Telephone and Electronic Conferences.

7.1 Attendance -- Members of the Council, the Consolidation Committee and the Funding Committee may participate in any regularly-scheduled, special or emergency meeting by telephone conference or other similar electronic means.

7.2 Participation -- At each meeting where a member participates by telephone or electronic means, the presiding officer of the Governing Body shall convene the meeting and advise the public of the identity of the member participating in said manner. The voice, comments and votes of said member shall be audible to all those personally present at the meeting.

7.3 Voting -- Members participating in a meeting of a Governing Body by telephone or electronic means may cast votes on any matter to be voted upon at the meeting; *provided*, that no member may cast his or her vote by facsimile transmission. Where a majority of the members of a Governing Body has participated in a meeting of that body by telephone or electronic means, the actions taken at that

meeting shall be ratified at the next succeeding regularly scheduled meeting of the body, and said ratification shall be placed in the minutes of the meeting. Where less than a majority of the members of a Governing Body has participated in a meeting of that body by telephone or electronic means, the votes of those members so participating shall be confirmed at the next succeeding regularly scheduled meeting of the body, and said confirmation shall be placed in the minutes of the meeting

§ 167-2-8. Severability.

8.1 If any word, phrase or provision of this rule is held to be invalid, the remainder of the rule shall, to the fullest extent possible, not be affected by that holding.