

OFFICE OF THE SECRETARY OF STATE
A. JAMES MANCHIN
CHARLESTON 25305

process papers

THE STATE CAPITOL

STATE REGISTER FILING

ROBERT W. JACKSON
DEPUTY SECRETARY OF STATE
CORPORATE AFFAIRS

I, Herschel H. Rose III, Chairman
Title or Position

Municipal Bond Commission, hereby submit to records in
the State Register on 8 1/2 x 11" two (2) copies of

- (X) proposed rules and regulations concerning topics of material
not covered by existing rules and regulations;
- () proposed rules and regulations superseding rules and regulations
already on file;
- (X) notice of hearing;
- () findings and determinations;
- () Emergency rules and regulations
- () Legislative (X) Procedural () Interpretive regulations
- () other - specify _____

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE

THIS DATE 12-20-83
Administrative Law Division

This filing pertains to

CHAPTER 13 ARTICLE 3 SECTION 6 of the
West Virginia Code, 1931, as amended.

SERIES I, SECTION 9 PAGE NO. 9 of the
Administrative Code.

ADDITIONAL INFORMATION

December 20, 1983
Date Submitted

Herschel H. Rose III
Signature of Person Authorizing
this Filing



MUNICIPAL BOND COMMISSION
OF WEST VIRGINIA

HERSCHEL H. ROSE III
TAX COMMISSIONER, CHAIRMAN

LARRIE BAILEY
TREASURER, SECRETARY

GLEN B. GAINER, JR.
AUDITOR, MEMBER

STATE CAPITOL BUILDING
WEST WING - 127
CHARLESTON, WV 25305
(304) 348-3971
(304) 348-3972

JAMES R. BROTHERTON
MEMBER

JOHN ROACH
MEMBER

R. WITTER HALLAN
EXECUTIVE SECRETARY

NOTICE OF PUBLIC HEARING

Pursuant to Chapter 29A, Article 3 of the Code of West Virginia of 1931, as amended, the Municipal Bond Commission will convene a public hearing for the purpose of receiving written public comment on the merits of the proposed Rules of Procedure Covering Board Meetings of the West Virginia Municipal Bond Commission (proposed W. Va. Proc. Reg. 13-3, Ser. I (1984), from 10:00 a.m. to 11:00 a.m., on Tuesday, January 24, 1984, in the Lounge (Small Conference Room), Building Seven, State Capitol Complex, Charleston, WV.

At this public hearing written presentations may be submitted. Written materials may also be submitted directly to the Commission at the following address:

Executive Secretary
WV Municipal Bond Commission
Rm 406 - Building 6
State Capitol Complex
Charleston, WV 25305

Written materials bearing a United States postmark of not later than January 31, 1984 will be deemed to be timely filed.

A copy of this proposed Rules of Procedure may be obtained by writing the Municipal Bond Commission at the above address, or calling 348-3971.

Submitted to the State Register on December 20, 1983.

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE

THIS DATE Dec. 20, 1983
Administrative Law Division


Herschel H. Rose III
Chairman, Municipal Bond Commission



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FISCAL NOTE

RE: Fiscal Note to proposed W. Va. Proc. Reg. 13-3, Ser. I (1984)

The purpose of these proposed procedural rules is to codify and formalize the rules for the calling, publicizing, conducting and recording of the Board and Executive Committee meetings of the Municipal Bond Commission.

In compliance with W. Va. Code §29A-3-4, the itemized cost of implementing these proposed rules as they relate to this State and to persons affected by these rules and regulations is as follows:

A. Cost to State

The administrative costs associated with implementing these proposed rules will be nominal. These costs are currently, and will continue to be, included in the general operating budget of the Commission as authorized by the Legislature.

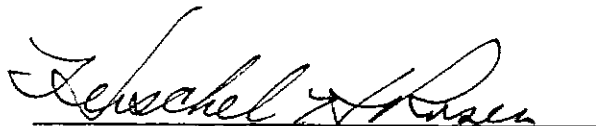
B. Cost to Local Government

There will be no administrative costs associated with implementing these proposed rules.

C. Cost to Taxpayers

There will be no administrative costs associated with implementing these proposed rules.

Submitted to the State Register on December 20, 1983, in compliance with W. Va. Code §29A-3-5 and §29A-3-9.


Herschel H. Rose III
Chairman, Municipal Bond Commission

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FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 12-20-83
Administrative Law Division

Municipal Bond Commission
Proc. Reg. 13-3
Series I

PROPOSED

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

MUNICIPAL BOND COMMISSION

PROCEDURAL

Chapter 13-3
Series I
(1984)

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE

THIS DATE 12-20-83
Administrative Law Division

Subject: Rules of Procedure Covering Board and Executive Committee Meetings
of the West Virginia Municipal Bond Commission.

Section 1. General.

1.01. Type of Regulations. -- These regulations are "procedural rules" as defined in W. Va. Code §29A-1-2(g) (1982).

1.02. Scope. -- These regulations clarify and codify state law as it relates to the calling, publicizing, conducting, and recording the Commission and Executive Committee meetings of the Municipal Bond Commission; W. Va. Code §13-3.

1.03. Authority. -- These regulations are issued under the authority of W. Va. Code §13-3-6 (1977).

1.04. Filing Date. -- These proposed procedural rules are filed in the office of the Secretary of State, together with a notice of public hearing and a fiscal note on December 20, 1983.

1.05. Effective Date. -- The Commission has been, and will continue to operate under these rules pending public hearing and formal adoption of these regulations.

1.06. Citation. -- These regulations may be cited as: W. Va. Proc. Reg. 13-3, Series I § _____, page _____ (1984).

Section 2. Background.

2.01. Authorization of the Commission to consider these regulations.

(a) The WV Municipal Bond Commission held its' annual meeting, as prescribed by law, on July 29, 1983, after proper public notice. At that meeting, all five Commissioners being present, the Commission passed a unanimous resolution authorizing a meeting of the Executive Committee at a future date to act for said full Commission in the consideration and adoption of proposed rules of procedure for the Commission to follow in the calling, publicizing, conducting, and recording of its' meetings. These rules would codify and formalize the existing state statutes and ensure compliance of the Commission with the relevant West Virginia State Codes.

(b) The Commission directed the Executive Secretary of the West Virginia Municipal Bond Commission to draw up and submit rules of procedure for the Executive Committee to consider at a meeting to be called by the Chairman at a future date. The Executive Secretary submitted a draft of the proposed rules to the Executive Committee members on November 23, 1983.

(c) The Chairman called a meeting of the Executive Committee to consider these proposed rules for December 20, 1983, and public notice of the meeting was filed with the State Register in the Secretary of State's office on December 1, 1983.

Section 3. Commission authorized.

3.01. Sinking Fund Commission. -- The State Sinking Fund Commission is a public agency of the West Virginia State Government, authorized by the West Virginia Legislature in 1921.

3.02. Municipal Bond Commission. -- The Commission's name was changed from the State Sinking Fund Commission to the West Virginia Municipal Bond Commission by the West Virginia Legislature in 1977 in W. Va. Code §13-3-1.

Section 4. Commission Organization.

4.01. Members and officers. -- Under the provisions of W. Va. Code §13-3-2 and §13-3-3, the Commission shall be composed of five members as follows:

(a) the State Tax Commissioner, ex officio, who shall be its' Chairman;

(b) the Treasurer of the State, ex officio, who shall be its' Treasurer;

(c) the Auditor of the State, ex officio, member; and

(d) two residents of the State appointed by the Governor by and with the advice and consent of the Senate.

4.02. Appointment of chief administrative officer. -- The Commission shall appoint a chief administrative officer, hereafter called the Executive Secretary.

4.03. Substitute members. -- When the demands of office prevent a member of the Commission who is an official of the West Virginia State Government from attending a duly called meeting of the Commission, he may designate a representative who is authorized to act for and on his behalf at the meeting, upon notification in writing to the Chairman of the Commission. The representative shall have all the rights and responsibilities of the member in the conduct of the Commission's business.

4.04. Compensation of members. -- Appointed members of the Commission shall be paid fifty dollars for each day or substantial portion thereof that they are engaged in the work of the Commission. Each member of the Commission may be reimbursed for all reasonable and necessary expenses actually incurred in the performance of duties on behalf of the Commission. W. Va. Code §13-3-3.

Section 5. Meetings.

5.01. Regular and special meetings. -- The Commission shall hold at least three meetings in each fiscal year, one of which meetings shall be held in July and shall be the annual meeting. Such meetings shall be held on such dates and at such places as the Chairman may prescribe. Additional meetings may be held at the call of the Chairman or upon written request of three members at such time and place as designated in such call or request. Four members of the Commission shall constitute a quorum.

5.02. Executive Committee meetings. -- The State Tax Commissioner, the Treasurer of the State, and the Auditor of the State shall constitute the Executive Committee of the Municipal Bond Commission. The Executive Committee is vested with all powers of the Commission when it is not in session, except that the Executive Committee may not overrule, reverse, or disregard any action of the full Commission. Action of the Executive Committee shall be taken by resolution adopted by a majority of the Executive Committee. The Chairman may call meetings of the Executive Committee at any time.

5.03. Time and location of meetings. -- All meetings of the Commission and Executive Committee shall be held only during normal working hours and only at reasonable locations as to be accessible to the public.

5.04 Member and public announcement of meetings. -- Under call of a

Commission or Executive Committee meeting by its' Chairman not specified as to time or date, or upon written request of three members, the Executive Secretary shall arrange a time and date for the meeting which is agreeable to its' members. Formal notice of the meeting, time, date, location, and agenda shall be made in writing to each member by the Chairman. The Executive Secretary shall prepare a notice of meeting, specifying its' time, date, location, and purpose, duly signed by the Chairman, and distribute it to the public not later than 5:00 p.m. Thursday of the week preceding the meeting by (a) registering the notice of meeting with the office of the Secretary of State, (b) having the notice published in the State Register for the following week, and (c) distributing not less than seven copies of the notice to the Press Room in the State Capitol.

5.05. Meetings open to the public. -- Under the provisions of W. Va. Code §6-9A, the meetings of the Commission shall be conducted in an open and public manner. The Commission may make and enforce reasonable rules and regulations for attendance at any meeting where there is not room enough for all members of the public who wish to attend, and may remove from a meeting any member of the public who is disrupting the meeting to the extent that orderly conduct at the meeting is compromised.

Section 6. Minutes of Meetings.

6.01. Recorder. -- The Executive Secretary shall take the minutes of all Commission and Executive Committee meetings which shall be available to the public within a reasonable time after the meeting.

6.02. Contents of Minutes. -- The minutes shall include at least the following information:

- (a) the date, time and place of the meeting;
- (b) the name of each member of the Commission present and absent;
- (c) all motions, proposals, resolutions, orders, ordinances and measures proposed, the name of the person proposing the same and their disposition; and
- (d) the results of all votes and , upon request of a member, the vote of each member, by name.

Section 7. Agenda of meetings.

7.01. Procedure of meetings. -- At the time and place of a meeting duly called, upon the presence of a quorum, the Chairman shall call the meeting to order. The Commission shall first hear, and approve or change, the minutes of the last meeting of the Commission. It shall then consider current matters of business before the Commission. At all regular meetings of the Commission, the Executive Secretary shall render a report on the Commission's activities, including all investment transactions that have transpired since the last meeting of the Commission. At the July annual meeting of the Commission, the Executive Secretary shall deliver the annual financial report of the Commission.

Section 8. Executive Session.

8.01. Authority to meet. -- Under the provisions of W. Va. Code §6-9A-4, the full Commission, or its' Executive Committee, may meet in executive session during regular, special, or emergency meeting, only upon a majority vote of its' members in open meeting. Executive session shall mean any meeting or part of a meeting of the Commission which is closed to the public.

8.02. Purposes of Executive Sessions. -- In executive session the

Commission may consider only the following:

- (a) the appointment, employment, retirement, promotion, demotion, disciplining, resignation, discharge, dismissal or compensation of any public officer or employee, or other personnel matters, or for the purpose of conducting a hearing on a complaint against a public officer or employee, unless such public officer or employee requests an open meeting; or
- (b) the physical or mental health of any person, unless such a person requests an open meeting; or
- (c) any official investigation or matters relating to crime prevention or law enforcement; or
- (d) the development of security personnel or devices; or
- (e) matters involving or affecting purchase, sale or lease of property, advance construction planning, the investment of public funds or other matters involving competition which, if made public, might adversely affect the financial or other interests of the State or any political subdivision.

8.03. Recorder and minutes. -- In executive session, the Executive Secretary shall serve as the recorder. On matters requiring the absence of the Executive Secretary, the Treasurer of the State shall serve as recorder of the session. Minutes of executive sessions may be limited to material the disclosure of which is not inconsistent with the provisions of section 8.02.

Section 9. General.

9.01. Policy of the Commission. -- It shall be the policy of the Municipal Bond Commission that it shall so execute its' calling, publicizing,

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conducting, and reporting of its' meetings as to ensure the public trust in
the Commission and its' operations.

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PROPOSED

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

MUNICIPAL BOND COMMISSION

PROCEDURAL

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