

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

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2006 MAR -3 P 2:57

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE WEST VIRGINIA
SECRETARY OF STATE

AGENCY: West Virginia Parkways, Economic Development and Tourism Authority TITLE NUMBER: 184

RULE TYPE: Procedural CITE AUTHORITY: WV Code S6-9A-3

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 RULE BEING PROPOSED: Series 2

TITLE OF RULE BEING PROPOSED: Rule providing for notice of meetings
and conduct of meetings.

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON April 4, 2006 AT 4:00 P.M. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

West Virginia Parkways Economic
Development and Tourism Authority
P.O. Box 1469
Charleston, WV 25325-1469

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.
BY ITS CHAIRMAN, GOVERNOR JOE MANCHIN III

BY: 
Authorized Signature

CHAIRMAN - DESIGNEE OF THE GOVERNOR,
JOE MARTIN

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

\$3.40

FISCAL NOTE WORKSHEET

FILED

Draft/File No.

Title

184

Series

2

2006 MAR -8 A 10:43

Subject

WV Parkways Economic Development and Tourism Authority - Title Number: 184 - Rule Type: Procedural - WV Code §6-9A-3

Fund

Turnpike Toll Revenues

OFFICE WEST VIRGINIA SECRETARY OF STATE

SOURCE OF REVENUE: GENERAL FUND SPECIAL OTHER (SPECIFY) Turnpike Toll Revenues
 COST ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY)
 INCOME ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY)
 SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 AND IN ITEM 3 GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT.

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$	\$	\$	\$	\$
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS AND ALTERATIONS					
EQUIPMENT					
OTHER					
2. ESTIMATED TOTAL REVENUES	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

The submission of this Procedural Rule will have no effect on Turnpike toll revenues. This rule does not affect the general revenue of the State of West Virginia. The West Virginia Turnpike is operated and maintained by the Parkways Authority with Turnpike toll revenues paid by the users of the highway. Thus, no State tax or general revenue dollars are used in the maintenance or operation of the Turnpike.

DATE

AGENCY

AUTHORIZED REPRESENTATIVE

3/6/06

WV Parkways Economic Development and Tourism Authority

**Gregory C. Barr,
General Manager**

(10-66) FISCAL NOTE

TITLE 184, SERIES 2

Fiscal Note To: WEST VIRGINIA SECRETARY OF STATE'S OFFICE

EXPLAIN IN A CLEAR, CONCISE MANNER WHAT EFFECT THIS MEASURE WILL HAVE ON THE COSTS AND REVENUES OF STATE GOVERNMENT.

These procedural rules establishes requirements for notice of meetings and some general rules for conduct of said meetings. Meetings covered by these rules include meetings of the West Virginia Parkways Economic Development and Tourism Authority and standing committees of the Authority.

DATE

AGENCY

AUTHORIZED REPRESENTATIVE

3/6/06

**WV Parkways Economic Development
and Tourism Authority**


Gregory C. Barr, General Manager

SUMMARY OF PROPOSED PROCEDURAL RULE

WEST VIRGINIA PARKWAYS ECONOMIC DEVELOPMENT AND TOURISM
AUTHORITY

TITLE 184, SERIES 2

“NOTICE AND CONDUCT OF MEETINGS”

This proposed procedural rule provides for notice of regular and special meetings to be provided through publication in the state register administered by the West Virginia Secretary of State's Office not less than five (5) days prior to date of the noticed meeting and in accordance with the requirements of West Virginia Code § 6-9A-1, et. seq.

The notices shall provide generally, for the date, time, place and purpose of the meetings.

Pursuant to the rule, members of the public may be asked to sign in before addressing the Authority. Emergency meetings may also be conducted but with less advance notice and an explanation of the emergency circumstances.

The procedural rule also provides for minutes to be open to inspection of the public as provided by West Virginia Code § 6-9A-5 and recognizes that meetings may be held by telephone conference call or video conferencing.

**TITLE 184
WEST VIRGINIA PARKWAYS ECONOMIC DEVELOPMENT
AND TOURISM AUTHORITY
PROCEDURAL RULE**

FILED

2006 MAR -3 P 2:57

**SERIES 2
NOTICE AND CONDUCT OF MEETINGS**

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§184-6-1. General

1.1 Scope. - These procedural rules establishes requirements for notice of meetings and some general rules for conduct of said meetings. Meetings covered by these rules include meetings of the West Virginia Parkways Economic Development and Tourism Authority and standing committees of the Authority.

1.2 Authority - W.Va. Code §§6-9A-3.

1.3 Filing Date. -
_____.

1.4 Effective Date. -
_____.

§184-6-2. Preface.

2.1 The West Virginia Legislature has provided in W.Va. Code § 6-9A-1 that all regular and special meetings of any governing body shall be open to the public and that the public shall be given reasonable advance notice of the time, date, location and purpose of such meetings being convened: Provided, however, that governing bodies may hold executive sessions as part of duly convened regular, special or emergency meetings under certain circumstances as permitted by law.

2.2 The Legislature has provided in W.Va. Code §6-9A-3 that each governing body shall 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 are made available, in advance, to the public and news media, except in the event of an emergency requiring immediate official action;

§184-6-3. Notice of Meetings.

3.1 The West Virginia Parkways Economic Development and Tourism Authority shall meet at its headquarters building located at 3310 Piedmont Road, Charleston, West Virginia 25325, or at such other locations as the Authority may from time to time deem necessary.

3.2 Regular and Special Meetings - Notice of regularly scheduled meetings and special meetings shall be provided through the State Register, administered by the West Virginia Secretary of State's Office, and also shall be posted on the Authority's website at <http://www.wvturnpike.com>. Meeting notices shall be filed with the Secretary of State for publication in the State Register in a manner to allow each notice to appear in the state register at least five days prior to the date of the

meeting. Each notice shall contain the time, date, location and purpose of the meeting. The agenda of each meeting shall be posted on the Authority's website and made available in the Authority's Charleston headquarters at least three days prior to the date of the meeting. This three day advance period excludes the day of the meeting, along with Saturdays, Sundays and legal holidays.

3.3 Emergency Meetings – The notice of any emergency meeting shall be filed with the Secretary of State, at any time prior to the meeting, and posted on the Authority's website, and shall include the date, time, place and purpose of the meeting. Any notice of an emergency meeting shall also state the facts and circumstances of the emergency.

3.4 The minutes of the Authority's meetings shall be open to the inspection of any member of the public at the Charleston office, as provided by W.Va. Code § 6-9A-5.

§184-6-4. Meetings.

4.1 All meetings must be open to the public, although the Authority may, either on its own initiative or upon the request of an interested party, hold an executive session during a meeting after its presiding officer has identified the authorization under W.Va. Code § 6-9A-4 for the holding of such executive session and has presented it to the governing body and to the general public, as required by W.Va. Code §6-9A-4. An executive session will be held upon a majority affirmative vote of the

Authority members present or attending by teleconference.

4.2 Persons desiring to address the Authority are encouraged to make arrangements in advance with the Authority. However, advance arrangements are not necessary or required as such person may sign in on a sign-up sheet for persons wishing to address the Authority during a particular Authority meeting prior to the scheduled commencement of any regular or special meeting. Any speaker shall provide in such advance arrangements and in any event on the sign-up sheet his/her name, mailing address, telephone number and the subject to be addressed. Presentations shall be limited to five minutes, unless otherwise designated by the Authority. Delegations are encouraged but not required to use a spokesperson to present their concerns or proposals.

4.3 The chairman may have a person removed from the meeting room if the person, in the opinion of the chair, is disrupting the meeting to such an extent as to compromise the orderly conduct of the meeting. A motion to review the decision of the chair to have a person removed from the meeting shall have precedence over all other business, and a simple majority of members present and voting shall be necessary to overrule the initial decision of the chair.

§184-6-5. Meetings by Conference Call.

5.1 Occasions may arise when one or more members are not available to attend a meeting in person. On such occasions, members may attend and participate in the meeting by

telephone or video teleconference to the same extent as if physically present. A speakerphone or other audio/video device shall be used at the meeting site to enable those present, including the public, to hear/see the members who are attending and participating by telephone or video teleconference.