

FILED
1986 JUL 18 PM 12:42
OFFICE OF THE ATTORNEY GENERAL
SECRETARY OF STATE

NOTICE OF PUBLIC HEARING OR COMMENT PERIOD ON PROPOSED RULE

COMMENT PERIOD

AGENCY: WV Regional Jail and Prison Authority


RULE TITLE: Regulations for the Establishment of Regular Meetings
by the West Virginia Regional Jail and Prison Authority

RULE TYPE: Procedural

A COMMENT PERIOD ON THE ABOVE PROPOSED RULE HAS BEEN SCHEDULED AND
WILL END ON August 18, 1986 AT 5:00pm. WRITTEN COMMENTS ARE TO BE
MAILED TO THE FOLLOWING ADDRESS:

REGIONAL JAIL AND PRISON AUTHORITY
307 JEFFERSON ST.
STATE CAPITOL COMPLEX
CHARLESTON, WV 25305
ATTN: FRANK G. SHUMAKER

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THE PROPOSED RULE.


Rich. O. Hartman for
John L. King, Executive Dir.

STATE OF WEST VIRGINIA



ARCH A. MOORE, JR.

Governor

JOHN L. KING

Executive Director

207 JEFFERSON STREET
STATE CAPITOL COMPLEX
PHONE (304) 348-2110

MEMBERS

A.V. DODRILL, Jr.
Chairman

JOHN F. McCUSKEY
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Member

ALFRED N. LEAVITT
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DR. FRED HOLT
Member

REGIONAL JAIL and PRISON AUTHORITY

Charleston, WV 25305

July 17, 1986

Mr. Richard O. Hartman
Director, Administrative Law
Secretary of State's Office
State Capitol
Charleston, West Virginia 25305

Dear Mr. Hartman:

The Regional Jail and Prison Authority adopted the attached procedural rules for establishment of regular meetings on March 14, 1986, and authorized them to be filed with your office in accordance with Chapter 6, Article 9-A of the West Virginia Code.

Your assistance in arranging for an appropriate period of public comment and filing of these regulations will be greatly appreciated.

If additional information is needed, please feel free to contact Frank G. Shumaker at 348-2110.

Sincerely,

A handwritten signature in cursive script that reads "John L. King".
John L. King
Executive Director

JLK/FGS:jp

Attachment

WEST VIRGINIA PROCEDURAL RULES
WEST VIRGINIA REGIONAL JAIL AND PRISON AUTHORITY

FILED

1986 JUL 18 AM 10:48

OFFICE OF THE CLERK
SECRETARY OF STATE

Regulations for the Establishment of Regular Meetings
by the West Virginia Regional Jail and Prison Authority

Chapter 6-9A
Series I
(1986)

WEST VIRGINIA PROCEDURAL RULES
WEST VIRGINIA REGIONAL JAIL AND PRISON AUTHORITY

Regulations for the Establishment of Regular Meetings
by the West Virginia Regional Jail and Prison Authority

Chapter 6-9A
Series I
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INDEX

	PAGE
Section 1. General	1
Section 2. Application and Enforcement	1
Section 3. Definitions	1
Section 4. Regular Meetings Established; Time, Place	2
Section 5. Special Meetings; Notice Required, Time, Place and Purpose	2
Section 6. Proceeding to be Open; Exceptions Executive Session Permitted	3
Section 7. Minutes	3
Section 8. Quorum; Majority Vote Required; Vote by Proxy Prohibited	3
Section 9. Records of the Board-Public Document	4

WEST VIRGINIA PROCEDURAL RULES
WEST VIRGINIA REGIONAL JAIL AND PRISON AUTHORITY
CHAPTER 6-9A
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OFFICE OF THE CLERK
SECRETARY OF STATE

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Subject: Regulations for the Establishment of Regular Meetings
by the West Virginia Regional Jail and Prison Authority

Section 1. General

1.1 Scope - Chapter 6, Article 9A, Section 3 of the West Virginia Code of 1931, as amended, mandates that the West Virginia regional jail and prison authority shall promulgate rules by which the time and place of all regularly scheduled meetings and the time, place and purpose of all special meetings are made available in advance to the public and the news media, except in the event of an emergency requiring immediate official action.

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

1.3 Filing Date -

1.4 Effective Date -

1.5 Repeal of Former Rule - Not applicable inasmuch as the West Virginia regional jail and prison authority is a new government instrumentality created July 1, 1985. W.Va. Code 31-20-3.

Section 2. Application and Enforcement - These procedural rules shall apply to the West Virginia regional jail and prison authority, its board and any and all individuals desiring to attend or to address the board. The enforcement of these regulations shall be vested with the chairman of the West Virginia regional jail and prison authority.

Section 3. Definitions

3.1 Authority - The West Virginia regional jail and prison authority.

3.2 Board - The governing body of the authority.

3.3 Chairman - The Commissioner of the Department of Corrections.

W.Va. Reg. Jail and Prison Auth.
Proc. Rule, 6-9A
Series I, Sec. 3.4

3.4 Meeting - The convening of a governing body of a public body for which a quorum is required.

3.5 Member - A person on the board of the authority or, where permitted by W. Va. Code 31-20-3, their designated representative.

3.6 Quorum - A simple majority of the constituent membership of the board.

Section 4. Regular Meetings Established; Time, Place

4.1 The board shall meet in regular session on the second Monday of July of each year and elect a secretary.

4.2 The board shall convene all regular meetings at one-thirty o'clock, p.m. unless otherwise changed by a majority vote of those board members present and voting.

4.3 The board shall convene all regular meetings in the Conference Room of the authority, 307 Jefferson Street, Charleston, West Virginia 25305, unless otherwise changed by a majority vote of those board members present and voting.

4.4 The board may, without notice, move the location of the meeting to accommodate members of the public who wish to attend such meeting in the event the meeting room is too small to accommodate such attendance.

4.5 All regular meetings shall be general meetings for the consideration of any and all matters which may properly come before the board.

Section 5. Special Meetings; Notice Required, Time, Place and Purpose

5.1 The board may convene special meetings in accordance with the procedures established herein.

5.2 Special meetings of the board may be called by the chairman.

5.3 The chairman shall send to all members of the board at least five days in advance of a special meeting, a written notice setting forth the time and place of such special meetings and the matters to be considered at such special meeting. Provided, that such written notice is not required if the time, the place, and the matters for consideration have been fixed in a regular meeting or if all the members of the board are present at a special meeting.

W.Va. Reg. Jail and Prison Auth.
Proc. Rule, 6-9A
Series I, Sec. 5.4

5.4 The chairman shall cause the notification of the public and the news media by issuing a public notice of such special meeting at least five days in advance of such meeting. The public notice shall contain the time, place and the matters to be considered, provided that notice for any special meeting is for the purpose of approving or passing a bond issue shall be given at least ten days in advance in the manner prescribed above and by a Class I legal advertisement. A copy of such public notice shall be filed with the office of the Secretary of State.

5.5 The provisions of this section shall not apply in the event of an emergency requiring immediate official action by the board.

Section 6. Proceeding to be Open; Exceptions Executive Session Permitted

6.1 Notwithstanding any other provision of law or regulation all meetings of the board shall be open to the public, excepting the provisions of W.Va. Code 6-9A-4.

6.2 An executive session may be held only upon a majority affirmative vote of the board members present.

Section 7. Minutes

7.1 The board shall provide for the preparation of written minutes of all its meetings. All such minutes shall be available to the public within a reasonable time after the meeting and shall include the following:

- a. The date, time and place of the meeting;
- b. The name of each board member present or absent;
- c. All motions, proposals, resolutions, orders, ordinances and measures proposed, the name of the person proposing same and their disposition;
- d. The results of all votes and, upon request of a board member, the vote of each board member, by name;
- e. Minutes of executive sessions may be limited in a manner not inconsistent with the provisions of W.Va. Code 6-9A-4.

Section 8. Quorum; Majority Vote Required; Vote by Proxy Prohibited
A majority of the members of the board shall constitute a quorum. The vote of a majority of all members present at any meeting of the board shall be necessary to take any action. Proxy voting is hereby prohibited.

W.Va. Reg. Jail and Prison Auth.
Proc. Rule, 6-9A
Series I, Sec. 9

Section 9. Records of the Board - Public Document - All records and proceedings of the board are public records and shall be available to the public during the usual and customary business hours of the authority.