

NOTICE OF AGENCY ADOPTION

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

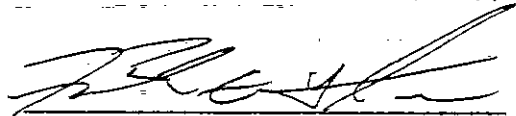
RULE TYPE: Procedural

THE ATTACHED RULE CONSTITUTES THE OFFICIAL RULE ADOPTED BY THE: _____

West Virginia Regional Jail and Prison Authority

ON October 23, 1986

AND FILED WITH THE SECRETARY OF STATE.



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

FILED IN THE OFFICE OF
THE SECRETARY OF STATE

THIS DATE Oct 23, 1986
ADMINISTRATIVE LAW DIVISION

STATE OF WEST VIRGINIA



ARCH A. MOORE, JR.
Governor
JOHN L. KING
Executive Director

FILED

1986 OCT 23 PM 3:05

OFFICE OF THE
SECRETARY OF STATE
307 JEFFERSON STREET
STATE CAPITOL COMPLEX
PHONE: (304) 348-2110

MEMBERS

A.V. DODRILL, Jr.
Chairman
JOHN F. McCUSKEY
Treasurer
WALTER SMITTLE III
Secretary
DR. DAVID HYDINGER
Member
DR. TOM McNEEL
Member
BRADLEY PYLES
Member
JOHN L. TOMINACK
Member
ALFRED N. LEAVITT
Member
DR. FRED HOLT
Member

REGIONAL JAIL and PRISON AUTHORITY
Charleston, WV 25305

October 21, 1986

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

Dear Mr. Hartman:

On July 17, 1986, the attached procedural rules were submitted to your office for public comment prior to the final filing of these rules.

No comments concerning the proposed rules have been received during the public comment period which ended on August 17, 1986, and no comments have been received at this date.

Typographical errors have been corrected in paragraphs 4.4, 5.4 and 7.1b. The regular meeting time was changed from afternoon to mid-morning, however, no substantive changes have been made from the proposed filing of the regulations.

Therefore, please accept these regulations for final filing of the Regulations for the Establishment of Regular Meetings by the West Virginia Regional Jail and Prison Authority.

If additional information is required or if there are further actions we should take in this matter, please feel free to contact me at 348-2110.

Sincerely,

John L. King
Executive Director

JLK:FGS/jp

Attachment

FILED

1986 OCT 23 PM 3:08

DEPARTMENT OF CORRECTIONS
SECRETARY OF STATE

**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
(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
(1986)

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	4
Section 9. Records of the Board - Public Document	4

SC
11/10/86
*

Title 94

WEST VIRGINIA PROCEDURAL RULES
WEST VIRGINIA REGIONAL JAIL AND PRISON AUTHORITY
CHAPTER 6-9A
SERIES I
(1986)

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 - October ²³~~21~~, 1986

1.4 Effective Date - November ²²~~19~~, 1986

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.

W.Va. Reg. Jail and Prison Auth.
Proc. Rule, 6-9A
Series I, Section 3.3

3.3 Chairman - The Commissioner of the Department of Corrections.

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 half past ten o'clock, a.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.

W.Va. Reg. Jail and Prison Auth.
Proc. Rule, 6-9A
Series I, Section 5.3

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.

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, which 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 and absent;
- c. All motions, proposals, resolutions, orders, ordinances and measures proposed, the name of the person proposing same and their disposition

W.Va. Reg. Jail and Prison Auth.
Proc. Rule, 6-9A
Series I, Sec. 7.1d

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.

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.