

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

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2008 JAN 16 AM 9:37

SECRETARY OF STATE  
ADMINISTRATIVE LAW DIVISION

Form #5

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE  
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: WV Regional Jail and Correctional Facility Authority TITLE NUMBER: 94

CITE AUTHORITY: W.Va. Code § 6-9A-3 and § 31-20-4

RULE TYPE: PROCEDURAL  INTERPRETIVE

EXEMPT LEGISLATIVE RULE

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

§ 31-20-4

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: Regulations for the Establishment of Regular Meetings by the WV Regional  
Jail and Correctional Facility Authority.

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE

EFFECTIVE DATE OF THIS RULE IS February 18, 2008

  
Authorized Signature

Office  
of The Secretary  
  
JAN 15 2008  
  
Dept. of MAPS

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

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Form #3

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE  
AND  
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: WV Regional Jail and Correctional Facility Authority TITLE NUMBER: 94

CITE AUTHORITY: W.Va. Code § 6-9A-3 and § 31-20-4

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: Regulations for the Establishment of Regular Meetings by the WV  
Regional Jail and Correctional Facility Authority.

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

  
Authorized Signature

FILED

2009 JAN 18 AM 9:37

**WEST VIRGINIA CODE OF STATE RULES**

**TITLE 94. REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY**

DEPT. OF CORRECTIONS  
SECRETARY OF STATE

**PROCEDURAL RULE (SER.1)**

**SERIES 1. REGULATIONS FOR THE ESTABLISHMENT OF REGULAR MEETINGS  
BY THE WEST VIRGINIA REGIONAL JAIL AND CORRECTIONAL FACILITY  
AUTHORITY**

**§ 94-1-1. General.**

1.1. Scope. -- W. Va. Code § 6-9a-3 of 1931, as amended, mandates that the West Virginia Regional Jail and Correctional Facility 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 and 31-20-4.

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Amends Former Rule. -- This filing amends the previous rules filed on September 20, 1989 and effective October 19, 1989.

**§ 94-1-2. Application and Enforcement.**

These procedural rules shall apply to the West Virginia Regional Jail and Correctional Facility 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 Correctional Facility Authority.

**§ 94-1-3. Definitions.**

3.1. Authority. -- The West Virginia Regional Jail and Correctional Facility Authority, as created by W. Va. Code § 31-20-1.

3.2. Board. -- The governing body of the authority, as defined at W. Va. Code § 31-20-4.

3.3. Chairman. -- The member of the authority elected by the Board members on the second Monday of each July of each odd-numbered year to serve as chairman for a two year period.

3.4 Electronic Appearance- Presence at a board meeting through the use of telephone, videoconferencing, or other electronic means which permits the member to participate in the meeting discussions, and voting.

3.5. Meeting. -- The convening of a governing body of a public body for the transaction of business for which a quorum is required.

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

3.7. Quorum. -- A simple majority of the voting membership of the Board.

**§ 94-1-4. Regular Meetings Established; Place.**

4.1. The Board shall meet in regular session on the second Monday of July of each year and in each odd-numbered year shall elect a chairman and a secretary. In addition to the meeting on the second Monday of July, the Board shall meet in regular session on a quarterly basis.

4.2. The Board shall convene all regular meetings in the Conference Room of the authority 1325 Virginia Street, East, Charleston, West Virginia 25301, unless otherwise changed by a majority vote of those Board members physically or electronically present and voting.

4.3. 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.

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

4.5 Members of the board may attend meetings in person, telephonically, or by other electronic means.

**§ 94-1-5. 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 at his own initiative, or upon the written request of a majority of the Board members or the Executive Director.

5.3. The chairman shall send to all members of the Board, at least five (5) 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 physically or electronically 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 meeting at least five (5) days in advance of such meeting. The public notice shall contain the time, place and the general nature of 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 (10) 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 and distributed to the press room of the Capitol.

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

5.6. The Executive Director shall be responsible for making the notifications herein required, at the direction of the chairman.

**§ 94-1-6. 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 physically or electronically present for the discussion of those matters permitted by W. Va. Code § 6-9a-4.

**§ 94-1-7. Minutes.**

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

7.1.1. The date, time and place of the meeting;

7.1.2. The name of each Board member present, appearing electronically, and absent;

7.1.3. All motions, proposals, resolutions, orders, ordinances and measures proposed, the name of the person proposing same and the disposition of such motion, proposal, resolution, order, ordinance or measure;

7.1.4. The results of all votes and, upon request of a Board member, the vote of each Board member, by name;

7.1.5. Minutes of executive sessions may be limited in a manner not inconsistent with the provisions of W. Va. Code § 6-9a-4.

**§ 94-1-8. Quorum; Majority Vote Required; designated representative voting is permitted by W. Va. Code § 31-20-3,.**

8.1 A qualified member of the Board, or their designee as provided by W. Va. Code § 31-20-3, are permitted to vote. A designee shall provide written designation to the Board Chairman at the time of the meeting.

8.2 A majority of the voting members of the Board or their designated representatives shall constitute a quorum. The affirmative vote of a majority of all members physically or electronically present at any meeting shall be sufficient to approve any action.

**§ 94-1-9. Records of the Board - Public Document.**

9.1. 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.

**94-CSR-1**

There were no public comments received for this rule. Attached is a copy of the legal advertisements that was sent to newspapers across the state.

# STATE OF WEST VIRGINIA



**JOE MANCHIN III**  
Governor

## WEST VIRGINIA REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

1325 Virginia Street, East  
Charleston, WV 25301-3011  
(304) 558-2110  
FAX: (304) 558-2115

**TERRY L. MILLER**  
Interim Executive Director

December 18, 2007

**The Dominion Post**  
1251 Earl L. Core  
Morgantown, WV 26505-6298

**Attn: Legal Ad Department**

Please publish the enclosed "LEGAL NOTICE" as a Class I Legal Advertisement to run as soon as possible.

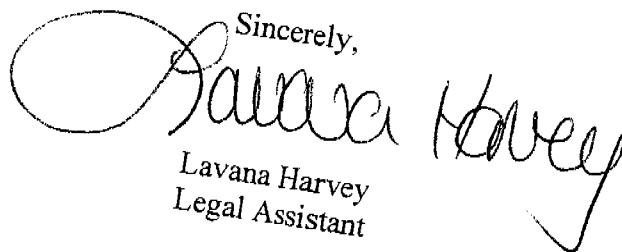
Upon completion of this advertisement, please render invoice as follows:

1. Invoice-Original and one copy, showing dates or dates published, number of words and the rate per word on the original and each copy. You must show federal Employment Identification Number.
2. Certificate of Publication- Original and one copy with a newspaper clipping attached to the original and the copy. All certificates must be full executed.

The above steps must be complied with before your invoice can be paid.

Please submit invoice promptly to the West Virginia Regional Jail and Correctional Facility Authority, 1325 Virginia Street, East Charleston, West Virginia 25301. It is needed as evidence of publication.

Sincerely,

  
Lavana Harvey  
Legal Assistant

enclosure

# STATE OF WEST VIRGINIA



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1325 Virginia Street, East  
Charleston, WV 25301-3011  
(304) 558-2110  
FAX: (304) 558-2115

**TERRY L. MILLER**  
Interim Executive Director

**JOE MANCHIN III**  
Governor

December 18, 2007

**The Parkersburg News**  
PO Box 1787  
Parkersburg, WV 26101

**Attn: Legal Ad Department**

Please publish the enclosed "LEGAL NOTICE" as a Class I Legal Advertisement to run as soon as possible.

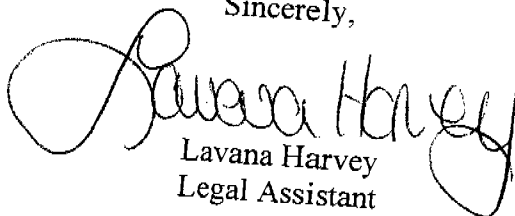
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Sincerely,

  
Lavana Harvey  
Legal Assistant

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Charleston, WV 25301-3011  
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**TERRY L. MILLER**  
Interim Executive Director

December 18, 2007

**Weirton Daily Times**  
114 Lee Avenue  
Weirton, WV 26062

**Attn: Legal Ad Department**

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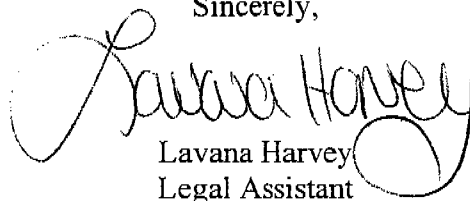
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Legal Assistant

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(304) 558-2110  
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**JOE MANCHIN III**  
Governor

**TERRY L. MILLER**  
Interim Executive Director

December 18, 2007

**Wheeling News-Register**  
1500 Main Street  
Wheeling, WV 26003

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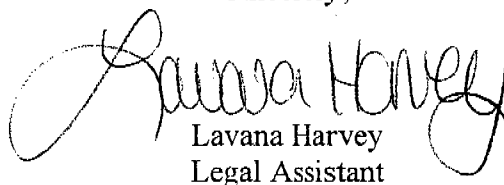
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Lavana Harvey  
Legal Assistant

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**TERRY L. MILLER**  
Interim Executive Director

December 18, 2007

**Logan Banner**  
**Post Office 720**  
**Logan, WV 25601**

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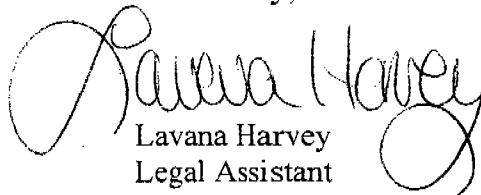
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**TERRY L. MILLER**  
Interim Executive Director

December 18, 2007

**Charleston Gazette**  
1001 Virginia Street, East  
Charleston, WV 25301

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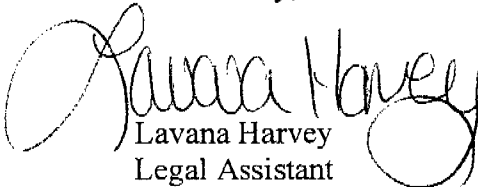
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**TERRY L. MILLER**  
Interim Executive Director

December 18, 2007

**The Register-Herald**  
PO Box 2398  
Beckley, WV 25802

**Attn: Legal Ad Department**

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Sincerely,

A handwritten signature in cursive script that reads "Lavana Harvey".  
Lavana Harvey  
Legal Assistant

enclosure

# STATE OF WEST VIRGINIA



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Governor

1325 Virginia Street, East  
Charleston, WV 25301-3011  
(304) 558-2110  
FAX: (304) 558-2115

**TERRY L. MILLER**  
Interim Executive Director

December 18, 2007

**The Herald Dispatch**  
PO Box 2017  
Huntington, WV 25720

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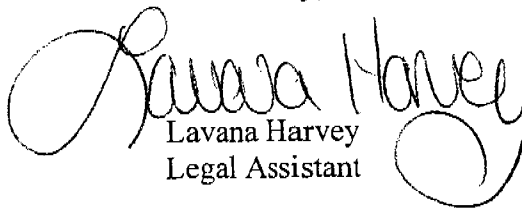
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Legal Assistant

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## LEGAL ADVERTISEMENT

The West Virginia Regional Jail and Correctional Facility Authority is soliciting public comment on a proposed Rule 94CSR1. The rule concerns with regulations for the establishment of regular meetings by the West Virginia Regional Jail and Correctional Facility Authority. A copy of the proposed rule may be obtained from the Secretary of State office or online at (<http://www.wvsos.com>).

Written comments must be received no later than 8:00 am on January 14, 2008. Comments must be directed to:  
West Virginia Regional Jail and  
Correctional Facility Authority  
1325 Virginia Street, East  
Charleston, WV 25301  
Att: Rule Making Committee