

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
**KEN HECHLER**  
**ADMINISTRATIVE LAW DIVISION**

Form #5

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1989 SEP 20 AM 9:51

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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

AGENCY: Regional Jail & Correctional Facility Authority TITLE NUMBER: 94

CITE AUTHORITY: § 31-20-4 WV Code

RULE TYPE: PROCEDURAL  INTERPRETIVE \_\_\_\_\_

EXEMPT LEGISLATIVE RULE \_\_\_\_\_

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW  
\_\_\_\_\_

AMENDMENT TO AN EXISTING RULE: YES , NO \_\_\_\_\_

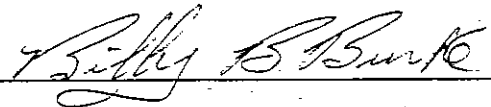
IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 1

TITLE OF RULE BEING AMENDED: Regulations for the establishment of  
regular meetings by the West Virginia Regional Jail & Correctional  
Facility Authority.

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: \_\_\_\_\_

TITLE OF RULE BEING ADOPTED: \_\_\_\_\_  
\_\_\_\_\_

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE  
EFFECTIVE DATE OF THIS RULE IS October 19, 1989

  
\_\_\_\_\_  
Billy B. Burke, Executive Director

STATE OF WEST VIRGINIA



REGIONAL JAIL and CORRECTIONAL FACILITY AUTHORITY

307 JEFFERSON STREET — CAPITOL COMPLEX  
CHARLESTON, WV 25305  
(304) 348-2110

GASTON CAPERTON  
Governor

BILLY B. BURKE  
Executive Director

September 19, 1989

Ms. Judy Cooper, Director  
Administrative Law Division  
Secretary of State  
State Capitol  
Charleston, West Virginia 25305

Dear Ms. Cooper:

As you may recall from our earlier correspondence, we had established a period for public comment on our amendments to Title 94, Series 1 of the Code of State Regulations, relating to meetings of the Regional Jail and Correctional Facility Authority.

Our period for public comment ended on September 18, 1989; no comments were received concerning our proposed amendments. Therefore, please accept the enclosed form #5 and file our amendments in final form for publication in the Code of State Regulations.

If you have any questions, or need additional information, please let me know.

Very truly yours,

A handwritten signature in cursive script that reads "Billy B. Burke".

Billy B. Burke  
Executive Director

BBB/FS:dh

Enclosure: Administrative Law Division  
Form #5

FILED  
1989 SEP 20 AM 9:51  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

TITLE 94  
PROCEDURAL RULE  
WEST VIRGINIA REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

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. Section three, article nine-a, chapter six of the West Virginia Code 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. August 15, 1989

1.4. Effective Date. September 15, 1989

1.5. Repeal of Former Rule. This filing repeals the previous rules filed on October 23, 1986 and effective November 22, 1986.

**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 article twenty, chapter thirty-one of the West Virginia code.

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

3.3. Chairman. The member of the authority elected by the

authority on the second Monday of each July of each odd-numbered year to serve as chairman for a two year period.

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

3.5. Member. A person on the Board of the authority or, where permitted by West Virginia Code section three, article twenty, chapter thirty-one, their designated representative.

3.6. Quorum. A simple majority of the constituent membership of the Board.

**94-1-4. Regular meetings established; time, place.**

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

4.2. The Board shall convene all regular meetings at half past ten 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.

**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 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 West Virginia Code section four, article nine-a, chapter six.

6.2. An executive session may be held only upon a majority affirmative vote of the Board members present for the discussion of those matters permitted by section four, article nine-a, chapter six of the Code.

**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:

(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 the disposition of such motion, proposal, resolution, order, ordinance or measure;

(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 West Virginia Code section four, article nine-a, chapter six.

**94-1-8. Quorum; majority vote required; vote by proxy prohibited.**

A majority of the members of the Board shall constitute a quorum. The affirmative vote of a majority of all members present at any meeting shall be sufficient to approve any action. Proxy voting is hereby prohibited; duly qualified members of the Board, or their designee as provided by section three, article twenty, chapter thirty-one of the code, are permitted to vote.

**94-1-9. 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.

ADJUTANT GENERAL DEPT.  
AUG 9 1989  
STATE OF WEST VIRGINIA  
Charleston 25305

KEN HECHLER  
Secretary of State

MARY P. RATLIFF  
Deputy Secretary of State

ROBERT E. WILKINSON  
Deputy Secretary of State

CATHERINE FREROTTE  
Executive Assistant

Telephone: (304) 345-4000  
Corporations: 342-8000



STATE OF WEST VIRGINIA

SECRETARY OF STATE

Charleston 25805

RECEIVED  
MAR 23 1992

WILLIAM H. HARRINGTON  
Chief of Staff

JUDY COOPER  
Director, Administrative Law

DONALD R. WILKES  
Director, Corporations

SHEREE COHEN  
Special Assistant

(Plus all the volunteer  
help we can get)

WV Regional Jail & Correctional Facility Authority

TO: Howard Painter

AGENCY: Regional Jail & Correctional Facility Authority

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: March 19, 1992

THE ATTACHED RULE RECENTLY FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 1 TITLE: Regulations for the Establishment of Regular Meetings by the West Virginia Regional Jail and Correctional Facility Authority

\* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: Billy B. Burke

TITLE OF PERSON SIGNING: Executive Director

DATE: March 26, 1992

\*\*\*\*\*

\* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: \_\_\_\_\_

TITLE OF PERSON SIGNING: \_\_\_\_\_

DATE: \_\_\_\_\_



Joseph J. Skaff  
SECRETARY  
(304) 348-2930

State of West Virginia  
OFFICE OF THE SECRETARY  
Department of Public Safety  
State Capitol Building  
Box 2930  
1900 Kanawha Boulevard  
Charleston, West Virginia 25305-0001

August 10, 1989

Secretary of:  
Department of Public Safety and  
Comm. on Drunk Driving Prevention  
Department of Corrections  
Adjutant General's Department  
Office of Emergency Services and  
Emergency Services Advisory Council  
Armory Board  
Military Awards Board  
Sheriffs' Bureau  
Fire Commission & State Fire Admin.  
Regional Jail and Prison Authority  
Board of Probation and Parole

MEMORANDUM

TO: The Honorable Ken Hechler, Secretary of State

FROM: Major General Joseph J. Skaff, Secretary, Department of Public Safety

SUBJECT: Amendment of Procedural Rules of the West Virginia Regional Jail and Correctional Facility Authority

Approval is granted for the filing of the attached amendment to Title 94, Procedural Rule. Comments should be addressed to Mr. Billy B. Burke, Executive Director, Regional Jail and Correctional Facility Authority, 307 Jefferson Street, Charleston, WV 25305