

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #2

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WEST VIRGINIA
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NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Statewide Addressing and Mapping Board TITLE NUMBER: 169

RULE TYPE: Procedural CITE AUTHORITY: W. Va. Code Sec. 6-9A-3, 29A-3-3

AMENDMENT TO AN EXISTING RULE: YES ☐ NO ☒

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

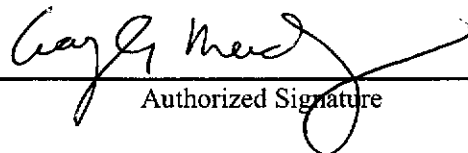
IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 1

TITLE OF RULE BEING PROPOSED: Rules of Procedure of the West Virginia Statewide Addressing and Mapping Board

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 August 31, 2002 AT 12:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Craig A. Neidig, Chair
West Virginia Statewide Addressing
and Mapping Board
1124 Smith Street
Room 201A
Charleston, WV 25301

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


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

SCANNED

BRIEF SUMMARY OF RULE

This is a procedural rule governing the conduct of the public meetings of the West Virginia Statewide Addressing and Mapping Board. It provides for the giving of notice of meetings, the agenda for scheduled meetings, the attendance of members of the public and vendors, the designation of officers and attendance of members of the Board, the place of meetings, the taking of minutes, appointment of a recording secretary and the role of Counsel.

STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE

West Virginia Code §§6-9A-3 and 29A-3-3 authorize and require all state agencies and boards to promulgate procedural rules for the conduct and governance of their public meetings. This procedural rule is proposed to meet those requirements for the West Virginia Statewide Addressing and Mapping Board.

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Rules of Procedure of the W. Va. Statewide Addressing and Mapping Board

Type of Rule: Legislative Interpretive X Procedural

Agency: West Virginia Statewide Addressing and Mapping Board

Address: 1124 Smith Street

Room 201A

Charleston, WV 25301

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	0	0	0	0	0
PERSONAL SERVICES	0	0	0	0	0
CURRENT EXPENSE	0	0	0	0	0
REPAIRS & ALTERATIONS	0	0	0	0	0
EQUIPMENT	0	0	0	0	0
OTHER	0	0	0	0	0

2. Explanation of Above Estimates:

This is a procedural rule only. It imposes no substantive requirements which would impose costs on the agency.

3. Objectives of These Rules:

To set forth the procedures by which meetings of the Board will be conducted.

Rule Title: Procedural Rules of the W. Va. Statewide Addressing and Mapping Board

4. Explanation of Overall Economic Impact of Proposed Rule:

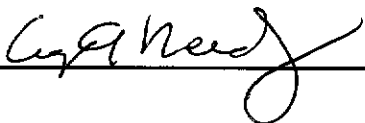
A. Economic Impact on State Government:
None.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens: None.

C. Economic Impact on Citizens/Public at Large.
None.

Date: 7/15/02

Signature of Agency Head, or Authorized Representative:



**TITLE 169
PROCEDURAL RULE
WEST VIRGINIA STATEWIDE ADDRESSING AND MAPPING BOARD**

**SERIES 1
RULES OF PROCEDURE
OF THE WEST VIRGINIA STATEWIDE ADDRESSING AND MAPPING BOARD**

§169-1-1. General.

1.1. Scope. Pursuant to Chapter 6, Article 9A, Section 3 and Chapter 29A, Article 3, Section 3 of the West Virginia Code, the West Virginia Statewide Addressing and Mapping Board does hereby adopt the following rules to govern procedure before the Board and to make available in advance, the date, time, place and agenda of all regularly scheduled meetings of the Board to the public and news media, except in the case of an emergency requiring immediate action.

1.2 Authority. -- W. Va. Code §§6-9A-3 and 29A-3-3.

1.3 Filing Date. --

1.4 Effective Date. --

§169-1-2. Meetings and Agenda.

2.1. Regular Meetings. Notices of all regularly scheduled meetings shall be in accordance with Chapter 6, Article 9A and Chapter 29A of the West Virginia Code. A copy of the agenda for each regularly scheduled meeting shall be posted on the Meeting Room door, and copies of the agenda shall be available in advance and at the time of the meeting to all interested members of the public. If a particular regularly scheduled meeting is canceled or postponed, a notice of such cancellation or postponement shall be posted at the same location as soon as feasible after such cancellation or postponement has been determined.

2.2. Special Meetings. Notices of all special meetings of the Board shall be in accordance with Chapter 6, Article 9A and Chapter 29A of the West Virginia Code, as required. If the special meeting is canceled or postponed, a notice of such cancellation or postponement shall be posted at that same location as soon as feasible after such cancellation or postponement has been determined.

2.3 Agenda. The Chairman of the Board shall prepare a written agenda for all scheduled meetings and shall distribute it to all Board members in advance and in accordance with these rules. The agenda may only include those items upon which official action is anticipated and those items to be presented to the Board for informational purposes.

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§169-1-3. Presentations.

3.1. Members of the Public. All persons that desire to address the Board regarding an agenda item must state their name for the official record. All persons that desire to address the Board on items not on the agenda shall be considered "walk-ins." "Walk-ins" may only address the Board under the "public forum" or "new business" sections of the agenda, but no official action may be taken on the subject matter until it can be presented as an agenda item at the next subsequent meeting. No person shall address the Board unless recognized by the Chairman to do so.

3.2. Vendors. Any vendor who wishes to make a presentation to the Board shall obtain an appointment and an agenda item section in advance of any presentation. The Chairman may require the vendor to make its request in writing, and to explain in writing the reason for the request and nature of the proposed presentation. The Chairman shall decide whether to place any requesting vendor on the agenda for the next regular meeting, as time and space may allow, and as he may find necessary and advisable for the business of the Board, in his sole discretion. In addition, the Chairman may decide to limit the time of the vendor's presentation. The Chairman shall report to the Board, at the next regular meeting following the request of the vendor, any decision not to hear a vendor's presentation, to delay a vendor's presentation, or to limit the vendor's presentation time. The Board may modify the Chairman's decision with respect to any vendor's presentation.

§169-1-4. Officers, Attendance, Voting, Actions and Conduct at Meetings.

4.1. Officers. The Board shall elect a Chairman at its first regular meeting, and then annually with the first regular meeting scheduled in July. The Board shall at the same time elect such lesser officers as the Board may find convenient. The Chairman or any lesser officer may, if nominated by another Board member, stand for reelection.

4.2. Attendance. All members of the Board shall endeavor to attend meetings, as feasible. No vote may be taken on any agenda item or other matter until a proper motion and second has been made, discussion permitted (unless waived by a voice vote or acclamation of the Board), and the Chairman has closed discussion. Failure to comply with this provision does not, however, invalidate any otherwise lawful action of the Board.

4.3. Appointment of Representative. Because the members of the Board represent varied interests with a stake in the work of the Board, any member who cannot attend a meeting may appoint a representative to sit in that member's place at any meeting. The presence of such a representative may not be counted toward a quorum. In addition, such representative's vote may not break a tie, and thereby be a legal basis on which official action of the Board is based. Otherwise, such representative is to be given the full respect of a member of the Board.

4.4. Meeting Room. The Chairman shall be responsible for scheduling a meeting room, or for delegating the duty to do so. In the event that there is not room enough in the scheduled meeting room to conduct a scheduled meeting of the Board due to the number of members of the public that wish to attend, a scheduled meeting can be moved to accommodate all those wishing to attend upon proper motion by any member of the Board. Any scheduled meeting may be recessed and reconvened at a later date and time in the event that facilities are not readily available to accommodate the members of the public wishing to attend the meeting upon proper motion by any member of the Board.

4.5. Conduct. Any member of the Board can ask for the removal of any member of the public attending a scheduled meeting of the Board that is disruptive, to the extent that orderly conduct of the meeting is compromised. The Chairman and the Board's Counsel shall ensure that such member of the public is removed lawfully.

4.6. Actions of the Board. All actions of the Board shall be in accordance with law, and particularly in accordance with Chapter 24E of the West Virginia Code.

§169-1-5. Minutes, Recording Secretary and Counsel.

5.1. Minutes. Written minutes of all meetings of the Board shall be prepared and maintained and shall be available to all members of the public after being approved at the following regularly scheduled meeting, and shall include, at least, the following information:

- (1) The date, time and place of the meeting;
- (2) The name of each member of the governing body present and absent;
- (3) All motions, proposals, resolutions, orders, ordinances and measures proposed, the name of the person proposing the same and their disposition; and
- (4) The results of all votes and, upon the request of a member, pursuant to the rules, policies or procedures of the governing board for recording roll call votes, the vote of each member, by name.
- (5) A draft copy of the minutes, clearly marked, shall be available to the public within a reasonable time after the meeting.

5.2. Recording Secretary. The Chairman of the Board shall appoint a person to act as the recording secretary of the Board for the purposes of taking and preparing the minutes of the Board, of assistance to the Board at meetings or otherwise, and of assistance to the Chairman in the business of the Board. The Chairman's choice for recording secretary may be overturned by a vote of the Board. No person may serve as recording secretary for compensation without the vote of the Board.

5.3. Counsel. The Board's Counsel shall review all minutes to ensure their compliance with these Rules, and shall provide a report at each meeting. At meetings of the Board, any member may at any time ask for opinion of Counsel on a matter under discussion. If the opinion is on a matter that counsel considers his or her advice to be confidential, and not an appropriate matter for public disclosure, counsel may recommend that such advice be given only in writing, and provided only to the Board, or he or she may recommend that the Board go into executive session. Any such written advice is subject to the provisions of, and applicable exemptions under, the West Virginia Freedom of Information Act, W. Va. Code §29B-1-1, et seq.

§169-1-6. Executive Sessions.

6.1. General. If authorized by one of the exceptions in W. Va. Code §29-6A-4 the West Virginia Open Meeting Act, the Board may hold an executive session during any regular, special, or emergency meeting. During the open portion of a meeting, prior to convening an executive session, the Chairman shall identify the authorization for conducting an executive session and shall present it to the members of the public present at the meeting. An executive session shall only be held upon a majority affirmative vote of the members of the Board and no decision shall be made in executive session unless allowed by law. The Chairman or the Board's Counsel may at any time recommend that the Board go into executive session.

§169-1-7. Media Broadcasts.

7.1. General. The Board shall allow the placement and use of equipment necessary for broadcasting, photographing, filming or recording a scheduled meeting as required by law. The equipment must be placed or used within the meeting room so as to prevent undue interference with the meeting. In the event the Board determines that the size of the meeting room is not sufficient to accommodate all the members of the public present and the equipment and personnel necessary for broadcasting, photographing, filming and tape-recording in the meeting room without unduly interfering with the meeting, the Board may require the pooling of the equipment and personnel operating the equipment.

§169-1-8. Notice Period.

8.1. Calculation of Notice Period. For purposes of calculating the number of days in any notice period contained in these rules, the day of the meeting is not counted. Further, Saturdays, Sundays, and legal holidays are excluded.

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July 23, 2002

Joe Manchin, III
Secretary of State
State Capitol
Charleston, West Virginia 25305

Re: Procedural Rules
West Virginia Statewide Addressing and Mapping Board

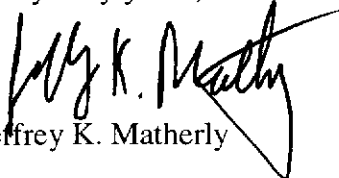
Dear Secretary Manchin:

Enclosed for filing you will find a proposed procedural rule for the West Virginia Statewide Addressing and Mapping Board. Enclosed for filing in conjunction with this rule you will find the following documents:

1. Notice of Comment Period signed by the Chair of the Board;
2. Brief Summary of the Rule and Statement of Circumstances;
3. Fiscal Note; and
4. Proposed Rule.

Thank you for your assistance. If there is anything else that is required or needed in connection with this filing, please let me know.

Very truly yours,


Jeffrey K. Matherly

JKM/jkm
Enclosures
cc: Joe Starsick