

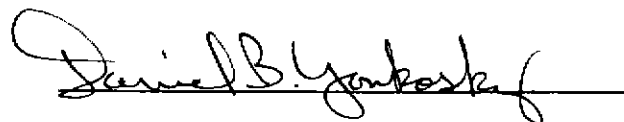
WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

OFFICE OF THE SECRETARY OF STATE
SEP 1 1 16 PM '99**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**AGENCY: West Virginia Water Development Authority TITLE NUMBER: 44RULE TYPE: Procedural; CITE AUTHORITY W.Va. Code § 6-9A-3AMENDMENT TO AN EXISTING RULE: YES X NO IF YES, SERIES NUMBER OF RULE BEING AMENDED: 3 TITLE OF RULE BEING AMENDED: Rule Confirming Existing Practices And
Establishing Addition, New Procedures In Relation To Providing Public
Notice Of Date, Time, Place And Purpose Of Meetings Of West Virginia
Water Development BoardIF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: TITLE OF RULE BEING PROPOSED:

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 October 4, 1999 AT 5:00 PM. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Daniel B. Yonkosky
Executive Director
West Virginia Water
Development Authority
180 Association Drive
Charleston, WV 25301

THE ISSUES TO BE HEARD SHALL BE
LIMITED TO THIS PROPOSED RULE.ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Establishing New Procedures in Relation to Providing Public Notice
Rule Title: of Date, Time, Place, Agenda and Purpose of Meeting of West Virginia
Water Development Board and Manner in Which Meetings Are To Be Conducted

Type of Rule: ☐ Legislative ☐ Interpretive ☒ Procedural

Agency West Virginia Water Development Authority

Address 180 Association Drive

Charleston, West Virginia 25301

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	DECREASE	DECREASE	CURRENT	NEXT	HEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

2. Explanation of above estimates:

N/A

3. Objectives of these rules:

To conform with the requirements of W. Va. Code § 6-9A-3

Rule Title: Rule Establishing New Procedures in Relation to Providing Public Notice of Date, Time, Place, Agenda and Purpose of Meeting of West Virginia Water Development Board and Manner in Which Meetings Are To Be Conducted.

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: September 1, 1999

Signature of Agency Head or Authorized Representative

Daniel B. Yorkston

BRIEF SUMMARY OF PROPOSED RULE

**TITLE 44
PROCEDURAL RULES
WEST VIRGINIA WATER DEVELOPMENT AUTHORITY**

**SERIES 3
RULE ESTABLISHING NEW PROCEDURES
IN RELATION TO PROVIDING PUBLIC
NOTICE OF DATE, TIME, PLACE, AGENDA AND PURPOSE OF MEETINGS
OF WEST VIRGINIA WATER DEVELOPMENT BOARD AND
MANNER IN WHICH MEETINGS ARE TO BE CONDUCTED.**

This proposed rule is being filed in order to comply with the requirements of West Virginia Open Governmental Meetings Act, W. Va Code §§ 6-9A-1, *et seq.* Section 6-9A-3 requires the Water Development Authority to promulgate rules by which the date, time, place and agenda of all regularly scheduled meetings, and the date, time, place and purpose of all special meetings be made available, in advance, to the public and the news media.

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10/1/99
SEP 1 1 29 PM '99
OFFICE OF THE SECRETARY OF STATE
WEST VIRGINIA

**TITLE 44
PROCEDURAL RULES
WATER DEVELOPMENT AUTHORITY**

SERIES 3

**RULE CONFIRMING EXISTING PRACTICES AND ESTABLISHING
ADDITIONAL, NEW PROCEDURES IN RELATION TO PROVIDING PUBLIC
NOTICE OF DATE, TIME, PLACE, AGENDA AND PURPOSE OF MEETINGS
OF WEST VIRGINIA WATER DEVELOPMENT BOARD
AND MANNER IN WHICH MEETINGS ARE TO BE CONDUCTED**

§ 44-3-1. General.

1.1 Scope -- This procedural rule confirms the existing practices of the West Virginia Water Development Authority to provide public notice of the date, time, place and purpose of meetings of the West Virginia Water Development Board and establishes additional, new procedures in relation thereto. This rule establishes procedures for providing notice to the public and the news media of all regularly scheduled, special and emergency meetings of the West Virginia Water Development Board.

1.2 Authority -- W. Va. Code § 22C-1-6(1) and § 6-9A-3.

1.3 Filing Date -- ~~July 7, 1989.~~ September 1, 1999

1.4 Effective Date -- ~~August 7, 1989.~~ October ____, 1999.

§ 44-3-2. Definitions.

2.1 "Authority" means the West Virginia Water Development Authority created and established under W. Va. Code §§ 22C-1-1 et seq.

2.2 "Board" means the West Virginia Water Development Board created by W. Va. Code § 22C-1-4.

§ 44-3-3. Emergency Meetings.

~~Pursuant to the W. Va. Code § 6-9a-3, this rule does not apply to emergency meetings.~~

§ 44-3-2 3. Confirmation Of Existing Practice Of Public Notification Of Meetings And Establishment Of Additional, New Procedures.

In keeping with its existing practice of providing public notice of all meetings of the West Virginia Water Development Board, the West Virginia Water Development Authority shall continue to provide reasonable public notice of meetings by filing with the office of the Secretary of State for each meeting to be held a notice stating the date, time, place and purpose, unless provided otherwise herein. Notice will be given in compliance with W. Va. Code § 6-9A.

3.1 Regularly Scheduled Meetings -- The Authority shall cause notice of its regularly scheduled meetings of the Board to be filed with the office of the Secretary of State for the State of West Virginia for publication in the State Register in a manner to allow each notice to appear in said publication at least five days prior to the date of the meeting. Notice provided under this section shall include the date, time, place and agenda of the meeting.

3.2 Special Meetings -- The Authority shall cause notice of all special meetings of the Board to be filed with the office of the Secretary of State for the State of West Virginia for publication in the State Register in a manner to allow each notice to appear in said publication at least five days prior to the date of the meeting. Notice provided under this section shall include the date, time, place and purpose of the meeting.

3.3 Emergency Meetings -- The Authority may file notice of any emergency meetings of the Board requiring immediate official action with the office of the Secretary of State for the State of West Virginia for publication in the State Register at any time prior to such meeting. Notice provided under this section shall include the date, time, place and purpose of the meeting and the facts and circumstances of the emergency.

§44-3-4. Continued Meetings.

4.1 For purposes of this rule, the announcement of continuation at a meeting otherwise noticed hereunder shall be deemed reasonable notice of the reconvening of the continued meeting.

§44-3-5. Additional Notice.

5.1 Nothing in this rule shall prohibit the ~~West Virginia Water Development~~ Authority from providing additional notice for any particular meeting which it deems desirable or necessary, including the ~~existing practice of causing the notice to be filed with the office of the Secretary of State in time to be included in an appropriate issue of the state register provided to local newspapers, television stations, radio stations and other news media.~~

§ 44-3-6. Amendments to Agenda.

6.1 If amendments to the agendas published in accordance with § 44-3-3.1 should occur prior to the date of any regularly scheduled meeting, the Authority shall provide immediate notice of such amendment by posting a copy of the amended agenda at a prominent place at the location where the meeting is to be held.

§ 44-3-7. Telephone and Electronic Conferences.

7.1 Attending Meetings – Members of the Board may participate in any regularly scheduled, special or emergency meeting of the Board by telephone conference or other similar electronic means.

7.2 Participation -- At each meeting in which a member participates by telephone or electronic means, the presiding officer of the Board shall convene the meeting and advise the public of the identity of the members participating in said manner. The voice, comments and votes of said members shall be audible to all those personally present at the meeting.

7.3 Voting -- Members attending a meeting of the Board by telephone or electronic means may cast votes on any matter to be voted upon at the meeting; *provided*, that no member may cast his or her vote by facsimile transmission. Whenever a majority of the members has participated in a meeting of the Board by telephone or electronic means, the actions taken at that meeting shall be ratified at the next succeeding regularly scheduled meeting of the Board, and said ratification shall be placed in the minutes of the meeting. Whenever less than a majority of the members has participated in a meeting of the Board by telephone or electronic means, the votes of those members so participating shall be confirmed at the next succeeding regularly scheduled meeting of the Board, and said confirmation shall be placed in the minutes of the meeting.

§ 44-3-8. Severability.

8.1 If any word, phrase or provision of this rule is held to be invalid, the remainder of the rule shall, to the fullest extent possible, not be affected by that holding.