



STATE OF WEST VIRGINIA
WATER DEVELOPMENT AUTHORITY

1201 DUNBAR AVENUE
DUNBAR, WV 25064

(304) 348-3612

June 17, 1986

FILED
1986 JUN 17 PM 3:11
OFFICE OF CLERK OF COURTS
SECRETARIAT OF STATE

NOTICE OF PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE

PUBLIC HEARING

AGENCY: West Virginia Water Development Authority

RULE TYPE: Procedural

RULE TITLE: Rule confirming existing practices and establishing additional, new procedures in relation to providing public notice of date, time, place and purpose of meetings of West Virginia Water Development Board.

A PUBLIC HEARING ON THE ABOVE PROPOSED RULE WILL BE HELD AT 9 a.m. ON July 18, 1986, AT THE Water Development Authority, 1201 Dunbar Avenue, Dunbar, West Virginia.

COMMENTS ARE LIMITED TO: Both oral and written.

COMMENTS MAY ALSO BE MAILED TO: Water Development Authority
1201 Dunbar Avenue
Dunbar, WV 25064

THE AUTHORITY REQUESTS THAT PERSONS WISHING TO MAKE COMMENTS AT THE HEARING MAKE AN EFFORT TO SUBMIT WRITTEN COMMENTS IN ORDER TO FACILITATE A REVIEW OF THESE COMMENTS.

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

Edgar N. Henry

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Rule confirming existing practices and establishing additional, new procedures in relation to providing public notice of date, time, place and purpose of meetings of West Virginia Water Development Board.

Type of Rule: Legislative Interpretive X Procedural

Agency Water Development Authority Address 1201 Dunbar Avenue
Dunbar, WV 25064

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$ None	\$ None	\$ None	\$ None	\$ None
Personal Services					
Current Expense					
Repairs and Alterations					
Equipment					
Other					

2. Explanation of above estimates:

The rule embodies a description of existing practices of the Water Development Authority and will involve no change in agency expenses.

3. Objectives of these rules:

To formalize the Water Development Authority's current practices regarding public notice.

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: June 17, 1986

Signature of Agency Head or Authorized Representative

Edgar H. Henry Director

WEST VIRGINIA PROCEDURAL RULE

WATER DEVELOPMENT AUTHORITY

CHAPTERS 20-5C; 6-9A
SERIES 3

FILED
1993 JUN 17 PM 3:06
OFFICE OF THE SECRETARY OF STATE

Title: Rule confirming existing practices and establishing additional, new procedures in relation to providing public notice of date, time, place and purpose of meetings of West Virginia Water Development Board.

Section 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.

1.2 Authority - W.Va. Code 20-5C-6(5) and W.Va. Code 6-9A-3.

1.3 Filing Date - _____.

1.4 Effective Date - _____.

Section 2. 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. For purposes of this rule, a notice filed at least forty-eight hours prior to the meeting is deemed reasonable notice.

WDA
Procedural Rule, 20-5C; 6-9A
Series 3, Sec. 3

Section 3. Emergency Meetings

Pursuant to W.Va. Code 6-9A-3, this rule does not apply to emergency meetings.

Section 4. Continued Meetings

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.

Section 5. Additional Notice

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.

PUBLIC HEARING
PROCEDURAL RULE
WATER DEVELOPMENT AUTHORITY

On July 18, 1986, at 9 a.m., a public hearing was held in the Water Development Authority's office, 1201 Dunbar Avenue, Dunbar, West Virginia, by the Water Development Board. The proposed procedural rule confirms existing practices and establishes additional, new procedures in relation to providing public notice of date, time, place and purpose of meetings of the Water Development Board. An attendance list is attached.

Mr. Robert L. Bailey, Chairman of the Water Development Board, opened the public hearing by stating the hearing was being held in compliance with Chapter 20, Article 5C, Section 6 (1), of the West Virginia Code, which states that the West Virginia Water Development Authority has the power and capacity to adopt, and from time to time, amend and repeal bylaws necessary and proper for the regulation of its affairs and the conduct of its business and rules and regulations to implement and make effective its powers and duties, such rules and regulations to be promulgated in accordance with the provisions of Chapter 29A of the West Virginia Code. The hearing was also held in compliance with Chapter 6, Article 9A, Section 3, of the West Virginia Code, which requires proceedings to be open and public notice of meetings. He further stated that the hearing was being held in regard to adoption of a procedural rule.

The Chairman then outlined the ground rules of the hearing:

Statements, both written and oral, will be received during the hearing. Anyone wishing to make an oral statement should so indicate upon registering into the hearing.

If an oral statement is to be made from a written statement, it should be a summary of the written statement. Any such oral statement should not exceed five minutes. All other oral statements are also to be held to five minutes and are to be germane to the issue before the hearing. The Chairman reserves the right to decline receipt of comments not germane to the issue; namely, a procedural rule of the West Virginia Water Development Authority confirming existing practices and establishing additional, new procedures in relation to providing public notice of date, time, place and purpose of meetings of the West Virginia Water Development Board. It is the intention of the Board that anyone wishing to be heard under these guidelines will be heard; thus the five-minute limitation on statements is necessary.

The Chairman noted that, as provided by statute, copies of the proposed rule have been available to interested persons since public notice on June 17, 1986.

At this point, Mr. Edgar N. Henry, Director of the West Virginia Water Development Authority, reviewed the proposed rule. Under Section 1.2, Authority, he explained the reference to W. Va. Code 20-5C-6 (5) would be corrected to 20-5C-6 (1), which authorizes the adoption of rules governing the conduct of Water Development Authority business.

Chairman Bailey asked for both written and oral statements. There were none.

There being no further discussion, Chairman Bailey adjourned the hearing at 9:10 a.m.

During the Water Development Board's meeting immediately following the public hearing, Vice Chairman Averil L. Ramsey moved the adoption of the proposed rule as corrected and approval of its filing with the Office of the Secretary of State. Board Member Patrick C. Graney III seconded the motion, which was unanimously approved.

Barbara Butcher Meadows, cps, cpa

Attachment

ATTENDANCE LIST

Water Development Board:

Robert Bailey, Chairman
Averil Ramsey, Vice Chairman
Paul Martin, Member
June Weir, Member
Patrick Graney III, Ex Officio Member
Robert Wheeler, Proxy for David Heydinger, M.D., Ex Officio
Member

Water Development Authority:

Edgar Henry, Director
Daniel Yonkosky, Secretary/Treasurer

Other:

Michael Johnson, Department of Natural Resources
Thomas Goodwin, Department of Natural Resources
Taunja Willis Miller, Jackson, Kelly, Holt & O'Farrell
Harry Moore, Young Moore & Company, Inc.