

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

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FILED IN THE OFFICE OF
THE SECRETARY OF STATE
THIS DATE Nov 7, 1990
ADMINISTRATIVE LAW DIVISION

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Capitol Building Commission TITLE NUMBER: 188CSR1
RULE TYPE: Procedural; CITE AUTHORITY WV Code 6-9A-3 and 4-8-1
AMENDMENT TO AN EXISTING RULE: YES___ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 1

TITLE OF RULE BEING PROPOSED: Procedural rules for meetings.

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 December 7, 1990 AT 5:00 p.m.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Capitol Building Commission
W. M. Drennen, Jr., Chairman
The Cultural Center
Capitol Complex
Charleston, WV 25305

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



ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

2.50.

West Virginia Capitol Building Commission

Procedural Rules

These rules establish the guidelines for meetings, record keeping, and officers of the Capitol Building Commission.

188CSRL

TITLE 188

PROCEDURAL RULES

CAPITOL BUILDING COMMISSION

Series 1

PROCEDURAL RULES FOR MEETINGS

188-1-1. General.

1.1. Scope - The scope of these procedural rules involves the meetings, records and officers of the Capitol Building Commission.

1.2. Authority - These regulations are promulgated and issued under authority of the West Virginia Code, Chapter 6, Article 9A, Section 3 and Chapter 4, Article 8, Sections 1 to 4 inclusive.

1.3. Filing Date - These regulations were filed in the Office of the Secretary of State on the ____ day of _____ 1990.

1.4. Effective Date - These regulations were promulgated on the ____ day of _____, 1990, and became effective on the ____ day of _____, 1990.

188-1-2. Office.

2.1. The principal office of the Capitol Building Commission ("Commission") shall be in the City of Charleston, County of Kanawha, State of West Virginia.

188-1-3. Commission.

3.1. Powers - The Commission shall have such duties and responsibilities as provided for in Article 8, Chapter 4 of the West Virginia, 1931, as amended.

3.2. Membership, Number, Term of Office and Compensation - The Commission membership shall consist of five members to be appointed by the Governor, by and with the advice and consent of the Senate. The Secretary of the Department of Administration shall be a non-voting member of the Commission.

No more than three of the members shall be members of the same political party. One member shall be an architect selected from three persons recommended by the Board of Architects, one member shall be a registered professional engineer selected from three persons recommended by the Board of Registration for Professional

Engineers, one member shall be the Commissioner of the Division of Culture and History, who shall be the Chairman of the Commission, and two members shall be selected from the public at large. The terms of office for members appointed by the Governor shall be for four years and members may be reappointed at the expiration of their terms.

Members shall serve without compensation, but shall be entitled to reimbursement for such necessary travel expenses, subsistence and other reasonable expenses as may be actually incurred by them in the performance of their duties. Such expenses shall be paid by the joint committee on government and finance.

3.3. Quorum - Three members of the Commission, or their designated alternates, shall constitute a quorum, and the affirmative vote of a majority of the members shall be necessary for any action taken by vote of the Commission.

3.4. Vacancies - In the case of a vacancy on the Commission, such vacancy shall be filled by appointment of the Governor, by and with the advice and consent of the Senate. Any member appointed to fill a vacancy occurring prior to the expiration of a term shall serve for the remainder of said term. No vacancy in the membership of the Commission shall impair the rights of a quorum to exercise all the rights and perform all of the duties of the Commission.

3.5. Meetings - The Commission shall meet at least annually. Special Meetings of the Commission may be called at any time by the Chairman or any two members of the Commission. The secretary of the Commission shall give notice to each member of the Commission of each regular meeting and each special meeting by mailing a notice at least two (2) days before the meeting, but such notice may be waived by any member of the Commission. Notices shall be considered waived if a Commission member shall attend in person, or if each Commission member shall file with the records of the meeting, either before or after the holding of the meeting, a written waiver of notice. Attendance shall not constitute a waiver of notice if a Commission member attends for the express purpose of objecting to the transaction of business at a meeting because it is not lawfully called or convened. Unless otherwise indicated in the notice thereof, any and all business may be transacted at a special meeting.

3.6. Adjournment of Meetings - Any regular meeting of the Commission may be adjourned without further notice to such date, hour and place as may be determined by the Commission at such meeting. In the event that a quorum is not present at such meeting and cannot be obtained within a reasonable time, such regular or special meeting shall be adjourned to such date, hour and place as shall then be determined and announced by the Chairman and notice of such adjourned meeting shall be given to those members not present.

3.7. Manner of Voting - The voting on all questions at meetings of the Commission shall be by voice vote and ayes and nays shall be

entered upon the minutes of such meeting.

3.8. Passage of Resolutions - Any action taken by the Commission may be authorized by resolution approved by the affirmative vote of at least a majority of the Commission members.

3.9. Procedure at Meetings - At all regular and special meetings of the Commission the following shall be the order of business:

- (a) Roll Call
- (b) Approval of minutes of previous meeting
- (c) Report of Chairman
- (d) Unfinished Business
- (e) New Business
- (f) Other Business
- (g) Adjournment

In all other respects not otherwise provided for in these By-Laws, Robert's Rules of Order shall govern the conduct of all meetings of the Board.

3.10. Journal - All final action of the Commission shall be journalized, and such journal shall be open to the inspection of the public at all reasonable times.

3.11. Open Meetings and Public Notice of Meetings - All meetings of the Commission shall be open to public, as provided in Article 9A, Chapter 6 of the West Virginia Code, 1931, as amended. Notice of the time and place of regularly scheduled meetings of the Commission, and the time, place and purpose of all special meetings of the Commission, shall be made available, in advance, to the public and news media as follows:

A. A notice shall be posted by the Secretary of the Commission at the front door of the place fixed for regular meetings of the Commission of the time and place fixed and entered or recorded by the Commission for the holding of regularly scheduled meetings. If a particular regularly scheduled meeting is canceled or postponed, a notice of such cancellation or postponement shall be posted at the front door of the meeting place as soon as feasible after such cancellation or postponement has been determined.

B. A notice shall be posted by the Secretary of the Commission at the front door of the place fixed for regular meetings of the Commission at least 48 hours before a special meeting is to

be held, stating the time, place and purpose for which such special meeting shall be held. If the special meeting is canceled, a notice of such cancellation shall be posted by the front door of the meeting place as soon as feasible after such cancellation has been determined.

C. Notice of the time, place and purpose of all meetings of the Commission shall be filed with the Secretary of State for publication in the State Register in the manner to allow each notice to appear in the State Register at least five days prior to the date of such meeting.

188-1-4. Officers.

4.1. Executive Officers - The executive officers of the Commission shall be the Chairman, Vice Chairman and Secretary.

4.2. Chairman - The Commissioner of the Division of Culture and History shall be the Chairman of the Commission, shall preside at all meetings of the Commission and shall perform such other duties as prescribed by the Commission.

4.3. Vice Chairman - The Commission shall annually elect one of the appointed members as Vice Chairman. In the absence or disability of the Chairman, whether temporary or otherwise, the Vice Chairman shall assume the duties of the Chairman. The Vice Chairman shall also perform such other duties as prescribed by the Commission.

4.4. Secretary - The Commission shall annually elect one of its appointed members as Secretary. The Secretary shall keep the minutes of all meetings of the Commission; oversee the accuracy of written records of the Commission; provide copies of approved minutes to the members of the Commission; give notice of meetings of the Commission; certify, when necessary, the records, proceedings, documents and resolutions of the Commission; and shall perform such other duties as shall be prescribed by the Commission. The Secretary shall give any bond required by law.

188-1-5. Miscellaneous

5.1. Fiscal Year - The fiscal year of the Commission shall commence on the 1st day of July and shall end on the 30th day of June the following year.

5.2. Books and Records - All final actions of the Commission shall be journalized, and such journals and other records of the Commission shall be open to public inspection at all reasonable times, except such information specifically exempted from disclosure by operation of law.

5.3. Indemnification. - The Commission shall, to the fullest extent allowed by law, indemnify and reimburse each present and future member, officer, employee or agent of the Commission against,

and each such member, officer, employee or agent shall be entitled without further action on his or her part to indemnity from the Commission for, all expenses, including without limitation attorney fees, judgments, fines, taxes and penalties and interest thereon, and if the Commission determines that a settlement of any action, suit or proceeding is in the best interest of the Commission, all amounts paid in effecting such settlement, other than amounts paid to the Commission itself, reasonably incurred by him or her in connection with or arising out of any action, suit or proceeding in which he or she may be involved by reason of his or her being or having been a member, officer, employee or agent of the Commission; provided, however, that such indemnity shall not include any expenses incurred by any member, officer employee or agent with respect to matters as to which he or she shall be finally adjudged in any such action, suit or proceeding to have been guilty of or liable for gross negligence, willful misconduct or criminal acts in the performance of his or her duties for the Commission. The forgoing right of indemnification shall inure to the benefit of the heirs, executors or administrators of each such member, officer, employee or agent and shall be in addition to all other rights to which such member, officer, employee or agent may be entitled as a matter of law.

5.5. Conflict of Interest - The Commission and each member of the Commission shall maintain constant vigilance against conflicts of interest, or the mere appearance of conflicts of interest.

188-1-6. Amendments.

6.1. The Commission shall have the power to make, alter, amend, suspend and repeal the By-Laws of the Commission by a vote of not less than a majority of its members at any regular meeting of the Commission without previous notice of such purpose. A quorum shall have the power to make, alter, amend, suspend or repeal the By-Laws of the Commission at any special meeting of the Commission, provided at least ten (10) days notice of the purpose to make, amend, alter, suspend or repeal the By-Laws in whole or in part at such meeting and of the substance of the proposed action shall have been previously given to each member.