

Brief Summary of the Proposed Rule Amendment

Title 203CSR2 – Procedural Rule

Board members of the Authority would be allowed to participate in board meetings via conference call or similar communication means where all in attendance can hear the others voices.

Statement of Circumstances that Require Proposed Rules

Title 203CSR2

The inclusion of a teleconference or other means of communication for board meetings is amended because of technological advances since the inception of the agency. The current rule does not allow for board meetings to be conducted via conference call or any other electrical means.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Title 203 CSR2: Open Governmental Proceedings

Rule Title: _____

Type of Rule:

☐ Legislative ☐ Interpretive ☒ Procedural

Agency:

West Virginia Courthouse Facilities Improvement Authority

Address:

2003 Quarrier Street
Charleston, WV 25311

Phone Number:

304-558-5435

Email: melissa.smith@wvcfia.com**Fiscal Note Summary**

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

These proposed amendments will have no fiscal impact to the agency or the state of West Virginia.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use “-”)	Next Increase/Decrease (use “-”)	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			0.00
Personal Services			0.00
Current Expenses			0.00
Repairs & Alterations			0.00
Assets			0.00
Other			0.00
2. Estimated Total Revenues			0.00

Title 203 CSR2: Open Governmental Proceedings

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3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

The proposed amendments will have no impact on revenues.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

The proposed amendment will have no fiscal impact because they are procedural in nature and would simply allow for the ability to conduct board meetings via conference call.

Date: 07/26/11

Signature of Agency Head or Authorized Representative

Melissa K. Smith

**TITLE 203
PROCEDURAL RULE
WEST VIRGINIA
COURTHOUSE FACILITIES IMPROVEMENT AUTHORITY**

**SERIES 2
OPEN GOVERNMENTAL PROCEEDINGS**

§203-2-1. General.

1.1. Scope. -- 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 Courthouse Facilities Improvement Authority.

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

1.3. Filing Date. -- September 5, 2002.

1.4. Effective Date. -- October 6, 2002.

§203-2-2. Definitions.

2.2. "Authority" means the West Virginia Courthouse Facilities Improvement Authority.

§203-2-3. Notice.

3.1. Regularly Scheduled Meetings -- The Authority shall cause notice of its regularly scheduled meetings 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 its special meetings 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 its emergency meetings 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.

§203-2-4. 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.

§203-2-5. Additional Notice.

5.1. Nothing in this rule shall prohibit the Authority from providing additional notice for any particular meeting which it deems desirable or necessary, including the practice of causing the notice to be provided to local newspapers, television stations, radio stations and other news media.

§203-2-6. Amendments to Agenda.

6.1. If amendments to the agendas published in accordance with §203-2-3.1 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.

§203-2-7. Telephone and Electronic Conferences.

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

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

7.3. Voting – Members participating in a meeting of the Authority 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. ~~Where a majority of the members of the Authority have participated in a meeting by telephone or electronic means, the actions taken at that meeting shall be ratified at the next succeeding regularly scheduled meeting of the Authority, and said ratification shall be placed in the minutes of the meeting.~~ Members of the board may participate in a meeting of the board by means of conference telephone or similar communication equipment by means of which all persons participating in the meeting can hear the others. Participation in a board meeting pursuant to this subsection constitutes presence in person at the meeting. ~~Where less than a majority of the members of the Authority have participated in a meeting by telephone or electronic means, the votes of those members so participating shall be confirmed at the next succeeding regularly schedule meeting of the body, and said confirmation shall be placed in the minutes of the meeting.~~ Seven voting members of the board is a quorum. Action may not be taken by the board except upon the affirmative vote of at least a majority of those members present or participating by any other means as described in this section.

rule is held to be invalid, the remainder of the rule shall, to the fullest extent possible, not be affected by that holding.

§203-2-8. Severability.

8.1. If any word, phrase or provision of this

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PROCEDURAL RULE
WEST VIRGINIA
COURTHOUSE FACILITIES IMPROVEMENT AUTHORITY**

**SERIES 2
OPEN GOVERNMENTAL PROCEEDINGS**

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WEST VIRGINIA
CLERK OF STATE

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