

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #5

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2011 SEP -1 PM 3:37

OFFICE OF THE
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: West Virginia Courthouse Facilities Improvement Authority TITLE NUMBER: 203

CITE AUTHORITY: WV Code 6-9A-3

RULE TYPE: PROCEDURAL ☒ INTERPRETIVE ☐

EXEMPT LEGISLATIVE RULE ☐

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES ☒ NO ☐

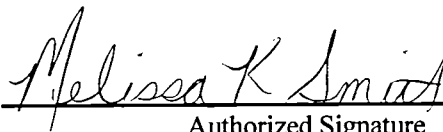
IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 2

TITLE OF RULE BEING AMENDED: Open Governmental Proceedings

IF NO, SERIES NUMBER OF RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS October 3, 2011


Authorized Signature

TITLE 203
PROCEDURAL RULE
WEST VIRGINIA
COURTHOUSE FACILITIES IMPROVEMENT AUTHORITY
SERIES 2
OPEN GOVERNMENTAL PROCEEDINGS

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STATE OF WEST VIRGINIA
SECRETARY OF STATE**§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. 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. 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.

§203-2-8. 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.



**WEST VIRGINIA
COURTHOUSE FACILITIES IMPROVEMENT AUTHORITY
2003 QUARRIER STREET
CHARLESTON, WV 25311**

**L. D. EGNOR
CHAIRMAN EMERITUS**

**W. RICHARD STATON
CHAIRMAN**

The comment period for our Procedural Rule, Title 203, Series 2, ended on August 31, 2011. No comments were received.