

WEST VIRGINIA
SECRETARY OF STATE

JOE MANCHIN, III

ADMINISTRATIVE LAW DIVISION

Do Not Mark In This Box

Form #2

2002 JUL 30 P 1:55

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

West Virginia Courthouse Facilities

AGENCY: Improvement Authority TITLE NUMBER: 203

RULE TYPE: Procedural CITE AUTHORITY: W. Va. Code § 6-9A-3

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 RULE BEING PROPOSED: 2

TITLE OF RULE BEING PROPOSED: Open Governmental Proceedings

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 August 29, 2002 AT 5:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

David C. Jolliffe, Executive Director
Courthouse Facilities Improvement
Authority

550 Eagan Street

Charleston, WV 25301

558-5435 (T)
558-5439 (F)

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

David C. Jolliffe
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

CLAIMED

SUMMARY AND STATEMENT OF CIRCUMSTANCES

The purpose of this rule is to establish 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. Promulgation of this procedural rule is mandated by W.Va. Code § 6-9A-3.

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Open Governmental Proceedings

Type of Rule: Legislative Interpretive X Procedural

Agency: West Virginia Courthouse Facilities Improvement Authority

Address: 550 Eagan Street

Charleston, WV 25301

558-5435 (T) 558-5439 (F)

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	0	0	0	0	0
PERSONAL SERVICES	0	0	0	0	0
CURRENT EXPENSE	0	0	0	0	0
REPAIRS & ALTERATIONS	0	0	0	0	0
EQUIPMENT	0	0	0	0	0
OTHER	0	0	0	0	0

2. Explanation of Above Estimates:

The establishment of 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 is not anticipated to have any fiscal impact.

3. Objectives of These Rules:

To establish 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.

Rule Title: Open Governmental Proceedings

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

No economic impact anticipated.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:

No economic impact anticipated.

C. Economic Impact on Citizens/Public at Large.

No economic impact anticipated.

Date: 7/30/02

Signature of Agency Head or Authorized Representative:

David C. Joliffe

David C. Joliffe, Executive Director
Courthouse Facilities Improvement Authority
550 Egan Street
Charleston, WV 25301
558-5435 (T)
558-5439 (F)

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

FILED

2007 JUL 30 P 1:55

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. --

1.4. Effective Date. --

§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. 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 scheduled meeting of the body, and said confirmation shall be placed in the minutes of the meeting.

§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.