

**WEST VIRGINIA  
SECRETARY OF STATE  
JOE MANCHIN, III  
ADMINISTRATIVE LAW DIVISION**

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2002 SEP -5 P 4:28

Form #5

WEST VIRGINIA  
SECRETARY OF STATE

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

West Virginia Courthouse Facilities

AGENCY: Improvement Authority TITLE NUMBER: 203

CITE AUTHORITY: W.Va. 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: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

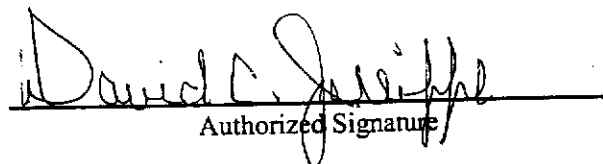
IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 2

TITLE OF RULE BEING PROPOSED: Open Governmental Proceedings

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE

EFFECTIVE DATE OF THIS RULE IS Thirty (30) Days After Filing October 6, 2002

David C. Joliffe, Executive Director  
Courthouse Facilities Improvement  
Authority  
550 Eagan Street  
Charleston, WV 25301  
558-5435 (T)  
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Authorized Signature

**SCANNED**

TITLE 203  
PROCEDURAL RULE  
WEST VIRGINIA  
COURTHOUSE FACILITIES IMPROVEMENT AUTHORITY

FILED

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SERIES 2  
OPEN GOVERNMENTAL PROCEEDINGS

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.

## COMMENTS AND AMENDMENTS

On July 30, 2002 the West Virginia Courthouse Facilities Improvement Authority ("Authority") filed a Notice of Comment Period on a Proposed Rule ("Notice") with the Office of the Secretary of State in connection with this procedural rule, 203 C.S.R. 2, Open Governmental Proceedings. In lieu of a public hearing the Notice established a comment period which ended on August 29, 2002 at 5:00 p.m. No comments were received by the Authority in response to the Notice. Accordingly, no responses to comments were made. In addition, no amendments have been made by the Authority to the proposed procedural rule as a result of any comments or other information received by the Authority.