



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

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Office of West Virginia  
Secretary Of State

**NOTICE OF PUBLIC COMMENT PERIOD**

AGENCY: Aeronautics Commission TITLE-SERIES: 171-01

RULE TYPE: Procedural Amendment to Existing Rule: No Repeal of existing rule: No

RULE NAME: Commission Meetings, Organization, and Operation

CITE STATUTORY AUTHORITY: W.Va. Code §29-2A-3

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/08/2019 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

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Building 5 A-152

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PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

This procedural rule governs the conduct of Commission meetings. It is intended to comply with the requirements of the State Administrative Procedures Act and the State Freedom of Information Act.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

This is a new rule and is required to comply with the requirements of the State Administrative Procedures Act and the State Freedom of Information Act.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

N/A

B. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

N/A

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2019 Increase/Decrease (use "-")	2020 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>	.00	.00	.00
Personal Services			
Current Expenses			
Repairs and Alterations			
Assets			
Other			
<b>2. Estimated Total Revenues</b>	.00	.00	.00

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

This rule will not have a fiscal impact on the Commission or the State's revenues.

**BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.**

Yes

**Rita A Pauley -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**

**TITLE 171**  
**PROCEDURAL RULE**  
**WEST VIRGINIA AERONAUTICS COMMISSION**  
**SERIES 1**  
**COMMISSION MEETINGS, ORGANIZATION, AND OPERATION**

**§171-1-1. General.**

1.1. Scope. This rule governs the conduct of the Aeronautics Commission meetings. It is intended to comply with the requirements of the State Administrative Procedures Act and the State Freedom of Information Act.

1.2. Authority. – W.Va. Code §29-2A-3

1.3. Filing Date. –

1.4. Effective Date. —

**§171-1-2. Definitions.**

2.1. “Aeronautics Commission or Commission” means the public body created by the West Virginia Legislature in W.Va. Code §29-2A-1 et seq.

2.2. “Administrative Procedures Act” means the statute, W.Va. Code §6-9A-1 et seq., governing the conduct of public meetings held by any administrative or legislative unit of state, county or municipal government including any subunit or committee authorized by law to exercise some portion of executive or legislative power.

2.3. “Freedom of Information Act” means the statute, W. Va. Code §29B-1-1 et seq., governing the availability of public records to the public.

2.4. “Person” includes any natural person, corporation, partnership, firm or association.

2.5. “Public record” means any writing containing information prepared or received by a public body, the content or context of which, judged either by content to context, relates to the conduct of the public’s business.

2.6. “Quorum” means a simple majority of the members of the Commission which is required in order to take any official action by the Commission. Commissioners who attend and vote at any meeting by telephone are officially in attendance and are counted toward establishment of a quorum.

2.7. “Writing” means, in the context of a public record, any books, papers, maps, photographs, cards, tapes, recordings or other documentary materials regardless of physical form or characteristics.

**§171-1-3. Parliamentary Procedure.**

3.1. Meetings of the Commission will be conducted in accordance with Roberts Rules of Order. The Director of the Commission is Parliamentarian unless the Commission elects a Commission member as Parliamentarian.

**§171-1-4. Regular Meetings.**

4.1. The Commission will hold at least one meeting a year, or as often as necessary to conduct the business of the Commission.

4.2. The Commission may hold its annual meeting in Room 122, Building 5, Capitol Complex unless the meeting notice specifies otherwise.

4.3. Business to come before the Commission will be placed on an agenda and properly posted in accordance with this rule and the Open Meetings Act. Matters, not on the agenda, which are brought up for discussion during the meeting which require action by the Commission, will be addressed at a future meeting.

4.4. Notice of all regular meetings must be posted at least five (5) business days prior to the date of the meeting on the Secretary of State's website, on the Commission's website (need to imbed the link) and other locations the Commission may designate. The notice must include the date, time and place of the meeting.

4.5. The agenda for all regular meetings must be posted three (3) days prior to the date of the meeting. It may be posted in a central location in the Commission's office and on the Commission's website. A link to the Commission's website may be posted on the Secretary of State's website if authorized by the Administrative Law Division of the Secretary of State's office.

4.5.1. The agenda may be amended up to three (3) days before the meeting date and posted in the same manner as the original agenda was posted.

**§171-1-5. Special Meetings.**

5.1. Special meetings of the Commission may be called by the Chairman or Chairwoman of the Commission when a matter must be addressed before the next regularly scheduled meeting of the Commission but do not rise to the level of an emergency.

5.2. Notice of any special meeting must be posted at least five (5) business days prior to the date of the meeting on the Secretary of State's website, on the Commission's website (need to imbed the link) and other locations the Commission may designate. The notice must include the date, time and place of the meeting.

5.3. The agenda for all special meetings must be posted two (2) days prior to the date of the meeting. It may be posted in a central location in the Commission's office and on the Commission's website. A link to the Commission's website may be posted on the Secretary of State's website if authorized by the Administrative Law Division of the Secretary of State's office.

5.3.1. The agenda may be amended up to three (3) days before the meeting date and posted in the same manner as the original agenda was posted.

**§171-1-6. Emergency Meetings.**

6.1. Emergency meetings may be called by the Chairman or Chairwoman in the event that a matter requires immediate official action by the Commission. Notice of the meeting must be given as soon as

practicable prior to the meeting date in the same manner as other meeting notices. The notice must state the time, place and purpose of the meeting and the facts and circumstances of the emergency. The agenda is limited to the emergency matter.

6.2. Emergency matters may be added to a scheduled meeting agenda by amending the agenda. The amended agenda must provide the facts and circumstances which warrant adding the emergency item to the agenda.

**§171-1-7. Minutes.**

7.1. The Director will designate a staff member to prepare written minutes of all Commission meetings. The minutes must contain at a minimum:

7.1.1. The date, time and place of the meeting.

7.1.2. The name of each Commissioner and staff member in attendance.

7.1.3. All motions, proposals, resolutions, and measures proposed, the name of the Commissioner proposing the same, and its disposition.

7.1.4. The results of all votes and, upon the request of any Commission member, the vote of each member by name.

**§171-1-8. Open Proceedings.**

8.1. All meetings of the commission will be open to the public, except when the Commission holds an executive session pursuant to W. VA. Code §6-9A-4.

8.2. Any person desiring to address the Commission at any meeting may do so provided that such person registers to address the Commission at least 15 minutes prior to the scheduled meeting time.

8.3. The Commission may remove a member of the public from a meeting who the Commission determines is disrupting the meeting to the extent that the orderly conduct of the meeting is compromised.

8.4. The Commission will create and enforce reasonable guidelines for public attendance at any meeting where there is not enough room for all members of the public who wish to attend.

**§171-1-9. Executive Session.**

9.1. The Commission may enter into executive session upon a motion by a Commissioner. The motion must state the reason or reasons for going into executive session as provided in W. Va. Code §6-9A-4. This includes, discussion of personnel matters or pending litigation; to consider matters involving the purchase, sale or lease of real property, or to plan or consider an official investigation.

9.2. The matter or matters under discussion during executive session may not be voted on during executive session. The vote, which is an official action of the Commission must be open to the public. However, the Commission may vote to give its attorney settlement authority to enter into negotiations and provide a settlement range in executive session. If a settlement is reached, then the settlement agreement, including the amount, becomes a matter of public record unless sealed by a court.

**§171-1-10. Public records of the Commission.**

10.1. The written records of the business of the Commission are public records and subject to the requirements of the West Virginia Freedom of Information act, W. Va. Code §29B-1-1 et seq.

10.2. All requests for records under the Freedom of Information Act must be sent to the Director of the Aeronautics Commission, who is the official custodian of the records, at 1900 Kanawha Boulevard, E. Building 5, Room A-129, Charleston, WV 25305