



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL
RULE**

AGENCY: Municipal Bond Commission TITLE-SERIES: 109-02
RULE TYPE: Procedural Amendment to Existing Rule: No Repeal of existing rule: No
RULE NAME: Rules covering Meetings of the WV Municipal
Bond Commission
CITE STATUTORY AUTHORITY: 13-3-6

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

October 1, 2019

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

Yes

Allen R Prunty -- 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 109
PROCEDURAL RULES
MUNICIPAL BOND COMMISSION

SERIES 2
RULES OF PROCEDURE COVERING BOARD AND EXECUTIVE
COMMITTEE MEETINGS OF THE WEST VIRGINIA
MUNICIPAL BOND COMMISSION

§109-2-1. General.

1.1. Scope. -- This procedural rule governs the calling, publicizing, conducting and recording of all regularly scheduled meetings and special meetings of the West Virginia Municipal Bond Commission.

1.2. Authority. -- W. Va. Code §13-3-6

1.3. Filing Date. -- August 21, 2019

1.4. Effective Date. -- October 1, 2019

§109-2-2. Application And Enforcement.

This procedural rule shall apply to the West Virginia Municipal Bond Commission and all individuals desiring to attend or to address the Commission. The enforcement of the rule is vested in the Chair of the Commission.

§109-2-3. Definitions.

3.1. "Chair" -- The Chair of the Commission is the State Tax Commissioner, pursuant to the provisions of W. Va. Code §13-3-3(a).

3.2. "Commission" -- The West Virginia Municipal Bond Commission, as established in W. Va. Code §13-3-1, *et seq.*

3.3 "Meeting" -- Any convening of the Commission for which a quorum is required.

3.4 "Quorum" -- Three members of the Commission.

§109-2-4. Commission Membership And Organization.

4.1. Ex Officio members. The following shall serve as members of the Commission by virtue of their office:

4.1.1. The Auditor of the State of West Virginia;

4.1.2. The Treasurer of the State of West Virginia;

4.1.3. The State Tax Commissioner of the State of West Virginia.

4.2. Members appointed by the Governor.

4.2.1. Pursuant to the provisions of W. Va. Code §13-3-2(a), the Governor of the State of West Virginia appoints two members of the Commission.

4.2.2. The appointed members may not be of the same political party.

4.2.3. The appointed members shall serve overlapping terms of four years each, and until their respective successors are appointed and qualified.

4.3. Representation by designee.

4.3.1. When the demands of the office prevent an Ex Officio member of the Commission from attending a duly called meeting of the Commission, he or she may designate a representative who is authorized to act for and on his or her behalf at the meeting, upon notification in writing to the Chair of the Commission. The authorized representative shall have all the rights and responsibilities of the Ex Officio member in the conduct of the Commission's business.

4.3.2. An appointed member of the Commission may not designate a representative to act on his or her behalf at meetings of the Commission.

4.4. Executive Director.

4.4.1. The Commission shall appoint a chief administrative officer, hereafter referred to as the executive director, who shall serve as secretary and treasurer to the Commission.

4.4.2. The Chair may designate a member of the Commission to serve as secretary in the absence of the executive director.

§109-2-5. Meetings.

5.1. Regular and special meetings. -- The Commission shall hold at least three (3) meetings in each fiscal year, one (1) of which meetings shall be the annual meeting held within sixty days after the end of the fiscal year. Such meetings shall be held on such dates and at such places as the Chair may prescribe. Additional meetings may be held at the call of the Chair or upon written request of three (3) members at such time and place as designated in such call or request. Three (3) members of the Commission shall constitute a quorum.

5.2. Executive committee meetings. -- The State Tax Commissioner, the State Treasurer and the State Auditor shall constitute the executive committee of the Municipal Bond Commission. The executive committee is vested with all powers of the Commission when it is not in session, except that the executive committee may not overrule, reverse or disregard any action of the full Commission. Action of the executive committee shall be taken by resolution adopted by a majority of the executive committee. The Chair may call meetings of the executive committee at any time.

5.3. Time and location of meetings. -- All meetings of the Commission and executive committee shall be held only during normal working hours and only at reasonable locations as to be accessible to the public.

5.4. Posting announcement of regularly scheduled meetings. -- The Commission or the executive committee shall cause notice of its regularly scheduled meetings to be electronically filed with the office of the Secretary of State for posting on the Secretary of State's open meetings website in a manner to allow each notice to appear on said website at least five business days prior to the date of the meeting. Notice provided under this section shall include the date, time, place and purpose of the meeting.

5.5. Posting announcement of special meetings. -- The Commission or the executive committee shall cause notice of all special meetings to be electronically filed with the office of the Secretary of State for posting on the Secretary of State's open meetings website in a manner to allow each notice to appear on said website at least five business days prior to the date of the meeting. Notice provided under this section shall include the date, time, place and purpose of the meeting.

5.6. Posting announcement of emergency meetings. -- The Commission or the executive committee may electronically file notice of any emergency meetings requiring immediate official action with the office of the Secretary of State for posting on the Secretary of State's open meetings website as soon as practicable 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.

5.7. Meetings open to the public. -- The meetings of the Commission and the executive committee shall be conducted in an open and public manner and in compliance with Chapter 6, Article 9A of the West Virginia Code.

5.8. Attendance at meetings. -- Members of the Commission or executive committee may participate in any regularly scheduled, special or emergency meeting of the Commission or executive committee by telephone conference or other similar electronic means.

5.9. Participation at meetings. -- At each meeting in which a member participates by telephone or other electronic means, the Chair of the Commission shall convene the meeting and advise the public of the identity of the members participating by telephone or other electronic means. The voice, comments and votes of such member(s) shall be audible to all those personally present at the meeting.

§109-2-6. Minutes Of Meetings.

6.1. Recorder. -- The executive director, as secretary, shall take the minutes of all Commission and executive committee meetings, and the minutes shall be available to the public within a reasonable time after the meeting.

6.2. Contents of minutes. -- The minutes shall include at least the following information:

6.2.1. The date, time and place of the meeting;

6.2.2. The name of each member of the Commission present and absent;

6.2.3. All motions, proposals, resolutions, orders, ordinances and measures proposed, the name of the person proposing the same and their disposition; and

6.2.4. The results of all votes and, upon request of a member, the vote of each member, by name.

§109-2-7. Agenda Of Meetings.

7.1. Procedure of meetings. -- At the time and place of a meeting duly called, upon the presence of a quorum, the Chair shall call the meeting to order. The Commission shall first hear, and approve or change, the minutes of the last meeting of the Commission. It shall then consider current matters of business before the Commission. At all regular meetings of the Commission, the executive director shall render a report on the Commission's activities, including all investment transactions that have transpired since the last meeting of the Commission. At the annual meeting of the Commission, the executive director shall deliver the annual financial report of the Commission.

§109-2-8. Executive Session.

8.1. Authority to meet. -- Under the provisions of W. Va. Code §6-9A-4, the full Commission or its executive committee, may meet in executive session during regular, special or emergency meeting, only upon a majority affirmative vote of its members present in open meeting. Executive session shall mean any meeting or part of a meeting of the Commission which is closed to the public.

8.2. Purposes of executive sessions. -- In executive session the Commission may consider only the actions set forth in W. Va. Code §6-9A-4(b).