



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: Economic Development Authority TITLE-SERIES: 117-02

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

RULE NAME: Meetings and Meeting Notices

CITE STATUTORY AUTHORITY: WV Code 6-9A-1 et seq.

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 03/28/2022 4 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: WVEDA

ADDRESS: 180 ASSOCIATION DRIVE

CHARLESTON, WV 25311

EMAIL: caren.d.wilcher@wv.gov

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:

The rule governs the notice given of all regularly scheduled, special and emergency meetings of the board of the WVEDA and governs the public's attendance at such meetings.

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

The amended rule changes the time, meeting location and manner of posting notices of WVEDA Board Meetings. The amended rule reflects current meeting logistics and updates meeting notices to comply with current state law.

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

None

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

None

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

None

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2022 Increase/Decrease (use "-")	2023 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

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

None

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

Yes

Caren D Wilcher -- 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 117
PROCEDURAL RULE
ECONOMIC DEVELOPMENT AUTHORITY

SERIES 2
MEETINGS AND MEETING NOTICES

§117-2-1. General.

1.1. Scope. -- This procedural rule governs the notice given of all regularly scheduled, special and emergency meetings of the Board of the West Virginia Economic Development Authority. This procedural rule also governs the public's attendance at such meetings as well as appearances before the Board by members of the public at such meetings.

1.2. Authority. -- W. Va. Code §6-9A-1 et seq.

1.3. Filing Date. -- ~~November 30, 1992.~~

1.4. Effective Date. -- ~~January 1, 1993.~~

§117-2-2. Definitions.

2.1. "Authority" means the West Virginia Economic Development Authority.

~~2.2.~~ "Board" means the governing body of the West Virginia Economic Development Authority.

~~2.2.~~ 2.3. "Person" means any individual, trust, estate, partnership, corporation, association, or any other legal entity recognized by the State of West Virginia.

§117-2-3. Regular Meetings.

3.1. The Board shall hold regular meetings on the third Thursday of each month; provided, that when such date falls upon a legal holiday, the Board may designate another date for the regular meeting.

3.2. The Board shall commence all regular meetings at ~~1:30 p.m.~~ 11:00 a.m. unless otherwise specified in the notice of any such meeting.

3.3. All regular meetings shall be conducted at ~~Room 607, Building 6, of the State Capitol Complex in Charleston~~ 180 Association Drive, Charleston, West Virginia unless otherwise specified in the notice of any such meeting.

3.4. All regular meetings shall be general meetings for the consideration of any and all matters which may properly come before the Board.

3.5. Except in the event of an emergency requiring immediate official action by the Board, notice of all regular meetings of the Board shall be ~~appear in the State Register published by the West Virginia Secretary of State~~ electronically filed with the office of the West Virginia 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 (5) business days prior to the date of the meeting. Each such regular meeting notice shall state the time, place and purpose of the meeting. ~~Such notice shall also be made available to the news media in a manner determined by the Board.~~

§117-2-4. Special Meetings.

4.1. Special meetings of the Board shall be for the consideration of only those matters designated by the Board members requesting the meeting unless otherwise changed by the Board.

4.2. Except in the event of an emergency requiring immediate official action by the Board, notice of all special meetings of the Board shall be electronically filed with the office of the West Virginia Secretary of State for posting on the Secretary of State's open meetings website in a manner to allow each notice to appear ~~in the State Register published by the West Virginia Secretary of State~~ on said website at least five (5) business days prior to the date of the meeting. Each such special meeting notice shall state the time, place and purpose of the meeting. ~~Such notice shall also be made available to the news media in a manner determined by the Board.~~

§117-2-5. Emergency Meetings.

5.1. In the event of an emergency requiring immediate official action by the Board, notice of the emergency meeting of the Board shall be electronically filed with the office of the West Virginia Secretary of State for posting on the Secretary of State's open meetings website and posted on the Authority's website as soon as practicable at any time prior to the meeting ~~with the West Virginia Secretary of State for publication in the State Register~~. Each such emergency meeting notice shall state the time, place and purpose of the meeting and the facts and circumstances of the emergency. ~~Such notice shall also be made available to the news media in a manner determined by the Board.~~

§117-2-6. Open Proceedings.

6.1. All meetings of the Board shall be open to the public, except as when the Board holds an executive session pursuant to W. Va. Code §6-9A-4.

6.2. Any person desiring to address the Board at any meeting may do so provided that such person registers to address the Board no less than fifteen (15) minutes prior to the time the meeting is scheduled to commence.

6.3. The Board may cause the removal from any meeting of any member of the public who, as determined by the Board, is disrupting the meeting to the extent that orderly conduct of the meeting is compromised.

6.4. At any meeting where there is not room enough for all members of the public who wish to attend, the Board shall create and enforce reasonable guidelines for public attendance.