

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

FILED

FEB 10 9 43 AM '99

OFFICE OF THE SECRETARY OF STATE

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

AGENCY: WV Educational Broadcasting Authority TITLE NUMBER: 195

CITE AUTHORITY: West Virginia Code 29A-3-1 and 10-5-3

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 NEW RULE BEING ADOPTED: 1

TITLE OF RULE BEING ADOPTED: Procedural Rule-Organization Procedures

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS March 23, 1999


Authorized Signature

\$320

DEPARTMENT OF EDUCATION AND THE ARTS
Office of the Secretary

State Capitol Bldg. 5, Room 205
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305
Telephone: (304) 558-2440
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Cecil H. Underwood
Governor

David R. Ice
Cabinet Secretary

February 2, 1999

The Honorable Ken Hechler
Secretary of State
State Capitol Building
Charleston, West Virginia 25305

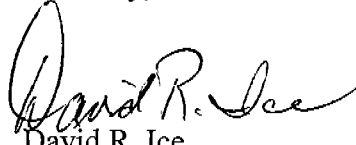
Dear Secretary Hechler:

I hereby grant consent as pursuant to West Virginia Code §5F-2-2 for the promulgation of the following Procedural Rule of the West Virginia Educational Broadcasting Authority - Organization Procedures:

Title 195, Series 1: West Virginia Educational Broadcasting Authority

A copy of the rule is attached.

Sincerely,


David R. Ice
Cabinet Secretary

Attachment

cc: Rita Ray, Executive Director
West Virginia Educational Broadcasting Authority
Ann Brotherton, Chairman
West Virginia Educational Broadcasting Authority

**WEST VIRGINIA EDUCATIONAL
BROADCASTING AUTHORITY**

600 CAPITOL STREET
CHARLESTON, WV 25301-1223

E-MAIL: WVEBA@WVPUBRAD.ORG

PHONE: (304) 558-3400
FAX: (304) 558-1561

MEMORANDUM

To: Judy Cooper, Director
Administrative Law Division
Secretary of State
Fr: Gloria Massey *GM*
Re: Comment Period-Title 195 Procedural Rule-Organization Procedures
Dt: February 9, 1999

The comment period ended on December 21, 1998 at 5:00 p.m. We received no comments.

Thank you.

/gm

THE WEST VIRGINIA EDUCATIONAL BROADCASTING AUTHORITY
OWNS AND OPERATES THE WV PUBLIC RADIO AND TELEVISION NETWORKS.

WEST VIRGINIA EDUCATIONAL BROADCASTING AUTHORITY

FILED
FEB 10 9 47 AM '99

TITLE 195
PROCEDURAL RULE
SERIES 1

OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

ORGANIZATION PROCEDURES

195-1-1. General.

- 1.1. Scope. This rule is being filed pursuant to West Virginia Code §29A-3-1 et seq. and West Virginia Code §10-5-3. This rule establishes procedures governing the organization of the Educational Broadcasting Authority, its committees and meetings.
- 1.2. Authority. West Virginia Code §29A-3-1 et seq. and §10-5-3.
- 1.3. Filing Date.
- 1.4. Effective Date.

195-1-2. Authority Meetings.

- 2.1. Annual Meeting. - The annual meeting of the Authority is the last meeting of the Authority during the fiscal year.
- 2.2. Regular Meetings. - The Authority shall meet at least twice each year and may meet more often as it deems appropriate.
- 2.3. Special Meetings. - The Authority shall hold special meetings if the executive committee determines a special meeting is necessary or if requested in a letter to the chairman signed by a majority of the members. Special meetings shall be scheduled as soon as is practicable, but not later than sixty days after the determination or a request is made.
- 2.4. Emergency Meetings. - The Authority shall hold an emergency meeting if called by the chairman or if requested by the executive director.
- 2.5. Robert's Rules of Order. - All meetings of the Authority and its committees shall be governed by Robert's Rules of Order as revised.
- 2.6. Attendance. - The chairman shall notify any Authority member absent from three consecutive regular meetings of the Authority that the member's absence diminishes the Authority's ability to carry out its public trust.

195-1-3. Notice of Meetings.

- 3.1. Notices of the annual meeting and regular meetings. - Notices of the annual meeting and regular meetings shall be filed with the Secretary of State not fewer than five days prior to the meeting. Each notice shall state the time, date, place, and purpose of the meeting. At least one week prior to an annual or regular meeting, the executive director shall notify no fewer than five newspapers of general circulation in this state of the date, time, place and purpose of each annual and regular meeting. In addition, the executive director shall notify Authority licensed broadcasting stations of annual and regular meetings and the stations shall broadcast notice of the annual and regular meetings in a timely manner.
- 3.2. Notices of Special Meetings. - Notices of special meetings shall be provided as required for the annual and regular meetings. If it is not possible to notify Authority members at least five days in advance of a special meeting, the notice to the public shall be made at the time Authority members are notified.
- 3.3. Notices of Emergency Meetings. - Notices of emergency meetings shall be filed with the Secretary of State as soon as possible and shall contain the date, time, place and purpose of the meeting. The notice shall also include a statement of the reason for the emergency.

195-1-4. Authority Committees.

- 4.1. Generally. - The Authority may establish committees as it deems necessary to carry out its responsibilities. The chairman of the Authority may appoint Authority members and non-Authority members to serve on such committees. Each committee shall elect a chairman who shall report to the Authority when requested to do so by the chairman of the Authority. Committees so appointed shall continue in existence until dissolved by action of the Authority.
- 4.2. Executive Committee. - The Authority shall establish an executive committee as a standing committee. The executive committee shall consist of the chairman, the vice-chairman and one Authority member, to be selected at the annual meeting by a vote of the Authority. The executive director shall serve as an ex officio nonvoting member of the executive committee. The executive committee may act on behalf of the Authority if the action does not affect an Authority policy and any action taken by the executive committee is subject to the approval of the Authority at the next regular meeting.

195-1-5. Advisory Councils.

- 5.1. Creation. - As provided in West Virginia Code §10-5-5, the Authority may create one or more advisory councils to serve in an advisory manner to one or more broadcasting facilities as directed by the Authority. Each advisory council shall consist of not more than nine members who are appointed by and serve at the will and pleasure of the Authority.
- 5.2. Meetings. - Each advisory council shall meet at least twice each year at times determined by the Authority.
- 5.3. Notice of Advisory Council Meetings. - Notices of advisory council meetings shall be filed with the Secretary of State not fewer than five days prior to such meetings. Each notice shall state the time, date, place, and purpose of the meetings.

195-1-6. Authority Affiliations.

- 6.1. Generally. - The Authority may affiliate with another entity if it determines that the affiliation is in its best interests. When the Authority affiliates with another entity, the Authority chairman shall appoint an Authority member as liaison to the entity. Liaison members shall report to the Authority regarding the affiliation when requested to do so by the chairman of the Authority. Liaisons shall represent the Authority and support the Authority's position on matters involving the affiliation. A liaison failing to support the Authority's position shall be removed as liaison by the chairman of the Authority.
- 6.2. The West Virginia Public Broadcasting Foundation Affiliation. - The Authority shall appoint four of its members, including the chairman to serve on the board of the West Virginia Public Broadcasting Foundation. Any member so appointed shall continue to serve until a successor is appointed.

9/9/98

**WEST VIRGINIA EDUCATIONAL
BROADCASTING AUTHORITY**

600 CAPITOL STREET
CHARLESTON, WV 25301-1223

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PHONE: (304) 558-3400
FAX: (304) 558-1561

February 9, 1999

Judy Cooper, Director, Administrative Law
Secretary of State
Building 1, Suite 157
1900 Kanawha Blvd., East
Charleston WV 25305-0770

Dear Judy:

Enclosed you will find the following attachments from the WV Educational Broadcasting Authority for final rule making.

- Consent letter from David Ice, Cabinet Secretary
- Hard copy of final version
- Copy on disk
- Form #5
- Memorandum(Comment Period)

As always, I appreciate all the help you have given me in preparation of this procedure and finalizing of the rule making. If you require any further information, please feel free to call me.

Sincerely,



Gloria Massey
Educational Broadcasting Authority

attachments: 5