

PROMULGATION HISTORY ABSTRACT

AGENCY: West Virginia Board of Health

RULE TITLE Meetings and Bylaws of the West Virginia Board of Health

SERIES # 45

RULE TYPE: Procedural

NEW RULE: \_\_\_\_\_; AMENDMENT OF EXISTING RULE: X

SECTION(S) AMENDED: Sections 1, 2, 4, 5, 6, 7, 8, 10 (new),  
11 (new)

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DATE(S) OF PUBLIC HEARING: January 6, 1986

For Interpretive, Procedural or Exempt Rules ONLY

DATE AGENCY ADOPTED RULE FILED: June 18, 1986

DATE EFFECTIVE: July 18, 1986

For Legislative Rules ONLY

DATE AGENCY APPROVED RULE FILED: \_\_\_\_\_

DATE OF ACTION BY L.R.M.R.C. : Approved \_\_\_\_\_, Amended \_\_\_\_\_

Approve Part \_\_\_\_\_, Reject \_\_\_\_\_

MODIFIED TO MEET L.R.M.R.C. COMMENTS; yes \_\_\_\_\_, no \_\_\_\_\_

BILL OF AUTHORIZATION # \_\_\_\_\_, PASSED ON \_\_\_\_\_

AMENDED BY THE LEGISLATURE, yes \_\_\_\_\_, no \_\_\_\_\_

FINAL FILING ON \_\_\_\_\_

EFFECTIVE ON \_\_\_\_\_

DATE RULE OR AMENDMENT FILED AS AN EMERGENCY RULE: \_\_\_\_\_

FILED

1986 JUN 18 PM 1:54

FILED

1983 JUN 18 PM 1:54

OFFICE OF THE  
SECRETARY OF STATE

[PROPOSED]

WEST VIRGINIA BOARD OF HEALTH  
PROCEDURAL RULES

Meetings and Bylaws of the West Virginia Board of Health

Chapter 6-9A  
Series 45  
1986

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Title: Meetings and Bylaws of the West Virginia Board of Health

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Section 1. General

1.1. Scope - This procedural rule sets forth the means by which the time and the place of all regularly scheduled meetings of the State board of health and the time, place, and purpose of all special meetings are made available in advance, to the public and the news media, except in the event of an emergency requiring immediate official action and also sets forth certain bylaws of the board.

1.2. Authority - This rule is issued under the authority of Chapter 6, Article 9A, Section 3 and Chapter 16, Article 1, Section 7 of the West Virginia Code. This rule is related to Chapter 6, Article 9A, Section 1 et seq and Chapter 16, Article 1, Sections 4, 6 and 7 of the West Virginia Code.

1.3. Filing Date - June 18, 1986.

1.4. Effective Date - July 18, 1986.

1.5. Supersession and Repeal of Former Rules - This rule supersedes and repeals Regulations for the Establishment of Regular Meetings by the West Virginia Board of Health, West Virginia Board of Health Procedural Rules, Chapter 6-9A, Series ~~45~~ (1983).  
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Section 2. Application and Enforcement - This procedural rule shall apply to the board and any and all individuals desiring to attend or to address the West Virginia board of health. The enforcement of this rule shall be vested with the secretary of the West Virginia board of health.

Section 3. Definitions

3.1. Board - The West Virginia board of health.

3.2. Department - The West Virginia department of health.

3.3. Meeting - The convening of a governing body of a public body for which a quorum is required.

3.4. Quorum - A simple majority of the constituent membership of the board.

3.5. Secretary - The director of the West Virginia department of health.

Section 4. Regular Meetings Established; Time, Place

4.1. The West Virginia board of health shall meet in regular sessions on the third friday of the months of April, June, July, August, September, October, November, and December in years the West Virginia Legislature convenes in January, and on the third friday of the months of May, July, August, September, October, November, December, and January, beginning in 1989, and every four years thereafter. In the event such third friday falls upon a holiday the board may designate another date by a majority of those board members present and voting.

4.2. The board shall convene all regular meetings at nine o'clock, a.m. unless otherwise changed by a majority vote of those board members present and voting.

4.3. The board shall convene all regular meetings in Conference Room 522 of the West Virginia Department of Health, 1800 Washington Street, East, Charleston, West Virginia 25305 unless otherwise changed by a majority vote of those board members present and voting.

4.4. The board may without notice, move the location of the meeting to accommodate members of the public who wish to attend such meeting in the event the meeting room is too small to accommodate such attendance.

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

4.6. The secretary shall send an agenda to all board members one week prior to meetings.

4.7. The secretary shall submit rules for consideration at a meeting to all board members for review at least two weeks prior to the meeting. The board may consider rules submitted less than two weeks prior to meetings at the discretion of the members.

4.8. The chairman may cancel a meeting if a quorum cannot be convened or if there are no items of business to be conducted by the board.

Section 5. Special Meetings; Notice Required, Time, Place and Purpose

5.1. The board may convene special meetings in accordance with the procedures established herein.

5.2. Special meetings of the board may be called by the chairman, the secretary or by two members of the board upon written request to the secretary.

5.3. The secretary shall send to all members at least ten days in advance of a special meeting, if possible, a written notice setting forth the time and place of such special meeting and the matter to be considered at such special meeting. Provided, that such written notice is not required if the

time, the place, and matter for consideration has been fixed in a regular meeting or if all the members are present at a special meeting.

5.4. The secretary shall cause the notification of the public and the news media by filing a notice of such special meeting at least ten days in advance of such meeting, if possible, with the secretary of state. The notice shall contain the time, the place, and the matter to be considered.

5.5. The provisions of this section shall not apply in the event of an emergency requiring immediate official action by the board.

#### Section 6. Proceeding to be Open; Exceptions Executive Session Permitted

6.1. Notwithstanding any other provision of law or regulation all meetings of the board shall be open to the public, except as provided in Chapter 6, Article 9A, Section 4 of the West Virginia Code.

6.2. An executive session may be held only upon a majority affirmative vote of the members present.

#### Section 7. Minutes

7.1. The West Virginia board of health shall provide for the preparation of written minutes of all its meetings. All such minutes shall be available to the public within a reasonable time after the meeting and shall include the following information:

- (a) The date, time and place of the meeting;
- (b) The name of each board member present or absent;
- (c) All motions, proposals, resolutions, orders, ordinances and measures proposed, the name of the person proposing the same and their disposition;
- (d) The results of all votes and, upon request of a member, the vote of each member, by name;
- (e) Minutes of executive sessions may be limited to material which is not inconsistent with the provisions of Chapter 6, Article 9A, Section 4 of the West Virginia Code.

7.2. A minority report may be included in the minutes upon request of a member.

#### Section 8. Quorum; Majority Vote Required; Vote by Proxy Prohibited

8.1. A majority of the constituent members of the board shall constitute a quorum.

8.2. The vote of a majority of all members present at any meeting of

the board shall be necessary to take any action. The Board may authorize the chairman to poll absent members by telephone regarding the release of a rule for public hearing if a quorum is not present.

8.3. Proxy voting is hereby prohibited.

Section 9. Records of the Board to be Public - All records and proceedings of the board are public records and shall be available to the public during the usual and customary business hours of the department.

Section 10. Election of Officers; Duties of Officers

10.1. At the first regular monthly meeting in every other calendar year, beginning in 1986, the Board shall elect a chairman and vice chairman for a term of two years.

10.2. In the event a chairman or vice-chairman resigns or cannot complete the term, a new election will be held to fill the office.

10.3. The duties of the chairman shall be the following:

- (a) Preside at all meetings and conduct them according to Roberts' Rules of Order when such rules are applicable and not inconsistent with this rule;
- (b) Appoint members to serve on committee as may be created; and
- (c) Perform such other functions as pertain to the office of chairman.

10.4. In the absence of the chairman the vice-chairman shall assume the duties of the chairman.

Section 11. Resignation of Members - A board member desiring to resign shall send a letter of resignation to the Governor with a copy to the chairman and the secretary.