

John D. Rockefeller IV
Governor



L. Clark Hansbarger, M.D.
Director

State of West Virginia

DEPARTMENT OF HEALTH
CHARLESTON 25305

March 10, 1982

Honorable A. James Manchin
Secretary of State
1800 Washington Street, East
Building 1, Room W-157
Charleston, WV 25305

Dear Mr. Manchin:

Pursuant to Chapter 29A, Article 3, Section 7 of the West Virginia Code of 1931, as amended, the attached Regulations for the Establishment of Regular Meetings by the West Virginia Board of Health, Chapter 6-9A, Series I (1982) are hereby submitted for filing.

These regulations establish regular meetings and other related matters for the West Virginia Board of Health pursuant to the authority of Chapter 6, Article 9A, Section 3 of the West Virginia Code, of 1931, as amended. The regulations were adopted by unanimous vote of the board of health at their last regular meeting of February 19, 1982. The attached regulations are a true and accurate copy of those adopted.

Please accept our sincere appreciation for your prompt attention to this matter.

Sincerely,


L. Clark Hansbarger, M.D.

LCH/JER/lp

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 3/16/82
Administrative Law Section

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
BOARD OF HEALTH

REGULATIONS FOR THE ESTABLISHMENT OF REGULAR MEETINGS
BY THE WEST VIRGINIA BOARD OF HEALTH

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REGULATIONS FOR THE ESTABLISHMENT OF REGULAR MEETINGS
BY THE WEST VIRGINIA BOARD OF HEALTH

Chapter 6-9A
Series I
(1982)

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WEST VIRGINIA ADMINISTRATIVE REGULATIONS
BOARD OF HEALTH

Chapter 6-9A
Series I
(1982)

Subject: Regulations for the Establishment of Regular Meetings by the West Virginia Board of Health

Section 1. General

1.01. Scope - Chapter 6, Article 9A, Section 3 of the West Virginia Code of 1931, as amended mandates that the West Virginia Board of Health shall promulgate rules by which the time and the place of all regularly scheduled meetings 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.

1.02. Authority - These regulations are issued under the authority of Chapter 6, Article 9A, Section 3 of the West Virginia Code of 1931, as amended.

1.03. Filing Date - These regulations are promulgated on the 5th day of March, 1982, and filed on the 16th day of March, 1982, in the Secretary of State's office.

1.04. Effective Date - These regulations become effective on the 20th day of April, 1982.

Section 2. Application and Enforcement - These regulations 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 these regulations shall be vested with the Secretary of the West Virginia Board of Health.

Section 3. Definitions

3.01. Board - The West Virginia Board of Health.

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3.02. Department - The West Virginia Department of Health.

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

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

3.05. Secretary - The Director of the West Virginia Department of Health.

Section 4. Regular Meetings Established; Time, Place

4.01. The West Virginia Board of Health shall meet in regular session on the third Friday of each month; Provided, that when such third Friday falls upon a legal holiday the board may designate another date by a majority of those board members present and voting.

4.02. 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.

4.03. The board shall convene all regular meetings in the Conference Room 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.

4.04. 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.

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

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

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

5.02. 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.

5.03. The Secretary shall send to all members at least five days in advance of a special meeting, 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.

5.04. The Secretary shall cause the notification of the public and the news media by issuing a public notice of such special meeting at least five days in advance of such meeting. The public notice shall contain the time, the place, and the matter to be considered. A copy of such public notice shall be filed with the office of the Secretary of State.

5.05. 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

6.01. Notwithstanding any other provision of law or regulation all meetings of the board shall be open to the public, excepting the provision of Chapter 6, Article 9A, Section 4 of the West Virginia Code of 1931, as amended.

6.02. An Executive Session may be held only upon a majority affirmative vote of the members present.

Section 7. Minutes

7.01. 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 of 1931, as amended.

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

A majority of the members of the board shall constitute a quorum. The vote of a majority of all members present at any meeting of the board shall be necessary to take any action. Proxy voting is hereby prohibited.

Section 9. Records of the Board - Public Document

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.