OPEN MEETINGS ADVISORY OPINION NO. 2000-04

ISSUED BY THE WEST VIRGINIA ETHICS COMMISSION
COMMITTEE ON OPEN GOVERNMENTAL MEETINGS
ON APRIL 6, 2000

GOVERNMENTAL BODY/MEMBER SEEKING OPINION
Betty V. Waggoner of Marion County PSD’s United.

OPINION SOUGHT
Whether the organization “Marion County PSD’s United” is a public agency for purposes of the
Open Governmental Proceedings Act.

FACTS RELIED UPON BY THE COMMITTEE
An unincorporated association has been formed for the purpose of protesting the consolidation of
public service districts in Marion County, called Marion County PSD’s United. The membership
consists of public service district members, employees and customers. According to Ms. Waggoner,
the routine business of the individual public service districts is not discussed at meetings.

PERTINENT STATUTORY PROVISIONS RELIED UPON BY THE COMMISSION
The Open Governmental Meetings Act applies to “public agencies” defined as:

any administrative or legislative unit of state, county or municipal government,
including any department, division, bureau, office, commission, authority, board,
public corporation, section, committee, subcommittee or any other agency or subunit
of the foregoing authorized by law to exercise some portion of executive or
legislative power.


ADVISORY OPINION
It is the opinion of the Committee on Open Governmental Meetings that Marion County PSD’s
United is not a public agency. Although public officials and employees may belong, the association
has not been authorized by law to exercise any executive or legislative power. It functions as a grass
roots, single-issue organization. Therefore, the association need not comply with the Open
Governmental Proceedings Act.

Brad Crouser 4/6/00
Chairman