

Open Meetings Checklist



Meetings

Most gatherings of a quorum of members of a governing body of a public agency to discuss and deliberate toward a decision on matters requiring official action are subject to the requirements set forth below:

Notice

For State Agencies *Only*

- Are notices of all regular and special meetings stating the date, time, place and purpose of the meeting filed electronically with the West Virginia Secretary of State's Office for publication on the Secretary of State's website at least five business days in advance of each meeting? W. Va. Code § 6-9A-3(e).
- Are notices of any emergency meetings stating the date, time, place and purpose of the meeting, as well as the facts and circumstances of the emergency, filed electronically with the Secretary of State's Office as soon as practicable prior to the meeting? W. Va. Code § 6-9A-3(h).

For *All* Governing Bodies of Public Agencies

- Has the governing body established rules for issuing notice of the date, time, place and agenda of all regular meetings, and the date, time, place and purpose of all special meetings? W. Va. Code § 6-9A-3. If not, the Ethics Commission's Committee on Open Governmental Meetings has concluded that a governing body may provide reasonable advance notice of its meetings and of the agenda items to be acted upon as follows:

At regular meetings: by posting the meeting notice and making the meeting agenda available at least three business days in advance of each meeting. O.M.A.O. 2006-11. Public bodies that meet at least weekly need only two business days of advance notice. O.M.A.O. 2007-09. Once an agenda has

been issued, the agenda may only be amended up to two business days in advance of the meeting. O.M.A.O. 2001-04.

At special meetings: by posting the meeting notice and making the meeting agenda available at least two business days in advance of each meeting. O.M.A.O. 2006-11. (State agencies, however, must also file their notices of special meetings for publication on the Secretary of State's website at least five days before the special meeting.)

At emergency meetings that require immediate official action: as soon as practicable prior to the meeting. The emergency meeting notice must also state the purpose of the meeting and the facts and circumstances of the emergency. W. Va. Code § 6-9A-3(h).

- Are notices of all meetings posted in a public place, such as the agency's office, the County Courthouse and/or the local Post Office in advance of the meeting? O.M.A.O. 2006-15.
- In calculating the notice period, are the date of the meeting, legal holidays, Saturdays and Sundays excluded? O.M.A.O. 2007-06. Half-day holidays may be included in calculating the notice period. O.M.A.O. 2016-01.

Agendas

- Does the meeting agenda reasonably describe all matters requiring official action by the governing body that will be dealt with at the meeting or at a later meeting? O.M.A.O. 2001-13.

A governing body is not required to indicate whether a matter is anticipated to be taken up in executive session. O.M.A.O. 2001-15.

- Has the meeting agenda either been posted in a public place at the governing body's central office, or have copies of the agenda been made available to be picked up at the same location during regular working hours? O.M.A.O. 2006-15

Executive Sessions

- Before holding an executive session, has the matter been included on the agenda? O.M.A.O. 2006-13.

Has the governing body:

- (1) Determined by a majority vote to hold an executive session to consider one of the actions permitted under the Open Meetings Act, and
- (2) Identified to the public and to the governing body the authorization in the Act which permits such executive session? W. Va. Code § 6-9A-4(a) & (b)

The Committee on Open Governmental Meetings has concluded that governing bodies may comply with the requirement in (2) above by describing the subject matter for which an exemption in the Act authorizes an executive session rather than reciting the applicable numbered section in the W. Va. Code. O.M.A.O. 2004-09. While certain privileged matters may be discussed in executive session, most matters requiring official action, excluding, for example, rulings on student disciplinary matters and developing security procedures, must be voted upon in public. W. Va. Code § 6-9A-4.

Has the governing body attempted to segregate the portions of the meeting allowed to be discussed in executive sessions from the portions not allowed to be discussed in executive session unless segregation would make a coherent discussion impossible? O.M.A.O. 2018-02.

Voting

Are all votes conducted by voice, show of hands or by rising, without use of a secret or written ballot? W. Va. Code § 6-9A-8(b).

Minutes

Are meeting minutes prepared and made available to the public and media one business day after the next regular meeting? O.M.A.O. 2010-04.

Do the minutes reflect the date, time and place of the meeting? W. Va. Code § 6-9A-5(1).

Do the minutes reflect the name of each member of the governing body who was present and absent? W. Va. Code § 6-9A-5(2).

- Are all motions, proposals, resolutions, orders, ordinances and measures proposed, the name of the person proposing same, and their disposition, reflected in the minutes? W. Va. Code § 6-9A-5(3).
- If the meeting was an emergency meeting, are the facts and circumstances of the emergency explained in the minutes? W. Va. Code § 6-9A-3(h)(2).
- Are the results of all votes reflected in the minutes? W. Va. Code § 6-9A-5(4).
- If a member requested a roll call vote on a particular matter, pursuant to applicable rules of the governing body, is the vote of each member by name reflected in the minutes? W. Va. Code § 6-9A-5(4).

Other

- If a public comment period is provided at any time during the meeting, are members of the public allowed to address the governing body without being required to register more than 15 minutes before the start of the meeting? W. Va. Code § 6-9A-3.

The Open Meetings Act does not require governmental bodies to provide public comment periods. O.M.A.O. 2001-30.

- Are members of the public and media permitted to record or broadcast the open portion of a meeting so long as their filming or recording does not unduly interfere with the conduct of the meeting? W. Va. Code § 6-9A-9(a) & (b); O.M.A.O. 2019-02.
- If the governing body elects to convene with one or more members participating by telephone, are the members telephonically participating audible to all those personally present, including the public and media? O.M.A.O. 1999-08.

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