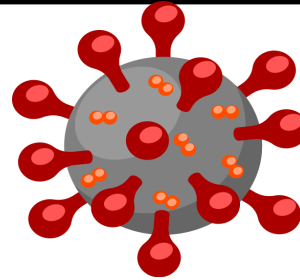


## Coronavirus and the Open Meetings Act



Ethics Commission staff has provided guidance to assist agencies in complying with the Open Meetings Act in light of the coronavirus pandemic.

The current staff guidance is that allowing citizens to attend a meeting in person is not required if the governing body determines, based upon guidance issued by the federal government, the state of West Virginia, the Centers for Disease Control and Prevention or other government agencies authorized to make these types of decisions, that it constitutes a public health risk to permit citizens to attend in person. The governing body may instead provide citizens with a call-in number

or provide access via a web link to a livestream of the meetings.

Steps should be taken to ensure that members of the public and press are able to hear meeting participants.

If a governing body is considering permitting in-person attendance in accordance with the type of guidance mentioned above, it is the opinion of staff that permitting a limited number of attendees to attend the meeting in accordance with such guidance would not violate the Open Meetings Act provided that the governing body continues to provide citizens with a call-in number or access to a live stream of the meeting.

## Elections: Recent Advisory Opinions

**Advisory Opinion 2020-09:** A retired city police officer who was a candidate for sheriff was not prohibited from wearing his uniform in his campaign material because the relevant provisions of the Ethics Act do not apply to former public officials or employees. To view this AO, click [here](#).

**Advisory Opinion 2020-12:** The Act does not prohibit a county commissioner who is also a candidate in the election from performing his ministerial duties on the Board of Canvassers. This decision is to be contrasted with county commissioners improperly judging an election contest. To view this AO, click [here](#).

## How to Get



**May I get informal advice from the Ethics Commission?** Yes. You may obtain informal, confidential advice by emailing the Ethics Commission staff with your question at [ethics@wv.gov](mailto:ethics@wv.gov) or calling (304) 558-0664 or 1 (866) 558-0664 (toll free). You may also be able to find the answer to your question on our website: [ethics.wv.gov](http://ethics.wv.gov).

**How long does it take to get a response from staff?** If you call the Ethics Commission offices, most likely you will be able to speak with an attorney that day. If you email the Ethics Commission, you will get a written response from staff in no more than 10 business days. Staff, however, is committed to responding quickly to emails—usually within one to three days.

**Are there questions that the Ethics Commission staff may be unable to answer?** Yes. Staff may determine, after

reviewing the language in the Ethics Act or Open Meetings Act and related Advisory Opinions, that the answer to your questions is not clear and may only be answered by the Ethics Commission through the issuance of a formal Advisory Opinion. Or Ethics Commission staff may advise you that your question involves a matter not covered by the Ethics Act or Open Meetings Act.

**What is an Advisory Opinion?** An Advisory Opinion is issued by the Ethics Commission during regularly scheduled public meetings of the Ethics Commission. Advisory Opinions are made public, but the name of the person requesting the Opinion is kept confidential. The Commission will not respond to requests for written Opinions on the propriety of someone else's conduct. Click [here](#) for more information on Advisory Opinions.

## Recent Advisory Opinions

**Advisory Opinion 2020-10:** A police officer who was shot in the line of duty while wearing a company's armored vest was invited to attend the same company's national sales meeting. Under the gift rules in the Ethics Act, the police officer may not accept an all-expense paid trip to the sales meeting because the company does business with the officer's department. To view this AO, click [here](#).

**Advisory Opinion 2020-11:** Generally, town officials and employees may not solicit donations unless for a charitable purpose. The construction of a veterans memorial serves the public purpose of recognizing veterans, and is, therefore, a charitable purpose. To view this AO, click [here](#).

**Advisory Opinion 2020-13:** A school principal's spouse, sister and brother-in-law may be employed at the same school where he serves as the principal, but he may not be involved in hiring or supervising them. To view this AO, click [here](#).

### Contact us

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