

**OPEN MEETINGS ADVISORY OPINION NO. 2000-07**

**Issued On July 6, 2000 By The**

**WEST VIRGINIA ETHICS COMMISSION  
COMMITTEE ON OPEN GOVERNMENTAL MEETINGS**

**OPINION SOUGHT**

John T. Robards, a member of the City Planning Commission for Lewisburg, West Virginia, asks if two or more members of the planning commission get together prior to a regularly scheduled meeting to review documents which will be dealt with at the meeting, does that constitute a “meeting” governed by the Open Governmental Proceedings Act?

**FACTS RELIED UPON BY THE COMMITTEE**

The City of Lewisburg has a Planning Commission established in accordance with W. Va. Code § 8-24-1, *et seq.* The Commission requires plans for proposed building projects requiring site plan reviews to be submitted twenty days before the scheduled public hearing on such projects. Planning Commission members have discretion to review any submitted plans prior to the scheduled meeting. It has been suggested that members of the Planning Commission get together with other concerned persons, such as the mayor and city zoning officer, prior to the public hearing, to “review” plans that will be discussed during the hearing.

**CODE PROVISIONS RELIED UPON BY THE COMMITTEE**

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.

W. Va. Code § 6-9A-2(6).

A governing body consists of:

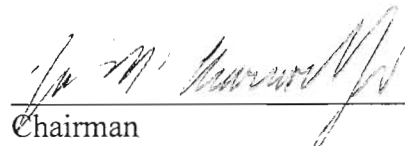
the members of any public agency having the authority to make decisions for or recommendations to a public agency on policy or administration, the membership of a governing body consists of two or more members. . . .

W. Va. Code § 6-9A-2(3).

Meetings of a governing body must be open. A meeting is the “convening of a governing body of a public agency for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter which results in an official action.” W. Va. Code § 6-9A-2(4).

**ADVISORY OPINION**

It is the opinion of the Committee on Open Governmental Meetings that the gathering described would constitute a “meeting” under the Act because it would inevitably involve discussion leading to an official action by the City of Lewisburg Planning Commission. The Act requires that discussions of this nature be conducted in a properly scheduled open meeting. This opinion is not intended to preclude the members of the Planning Commission from receiving copies of proposed plans in advance of a scheduled meeting, and independently reviewing those plans in preparation for the meeting.

  
Chairman