

**OPEN MEETINGS ADVISORY OPINION NO. 2001-15**

**Issued On July 12, 2001 By The**

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

**OPINION SOUGHT**

The Tri-Cities Power Authority asks if it is subject to the Open Governmental Meetings Act.

**FACTS RELIED UPON BY THE COMMITTEE**

The Tri-Cities Power Authority (TCPA) is a joint effort by Hinton, Philippi, and White Sulphur Springs to develop and operate public works gas-generated and hydroelectric power facilities. Once the facilities are operational, the Authority will sell the power and split the proceeds among the member cities and a private firm selected to assist in developing and operating the facilities.

TCPA was formed by an intergovernmental agreement authorized by W. Va. Code §§ 8-23-1, *et seq.*, which generally permits such joint undertakings. Its governing board, comprised of two members appointed by each city, is authorized to exercise any power which any member city may exercise, except for incurring construction debt, which requires prior written approval from the member cities.

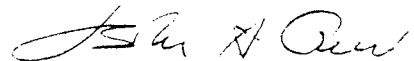
**CODE PROVISIONS RELIED UPON BY THE COMMITTEE**

The Open Meetings Act applies to "public agencies", defined by W. Va. Code § 6-9A-2(6) 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**

The TCPA is an administrative unit of the three municipal governments and is authorized by law to exercise executive and legislative power on their behalf. It is a public agency and is subject to the provisions of the Open Meetings Act.



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Chairman