

OPEN MEETINGS ADVISORY OPINION NO. 2001-17

Issued On August 9, 2001 By The

WEST VIRGINIA ETHICS COMMISSION COMMITTEE ON OPEN GOVERNMENTAL MEETINGS

OPINION SOUGHT

The Putnam County Commission asks if its procedures for issuing meeting agendas complies with the Open Meetings Act.

FACTS RELIED UPON BY THE COMMITTEE

The Putnam County Commission currently meets weekly on Tuesday at 9:00 A.M. The Commission posts an agenda twenty-four hours in advance of each meeting.

CODE PROVISIONS RELIED UPON BY THE COMMITTEE

W. Va. Code 6-9A-3 provides in pertinent part:

Each governing body shall promulgate rules by which the date, time, place and agenda of all regularly scheduled meetings and the date, time, place and purpose of all special meetings are made available, in advance, to the public and news media, except in the event of an emergency requiring immediate official action.


ADVISORY OPINION

The Open Meetings Act requires governing bodies of public agencies to notify the public when and where a meeting will be held. In addition, an agenda listing the matters which will be dealt with at the meeting must be made available to the public in advance of the meeting. The statute does not set a specific deadline for making an agenda available to the public.

The Committee has previously concluded that the agenda must be made available within a "reasonable time" in advance of the meeting. How far in advance of a meeting gives "reasonable" notice will vary with the circumstances peculiar to each agency. Therefore, this question must be addressed on a case-by-case basis.

In a prior Open Meetings Advisory Opinion, 2001-10, the Committee found that a County Commission meeting weekly would comply with the Act by making its agenda available at least two days in advance of its regularly scheduled meetings. In that same opinion, the Committee explained that, for purposes of calculating the number of days in the notice period, the day of the meeting is not counted. Further, Saturdays, Sundays, and legal holidays must be excluded.

Therefore, in the absence of an intervening legal holiday, the Putnam County Commission would comply with the requirements of the Act by issuing an agenda for its Tuesday meeting on the preceding Friday. Any matters that come up after the deadline for issuing the agenda has passed must be held over to the next meeting, unless the matter constitutes an emergency. Emergency matters may be added to the agenda at any time, provided both the agenda and meeting minutes explain the facts and circumstances giving rise to an emergency requiring immediate action by the Commission without reasonable notice to the public and media.



Chairman