

OPEN MEETINGS ADVISORY OPINION NO. 2001-19

Issued On August 9, 2001 By The

WEST VIRGINIA ETHICS COMMISSION COMMITTEE ON OPEN GOVERNMENTAL MEETINGS

OPINION SOUGHT

The Wood County Commission asks for guidance on when it should issue meeting agendas for its regular meetings.

FACTS RELIED UPON BY THE COMMITTEE

The Wood County Commission usually meets twice weekly on Monday and Thursday at 9:30 A.M.

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 twice a week 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 Wood County Commission would comply with the requirements of the Act by issuing an agenda for its Monday meeting on the preceding Thursday, and by issuing an agenda for its Thursday meeting on the preceding Tuesday.

The Committee notes that no amendment of the agenda may be made less than two days before a meeting, unless it is to deal with an emergency matter. Routine matters that come up after the deadline for issuing an amendment has passed must be held over to the next meeting. If an agenda is amended to accommodate action on an emergency matter, both the meeting agenda and the meeting minutes must explain the facts and circumstances of the emergency.



Chairman