

OPEN MEETINGS ADVISORY OPINION NO. 2001-22

Issued On August 9, 2001 By The

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

OPINION SOUGHT

The Mason County Commission asks how far in advance of its regular meetings the meeting agenda should be made available to the public.

FACTS RELIED UPON BY THE COMMITTEE

The Mason County Commission meets a minimum of three times per month, generally the last three Thursdays of the month at 7:00 P.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 . . . are made available, in advance, to the public and news media. . . ."

ADVISORY OPINION

The Open Meetings Act requires public agencies to make meeting agendas available in advance to the public and news media. The Act does not specify how much in advance. The Committee must establish what is reasonable on a case-by-case basis.

The Committee has previously ruled 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. The Committee finds that the same two days advance notice is appropriate for the Mason County Commission's three meetings a month.

The Committee also ruled that the day of the meeting, Saturdays, Sundays and legal holidays are not counted as notice days. Therefore, in the absence of an intervening legal holiday, the Mason County Commission would comply with the requirements of the Act by making the agenda of its regular Thursday meetings available to the public and media at any time before the close of business on the preceding Tuesday.



Chairman