

OPEN MEETINGS ADVISORY OPINION NO. 2001-30

Issued On September 6, 2001 By The

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

OPINION SOUGHT

Lewisburg City Council asks if it may limit public comment during special meetings to agenda items and require those who wish to address Council to sign up to do so prior to the meeting.

FACTS RELIED UPON BY THE COMMISSION

Lewisburg City Council provides an opportunity for public comment during both its special and regular meetings. Members of the public who wish to address Council are required to sign up to speak before the meeting begins.

Special meetings are held to deal with matters which must be acted upon before the next regular meeting and are more narrowly focused than regular meetings. When it meets in special session, Council normally limits public comment to those items which are on the agenda, unlike its practice during regular meetings when public comment may be made on any subject.

CODE PROVISIONS RELIED UPON BY THE COMMITTEE

W. Va. Code § 6-9A-3 provides that "persons who desire to address the governing body may not be required to register to address the body more than fifteen minutes prior to time the scheduled meeting is to commence."

ADVISORY OPINION

The Open Meetings Act contains no specific provision requiring a governing body to allow public participation. The Act simply provides that if public comment is allowed, those who wish to comment may not be required to sign up more than fifteen minutes before the meeting.

The enforcement of a rule limiting public comment to agenda items and limiting public comment to those who have signed up to speak prior to the meeting would not violate any provision of the Open Meeting Act. The Committee reminds Council that, except for an emergency, it may not discuss or vote on a matter which is not on its meeting agenda, even if it has allowed public comment on the matter.



Chairman