

OPEN MEETINGS ADVISORY OPINION NO. 2001-31

Issued On October 4, 2001 By The

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

OPINION SOUGHT

The West Virginia Consolidated Public Retirement Board (CPRB or Board) asks if certain committees appointed to study and make recommendations regarding various matters are subject to the requirements of the Open Meetings Act.

FACTS RELIED UPON BY THE COMMITTEE

From time to time, the CPRB appoints one or more committees to study various plan administration matters and report back to the Board with recommendations. These committees are generally comprised of Board members, but others, such as employer representatives, plan participants, and Board employees are sometimes included on a committee. The committees do not have the power to make any decisions that are binding on the Board. These committees do not contain a quorum of the Board's voting members.

CODE PROVISIONS RELIED UPON BY THE COMMITTEE

W. Va. Code § 6-9A-2(6) defines "public agencies" 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 Open Meetings Act applies only to "public agencies." If a unit of state government, such as a CPRB committee, is to be considered a "public agency," it must be "authorized by law to exercise some portion of executive or legislative power." A standing committee, which acts as a conduit or prerequisite for matters coming before the parent body, may be presumed to exercise some portion of executive or legislative power. However, these ad hoc committees, created from time to time, containing less than a quorum of the Board, and having no authority to exercise any of the Board's executive powers, are not public agencies subject to the requirements of the Act.



Chairman