

**OPEN MEETINGS ADVISORY OPINION NO. 2001-39**

Issued On January 3, 2002 By The

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

**OPINION SOUGHT**

The Pocahontas County Commission seeks to verify that its revised procedural rules are in compliance with the Open Meetings Act.

**FACTS RELIED UPON BY THE COMMITTEE**

In Open Meetings Advisory Opinion 2001-35 issued on December 6, 2001, this Committee generally approved procedural rules adopted by the Pocahontas County Commission, noting that the rules should provide more specifically for notice of the date, time and place of each regular and special meeting, as well as the purpose for each special meeting. The requestor has adopted revised procedural rules containing the provisions recommended. These rules are attached as Appendix A.

**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**

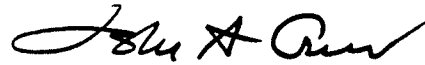
The Open Meetings Act requires each governing body to promulgate certain procedural rules. As a minimum, these rules must state how and when the date, time, place and agenda of all regular meetings, as well as the date, time, place and purpose of all special meetings, will be made available to the public and news media.

The provisions in the Pocahontas County Commission's procedural rules governing meeting notices and meeting agendas are generally consistent with previous opinions from this Committee regarding these matters. The rules satisfy the minimum requirements of W. Va. Code § 6-9A-3.

In addition to describing meeting notice and agenda procedures, Governing bodies may elect to include other provisions governing meeting procedures in their rules. Consistent with its legislative

mandate to consider whether a proposed action violates any provision in the Act, this Committee will review additional provisions in a governing body's procedural rules. However, the Committee's opinion, and any immunity which the governing body receives, will be limited to whether these additional rules are inconsistent with the Act. The opinion will not address discretionary application of a rule to a specific situation, unless the requester provides a proposed set of facts describing that situation.

Having noted the limited scope of its opinion, the Committee finds that no provisions in any additional rules adopted by the Pocahontas County Commission are inconsistent with the Act.



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Chairman

## AGENDA POLICY AND PROCEDURES

The Commission will hold its regular meetings on the first (1st) and third (3rd) Tuesdays of each month, at the Office of the County Commission located in the Pocahontas County Courthouse, Marlinton, West Virginia, and the agenda for the same shall be posted at the front door of the Courthouse no later than three (3) days before a meeting, excluding Saturdays, Sundays, and legal holidays, by 4:30 p.m. of the first day, except for emergency situations to be determined by the Commission. Should a legal holiday fall on one of the three (3) days as outlined above, prior to a regular meeting, then the agenda shall be posted at the front door of the Courthouse one (1) day earlier by 4:30 p.m. of the first day to account for the holiday, except for emergency situations to be determined by the Commission. No action will be taken on any agenda item added after the 4:30 p.m. deadline on the first day, except for emergency situations to be determined by the Commission. Reasonable effort will be made to provide notice of meetings via fax to the local media by 4:30 p.m. of the first day. Special meetings scheduled by the Commission will also be governed by the three (3) day guidelines outlined above, and shall contain the date, time, place and purpose of same.