

OPEN MEETINGS ADVISORY OPINION NO. 2002-03

Issued On February 7, 2002 By The

WEST VIRGINIA ETHICS COMMISSION COMMITTEE ON OPEN GOVERNMENTAL MEETINGS

OPINION SOUGHT

Berkeley Senior Services asks that its procedural rules be reviewed for compliance with the Open Meetings Act.

FACTS RELIED UPON BY THE COMMITTEE

The Board of Directors for Berkeley Senior Services has adopted rules of procedure governing the issuance of meeting notice and meeting agendas. The rules provide for posting meeting notices three days in advance and making meeting agendas available to the public at the same time. A complete copy of the Board's procedural rules is attached to this advisory opinion 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 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 Commission are inconsistent with the Act.



Chairman

RULES OF PROCEDURE (Amended)
BERKELEY SENIOR SERVICES BOARD OF DIRECTORS

The Berkeley Senior Services, eighteen member, Board of Directors holds four regularly scheduled business and general meetings each year, one of which is the annual meeting. These quarterly meetings are scheduled the third Wednesday of February, May, August and the Annual Meeting, in November, from 3:00-5:00 PM.

The Executive/Finance Committee of the Board of Directors is scheduled to meet the second Wednesday of each month, from 3:00-5:00 PM, to conduct interim business between the regularly scheduled board meetings.

All meetings are held in the Berkeley Senior Center, 217 North High Street, Martinsburg, WV 25401. Any additional "special meetings" required will be noticed as described below, and, any cancelled meetings will also be so noticed.

BOARD AGENDA SUBMITTAL

Notice of the Board meeting, (or any "special meeting"), along with an Agenda and the procedure to be followed for public submission (outlined below), will be posted in the Berkeley Senior Center, and copies of these will also be made available to the public and media at the Senior Center Lobby desk, not later than the end of the business day on the third day prior to each scheduled meeting, excluding Saturdays, Sundays and legal holidays.

Also an Agenda for each scheduled Board meeting, or any "special meeting", will be submitted to the Berkeley County Commission, 126 W. King St., Martinsburg, WV 25401, to be posted on their bulletin board, not later than the end of the business day on the third day prior to each scheduled meeting, excluding Saturdays, Sundays and legal holidays.

ITEMS FROM THE PUBLIC

The Board will accept agenda items from the public under the following criteria:

- A. Submission must be a clearly written or typed summary of agenda item subject.
- B. Submitted agenda item can be no more than ten (10) minutes in length.
- C. Name, address and telephone number must be included on the submission.
- D. Submission must arrive at the address below (or Email), no less than two (2) days prior to the meeting date, although three (3) days is preferred.

Berkeley Senior Services
Attn: Executive Director
217 N. High Street
Martinsburg, WV 25401
E mail: Kenneth Mays, Board President: MTNMN@BIGFOOT.COM

- E. If agenda item submitted meets all criteria, submitter will be contacted to be included on the subject board meeting agenda under "Public Agenda Items".

These Amended Rules of Procedure for Berkeley Senior Services Board of Directors agendas, have been reviewed and approved by the Executive Board of Directors at the meeting held on January 2, 2002.