

**OPEN MEETINGS ADVISORY OPINION NO. 2002-22**

**Issued On December 5, 2002 By The**

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

**OPINION SOUGHT**

The West Virginia Motorsports Council (Council) asks if the Open Governmental Proceedings Act applies to its meetings.

**FACTS RELIED UPON BY THE COMMITTEE**

The Council was created by Executive Order of the Governor to enhance existing motorsports activities as well as encourage development of additional motorsports activities and facilities. The Council's activities are funded through the Division of Tourism. The Council primarily functions as an advisory body making suggestions and recommendations regarding matters within its purview.

**CODE PROVISIONS RELIED UPON BY THE COMMITTEE**

The Open Meetings Act defines a "public agency" 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.

W. Va. Code § 6-9A-2(6).

**ADVISORY OPINION**

The Council is an administrative unit of government created by executive order. However, the Council has not been delegated authority to exercise such executive or legislative authority as to make it subject to the requirements of the Open Meetings Act.



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Chairman