

**OPEN MEETINGS ADVISORY OPINION NO. 2003-01**

**Issued On March 6, 2003 By The**

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

**OPINION SOUGHT**

The Wood County Commission asks if two or more Commissioners can meet for lunch or attend various banquets, receptions and similar social events without violating the Open Meetings Act.

**FACTS RELIED UPON BY THE COMMITTEE**

Two or more County Commissioners may meet for lunch on Commission meeting days. In addition, Commissioners are sometimes invited to social events such as banquets and receptions where two or more Commissioners are present. The Commissioners do not discuss official Commission business during these gatherings.

**CODE PROVISIONS RELIED UPON BY THE COMMITTEE**


“Meeting” means the convening of a governing body of a public agency for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter which results in an official action. The term meeting does not include:

(D) General discussions among members of a governing body on issues of interest to the public when held in a planned or unplanned social, educational, training, informal, ceremonial or similar setting, without intent to conduct public business even if a quorum is present and public business is discussed but there is no intention for the discussion to lead to an official action . . . .  
W. Va. Code § 6-9A-2(4).

**ADVISORY OPINION**

The Open Meetings Act provides that “general discussions among members of a governing body,” even when held in a planned setting with a quorum present, do not involve a meeting governed by the Act, so long as there is no intention for the discussion to lead to an official action.

Accordingly, not all conversations involving a quorum of a governing body, such as two County Commissioners, are out of bounds. Elected officials remain free to meet with each other, their constituents, and other public office holders. However, any conversation among a quorum of the members of a governing body which involves deliberating toward a decision on a matter requiring official action must be deferred until the matter can be placed on a meeting agenda and discussed during an open meeting.

  
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Chairman