

## **OPEN MEETINGS ADVISORY OPINION NO. 2006-06**

**Issued On August 3, 2006 By The**

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

#### **OPINION SOUGHT**

Beverly Lockhart and Virginia Miller, respectively the Chairman and Treasurer of the **Wood County Republican Executive Committee**, ask if their organization is subject to the Open Meetings Act.

#### **FACTS RELIED UPON BY THE COMMITTEE**

The Wood County Republican Executive Committee has been established in accordance with the State's Election Code. The elected leadership seeks to determine if the requirements of the Open Meetings Act must be followed in such matters as scheduling meetings, setting agendas and preparing and maintaining meeting minutes.

#### **CODE PROVISIONS RELIED UPON BY THE COMMITTEE**

W. Va. Code § 6-9A-2(6) defines a "public agency" as "[a]ny 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 § 3-1-9(h) provides:

Any meeting of any political party executive committee shall be held only after public notice and notice to each member is given according to party rules and shall be open to all members affiliated with the party. Meetings shall be conducted according to party rules, all official actions shall be made by voice vote and minutes shall be maintained and shall be open to inspection by members affiliated with the party.

#### **ADVISORY OPINION**

The Open Meetings Act applies only to public agencies. The Act defines a "public agency" as "any administrative 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."

Political party executive committees are established at the county level pursuant to provisions in the State's Election Code. The Election Code defines a "political party" as "[a]ny affiliation of voters representing any principle or organization which, at the last preceding general election, polled for its candidate for governor at least one per cent of the total number of votes cast for all candidates for that office in the state. . . ."

Simply stated, political party executive committees are not administrative units of state, county or municipal government. Therefore, they are not public agencies subject to the requirements of the

Open Meetings Act. Instead, these committees are required to follow the provisions in WVa. Code § 3-1-9(h) in holding their meetings.

This advisory opinion is limited to questions arising under the Open Governmental Proceedings Act, W. Va. Code §§ 6-9A-1, *et seq.*, and does not purport to interpret other laws or rules. Pursuant to W. Va. Code § 6-9A-11, a governing body or member thereof that acts in good faith reliance on this advisory opinion has an absolute defense to any civil suit or criminal prosecution for any action taken based upon this opinion, so long as the underlying facts and circumstances surrounding the action are the same or substantially the same as those being addressed in this opinion, unless and until it is amended or revoked.

Signed August 6, 2006 by James E. Shepherd II, Chairman,  
Chairman