

OPEN MEETINGS ADVISORY OPINION NO. 2000-01

**ISSUED BY THE WEST VIRGINIA ETHICS COMMISSION
COMMITTEE ON OPEN GOVERNMENTAL MEETINGS
ON FEBRUARY 3, 2000**

GOVERNMENTAL BODY/MEMBER SEEKING OPINION

Betty S. Ireland, Executive Secretary, on behalf of the Board of Trustees of the West Virginia Consolidated Public Retirement Board ("Retirement Board").

OPINION SOUGHT

Do the telephonic meetings of the Board's Board Review Committee violate the Open Governmental Proceedings Act?

FACTS RELIED UPON BY THE COMMITTEE

The Consolidated Public Retirement Board rules on applications for Disability Retirement Benefits by the following process: The Executive Secretary and two staff members review the individual applications and make an initial recommendation on whether to approve or deny them. She then mails the applications, supporting documentation and the initial recommendations to the Board Review Committee, which is composed of at least three Retirement Board members.

The day before the Retirement Board meetings, the Board Review Committee meets telephonically with the staff, discusses each application and makes its own recommendations. At the Retirement Board meeting, the Review Committee Chairman presents those recommendations to the Board which votes as a body on each application.

PERTINENT STATUTORY PROVISIONS RELIED UPON BY THE COMMISSION

The Open Governmental Meetings Act's requirements apply to a "meeting" defined as:

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. Meetings may be held by telephone conference or other electronic means. The term meeting does not include:

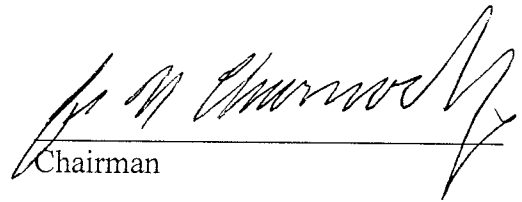
(A) Any meeting for the purpose of making an adjudicatory decision in any quasi-judicial, administrative or court of claims proceeding:

W. Va. Code § 6-9A-2(4).

ADVISORY OPINION

Under the Open Governmental Proceedings Act, the Review Committee's telephonic meeting to make recommendations on individual applications for disability is an administrative proceeding which falls within one of the stated exceptions to the definition of a "meeting". The Review Committee reviews an individual's personal medical condition as opposed to considering matters of general policy. This is not a situation in which public input or public access to the information on the application would improve the decision making process as was intended by the Legislature in enacting the open meetings statute.

Accordingly, the Review Committee need not comply with the open meeting requirements of the Act when considering individual applications for disability.



Chairman