

OPEN MEETINGS ADVISORY OPINION NO. 2000-04

**ISSUED BY THE WEST VIRGINIA ETHICS COMMISSION
COMMITTEE ON OPEN GOVERNMENTAL MEETINGS
ON APRIL 6, 2000**

GOVERNMENTAL BODY/MEMBER SEEKING OPINION

Betty V. Waggoner of Marion County PSD's United.

OPINION SOUGHT

Whether the organization "Marion County PSD's United" is a public agency for purposes of the Open Governmental Proceedings Act.

FACTS RELIED UPON BY THE COMMITTEE

An unincorporated association has been formed for the purpose of protesting the consolidation of public service districts in Marion County, called Marion County PSD's United. The membership consists of public service district members, employees and customers. According to Ms. Waggoner, the routine business of the individual public service districts is not discussed at meetings.

PERTINENT STATUTORY PROVISIONS RELIED UPON BY THE COMMISSION

The Open Governmental Meetings Act applies to "public agencies" defined 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

It is the opinion of the Committee on Open Governmental Meetings that Marion County PSD's United is not a public agency. Although public officials and employees may belong, the association has not been authorized by law to exercise any executive or legislative power. It functions as a grass roots, single-issue organization. Therefore, the association need not comply with the Open Governmental Proceedings Act.

Brad Crouser 4/6/00

Chairman