

OPEN MEETINGS ADVISORY OPINION NO. 2001-26

Issued On September 6, 2001 By The

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

OPINION SOUGHT

The Town of Triadelphia asks for guidance concerning the deadline for making its meeting agenda available to the public and media as well as whether the agenda is sufficiently specific.

FACTS RELIED UPON BY THE COMMITTEE

The Town Council meets twice a month on the first and third Wednesday at 8:00 P.M. An agenda is made available to the public in advance of the meeting listing the items of old business and new business to be dealt with by the Council.

CODE PROVISIONS RELIED UPON BY THE COMMITTEE

W. Va. Code § 6-9A-3 provides in pertinent part: "Each governing body shall promulgate rules by which the date, time, place and agenda of all regularly scheduled meetings . . . are made available, in advance, to the public and news media. . . ."

ADVISORY OPINION

The Open Meetings Act requires public agencies to make meeting agendas available in advance to the public and news media. The Act does not specify how far in advance an agenda must be issued. This Committee has concluded that "reasonable notice" must be provided.

In the case of a County Commission meeting twice a month, the Committee has previously ruled that the Commission may comply with the Act by making an agenda available at least three days in advance of its regularly scheduled meeting. The Committee finds that the same three-day notice period is appropriate for the Triadelphia Town Council meeting twice a month.

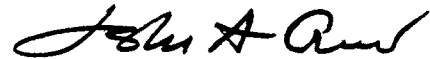
In calculating the number of days in the notice period, Saturdays, Sundays, and legal holidays are not counted. Therefore, in the absence of an intervening legal holiday, the Triadelphia Town Council would comply with the requirements of the Act by making the agenda of its regular Wednesday meetings available to the public and media at any time before the close of business on the preceding Friday.

When the Town Council has made its agenda available three days or more in advance of the meeting, it may, at its option, amend the agenda to add additional items of business - items not known at the time the original agenda was prepared and made available to the public. Amendments may be made as late as two days before the meeting, and made available to the public in the same manner as the original agenda.

However, no amendment of the agenda may be made less than two days before a meeting, unless it is to deal with an emergency matter. Routine matters that come up after the deadline for issuing an amendment has passed must be held over to the next meeting. If an agenda is amended to accommodate action on an emergency matter, both the meeting agenda and the meeting minutes must explain the facts and circumstances of the emergency.

The statute does not establish how specific a meeting agenda's description of the items of business must be. However, this Committee has determined that, in order to comply with the Act, the language must be sufficient to make the public aware of the specific matters to be dealt with at the meeting. In this regard, generic language such as "old business" and "personnel matters" would not be sufficient.

Triadelphia has provided a sample agenda from a recent Town Council meeting. The Committee finds that the descriptions are adequate to comply with the requirements of the Act.



Chairman