

OPEN MEETINGS ADVISORY OPINION NO. 2002-10

Issued On April 4, 2002 By The

WEST VIRGINIA ETHICS COMMISSION COMMITTEE ON OPEN GOVERNMENTAL MEETINGS

OPINION SOUGHT

The Mayor of Westover asks for guidance concerning the deadline for making an agenda for City Council meetings available to the public and media.

FACTS RELIED UPON BY THE COMMITTEE

The Westover City Council normally meets on the first and third Monday of each month at 6:30 PM. The Council also holds occasional special meetings. Meeting agendas are normally made available three days in advance of a regular meeting.

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 and the date, time, place and purposes of all special meetings are made available, in advance, to the public and news media, except in the event of an emergency requiring immediate official action.

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. The Committee finds that a City Council meeting twice a month may provide reasonable notice by making its agenda available at least three days in advance of its regularly-scheduled meeting.

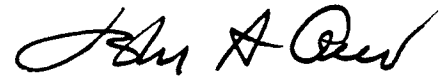
In calculating the number of days in the notice period, Saturdays, Sundays, and legal holidays are not counted. Therefore, in the absence of an intervening legal holiday, the Westover City Council would comply with the requirements of the Act by making the agenda of its regular Monday meetings available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

When the City 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.

Notice of special meetings should be given at least two days in advance and, like notice of regular meetings, must include the date, time and place of the meeting. Unlike regular meetings, special meeting notices must also explain the purpose of the meeting.

If only one or two matters will be dealt with at a special meeting, these matters may be described in the statement of the meeting purpose contained in the notice, and no separate agenda will be necessary. However, if the meeting will deal with several matters, a separate meeting agenda should be prepared and included with the meeting notice.



Chairman