

OPEN MEETINGS ADVISORY OPINION NO. 2003-11

Issued On October 2, 2003 By The

WEST VIRGINIA ETHICS COMMISSION
COMMITTEE ON OPEN GOVERNMENTAL MEETINGS

OPINION SOUGHT

The Mayor of Lewisburg seeks guidance on holding work sessions.

FACTS RELIED UPON BY THE COMMITTEE

The Lewisburg City Council seeks to conduct work sessions before regular City Council meetings. The date, time and place of each work session would be included in the meeting agenda, discussions would be limited to items on the meeting agenda, and the meeting minutes would reflect that a working session was held prior to the regular session. Although work sessions would be open to the public and media, no opportunity for public comment would be provided.

CODE PROVISIONS RELIED UPON BY THE COMMITTEE

W. Va. Code § 6-9A-2(4) defines a "meeting" 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."

ADVISORY OPINION

The proposed work session involves a gathering of a quorum of the members of a governing body where matters requiring official action will be discussed. This is a "meeting" under the Act and requires the governing body to follow normal open meeting requirements, including providing advance public notice, an agenda of the items to be discussed, and minutes prepared in accordance with W. Va. Code § 6-9A-5. Notice of a work session may be included in the regular meeting agenda by noting the date, time and place of the work session. If the work session is followed immediately by a regular meeting, the minutes of these two activities may be combined.

The Open Meetings Act does not require a governing body to set aside time for public comment during a meeting. The Act simply provides that if such comment is allowed, those who wish to participate may not be required to sign up more than fifteen minutes before the meeting starts. Therefore, the City Council would not violate the Act if it elects to hold a public work session that does not include a public comment period.



Chairman