

OPEN MEETINGS ADVISORY OPINION NO. 2004-06

Issued On May 6, 2004 By The

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

OPINION SOUGHT

The Mayor of Flatwoods seeks guidance on the requirements for giving notice of special meetings of the Town Council.

FACTS RELIED UPON BY THE COMMITTEE

The Town ordinarily posts notice of a special meeting two business days in advance of the 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 inform the public of (1) the time, date, place and purpose of their meetings and (2) what will be dealt with at the meetings. This means agencies must (1) give "meeting notice," telling the public when and where the meeting will be held, and (2) provide a "meeting agenda," telling the public the items of business with which the meeting will deal.

In the case of a special meeting, where only one or two matters will be addressed by the governing body, these matters may be described in the purpose statement within the meeting 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 made available at the same time as the meeting notice.

A Town Council will comply with the Open Meetings Act if it posts notice of a special meeting at least two days in advance of the meeting date. At a minimum, this notice should be posted in a public place which is accessible to the public during normal business hours, such as the Town Hall. Governing bodies whose meetings are regularly covered by the media are encouraged, but not required, to send a copy of the meeting notice by telephone facsimile to news organizations that express an interest in receiving such notice.

In counting the number of days in this two-day notice period, the day of the meeting, as well as Saturdays, Sundays, and legal holidays, are excluded . For example, in the absence of an intervening legal holiday, the Town would comply with the Act by issuing notice of a special meeting to be held on Friday at any time before the close of business on the preceding Wednesday.



Chairman