

OPEN MEETINGS CHECKLIST

FOR STATE EXECUTIVE BRANCH AGENCIES **ONLY**

- ✓ Are notices of all regular and special meetings published in the State Register by the WV Secretary of State at least 5 calendar days in advance of each meeting? W. Va. Code § 6-9A-3
- ✓ Are notices of any emergency meetings stating the date, time, place and purpose of the meeting, as well as the facts and circumstances of the emergency, filed with the WV Secretary of State prior to the meeting? W. Va. Code § 6-9A-3
- ✓ Does each published notice contain the date, time, place and purpose of the meeting? W. Va. Code § 6-9A-3

FOR **ALL OTHER** GOVERNING BODIES OF PUBLIC AGENCIES

- ✓ Is a notice containing the schedule for all regular meetings posted annually and maintained throughout the year in a public place, such as the agency's office, the County Courthouse, and/or the local Post Office? W. Va. Code § 6-9A-3
- ✓ Are notices of special meetings containing the date, time, place and purpose of the meeting similarly posted in a public place at least two business days in advance of each meeting? W. Va. Code § 6-9A-3
- ✓ In calculating this two business day notice period, are the date of the meeting, legal holidays, Saturdays and Sundays excluded?

FOR **ALL** GOVERNING BODIES OF PUBLIC AGENCIES

- ✓ Is a meeting agenda made available a reasonable time in advance of each regular scheduled meeting? W. Va. Code § 6-9A-3

NOTE: The WV Ethics Commission's Committee on Open Governmental Meetings has concluded that governing bodies may provide reasonable advance notice of the items to be acted upon at a regular meeting by issuing the meeting agenda at least three business days in advance of each meeting. Once an agenda has been issued three or more business days in advance, the agenda may only be amended up to two business days in advance of the meeting, unless the matter involves an emergency requiring immediate official action. In calculating these two or three business day periods, the day of the meeting, Saturdays, Sundays and legal holidays are not counted.

- ✓ Does the meeting agenda reasonably describe all matters requiring official action by the governing body that will be dealt with at the meeting?

- ✓ Has the governing body established rules for issuing notice of the date, time, place and agenda of all regular meetings, and the date, time, place and purpose of all special meetings? W. Va. Code § 6-9A-3
- ✓ Before holding an executive session, does the governing body:
 - (1) determine by a majority vote that an executive session is required to consider one of the actions permitted under the Open Meetings Act; and
 - (2) is the authorization in the Act which permits such executive session identified to the governing body and the public by the presiding officer? W. Va. Code § 6-9A-4(a) &(b)

NOTE: The Committee on Open Governmental Meetings has concluded that governing bodies may comply with the requirement in (2), above, by describing the subject matter for which an exemption in the Act authorizes an executive session, rather than reciting the applicable numbered section in the W. Va. Code. Further, while certain privileged matters may be discussed in executive session, most matters requiring official action, excluding rulings on student disciplinary matters and developing security procedures, must be voted upon in public.
- ✓ If action is taken by reference to matters contained in a written agenda or similar listing, are copies of such agenda or other listing available for public inspection by the public attending the meeting before any such vote is taken? W. Va. Code § 6-9A-8(a)
- ✓ Are all votes conducted by voice, show of hands or by rising, without use of a secret or written ballot? W. Va. Code § 6-9A-8(b)
- ✓ Are meeting minutes prepared and made available to the public and media within a reasonable time after each meeting? W. Va. Code § 6-9A-5
- ✓ Do the minutes reflect the date, time and place of the meeting? W. Va. Code § 6-9A-5(1)
- ✓ Do the minutes reflect the name of each member of the governing body who was present and absent? W. Va. Code § 6-9A-5(2)
- ✓ Are all motions, proposals, resolutions, orders, ordinances and measures proposed, the name of the person proposing same, and their disposition, reflected in the minutes? W. Va. Code § 6-9A-5(3)
- ✓ If a matter was acted upon that was not on the meeting agenda (or meeting notice in the case of a special meeting), or if the meeting was an emergency meeting, are the facts and circumstances of the emergency explained in the minutes?

- ✓ Are the results of all votes reflected in the minutes? W. Va. Code § 6-9A-5(4)
- ✓ If a member requested a roll call vote on a particular matter, pursuant to applicable rules of the governing body, is the vote of each member by name reflected in the minutes? W. Va. Code § 6-9A-5(4)
- ✓ If a public comment period is provided at any time during the meeting, are members of the public allowed to address the governing body without being required to register more than 15 minutes before the start of the meeting? W. Va. Code § 6-9A-3
- ✓ Are members of the public and media permitted to record or broadcast the open portion of a meeting, so long as their filming or recording does not unduly interfere with the conduct of the meeting? W. Va. Code § 6-9A-9(a) & (b)
- ✓ Does a quorum of the members of the governing body refrain from meeting to discuss and deliberate toward a decision on matters requiring official action at a “work session” or other gathering, unless proper notice of that gathering has been issued, and it is open to the public and media?
- ✓ If the governing body elects to convene with one or more members participating by telephone, are the members telephonically participating audible to all those personally present, including the public and media?