

# 2024 OPEN MEETINGS ACT AND ETHICS ACT

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**DISCLAIMER: THIS IS NOT LEGAL ADVICE. MERELY  
AWARENESS FOR YOUR KNOWLEDGE. ANY  
QUESTIONS OR CONCERNS CONTACT THE ETHICS  
COMMISSION OR YOUR GENERAL COUNSEL**

# WV ETHICS COMMISSION INFORMATION

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- WHEN
- WHY
- WHAT

## OPEN MEETINGS

- WHY
- WHO
- **WV Code §6-9A-2(7).** The Open Meetings Act “Public Agency” means any administrative or legislative unit of state, county or municipal government including any subunit (committee) authorized by law to exercise some portion of executive or legislative power.

# MEETING?

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Meeting?

- Quorum/deciding or discussing/official action.

Meeting Location?

- OMAO 2023-01

Illegal meeting?

- OMAO 2005-12

Difference between Gathering/Meeting?

- OMAO 2008-09



# MEETING?

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Do Committees follow  
OMA?

- OMAO 2008-09

Do Work Sessions follow  
OMA?

- OMAO 2008-09

# MEETING QUESTIONS

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## Recordings

- Not required.
- Public may.
- OMAO 2019-02

## Public Speaking

- Not required.
- Limited to three minutes.
- OMAO 2001-30

## Discussion Items

- Must be on Agenda, typically prior to meeting.
- OMAO 2007-12

# MEETING QUESTIONS

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## Minutes

- Available to the Public 24 hours after the following meeting.
- OMAO 2010-04

## Executive Session

- Agenda item.
- Motion In/out.
- No decision
- OMAO 2022-01

## Ethics Commission

- No role.
- Opinions.



# OPEN MEETINGS ACT

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- The Ethics Commission has no role in enforcing the Open Meeting Act and does not investigate complaints of alleged violations.
- Complaints must be filed in the circuit court in the county where the public agency (committee) regularly meets. The circuit court has jurisdiction to enforce the civil action commenced by any citizen of this state within 120 days after the complaint was taken.
- It is a violation of the Act for a governing body to hold a private meeting with the intention of transacting public business, preventing public scrutiny and making decisions that eventually become official action items.

# VIOLATING THE ACT- PENALTIES

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- Any Person who is a member of public or governmental body required to conduct open meetings.....and who intentionally and knowingly violates the Act and is found guilty by a county prosecutor of a misdemeanor, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00) (\$1,000 for additional violations)
- A public agency whose governing body is adjudged in a civil action to have conducted a meeting in violation of the Act may be liable to wronged party in civil court for fees and other expenses incurred by that party in connection with litigating the issue.
- Where the court, upon denying the relief sought by the complaining person in the action, finds the action was frivolous or harassing the governing body or any member thereof the complaining person may pay the governing body's necessary attorney fees and expenses.
- Court may annul any vote taken in violation of the Act.



# OTHER OPEN MEETING TOPICS

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- Notice/Agenda
- Minutes-Include
- Executive Session
- Emergency Meeting

# ALL PUBLIC SERVANTS ARE TO COMPLY WITH THE ETHICS ACT

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- The code of conduct established by the Ethics Act applies to all public servants including public employees, elected public officials, appointed public officials and public servant volunteers, whether full-time or part-time, in the legislative, judicial, and executive branches of state, county and municipal government, including all boards, commissions and agencies.



# ETHICS ACT TOPICS

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- Public office for Private Gain
- Solicitation and Gifts
- Public Contracts
- Nepotism

# PUBLIC OFFICE FOR PRIVATE GAIN

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- Resources:
  - Time
  - Supplies/Equipment
  - Staff
  - Bonus Points
    - Travel
  - PCard Misuse





# NEPOTISM

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- Family or person who resides with you.



# SOLICITATION AND GIFTS

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- Solicit for a charitable purpose
- Gifts
  - Giving
  - Getting
- Publicly endorse vendors





# ETHICS RESOURCES

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- Training
- Brochures and Guidelines
- Advisory Opinions
- Open Meetings
  - Checklist
  - FAQ

