

2025 OPEN MEETINGS ACT AND ETHICS ACT

**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

- ESTABLISHED WHEN
- WHY
- WHAT DO THEY DO
- OPEN MEETINGS
- WHY NECESSARY
- WHO MUST FOLLOW
- **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.

DEFINE MEETING?

Meeting Definition ?

- Quorum/deciding or discussing/official action.

Meeting Location?

- OMAO 2023-01

Illegal meeting example?

- OMAO 2005-12

Difference between Gathering/Meeting?

- OMAO 2008-09

MEETING?

Do Committees follow
OMA?

- OMAO 2008-09

Do Work Sessions follow
OMA?

- OMAO 2008-09

QUESTIONS RELATING TO MEETING PROCEDURES

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

Minutes

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

Executive Session

- Agenda item.
- Motion In/out.
- No decision
- OMAO 2025-02
- OMAO 2022-01

Ethics Commission

- No role.
- Opinions.

OPEN MEETINGS ACT

- 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, thwarting public scrutiny and making decisions that eventually become official action items.

VIOLATING THE ACT- PENALTIES

- 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

Notice

Agenda

Minutes



ALL PUBLIC SERVANTS ARE TO COMPLY WITH THE ETHICS ACT

- 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



Public office for Private Gain



Solicitation and Gifts



Public Contracts



Nepotism

PUBLIC OFFICE FOR PRIVATE GAIN

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



NEPOTISM

- Family or person who resides with you.



I told you we promote "inhouse".
Well, my son lives in my house.

SOLICITATION AND GIFTS

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



ETHICS RESOURCES



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