

Is This A Meeting?

Board members make a number of phone calls among themselves trying to agree on an acceptable percentage increase in tuition

YES!

This constitutes a meeting that should be noticed with the Secretary of State's Office, because the Board is deliberating towards making a decision.

The President calls a number of Board members to get their advice on a coach he is thinking about hiring

NO!

This does not constitute a meeting, because the President will be making the decision, not the Board.

Board members visit together to take a tour of the on-going construction of the college's new library

NO!

According to the Open Governmental Proceedings Act W.Va. Code 6-9A-2(4)(B), this does not constitute a meeting. See text below.

(4) "Meeting" means 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. Meetings may be held by telephone conference or other electronic means. The term meeting does not include:

(B) Any on-site inspection of any project or program.

The Executive Committee of the Board meets to decide on a recommendation to the full Board on an increase in the President's salary

YES!

This constitutes a meeting that should be noticed with the Secretary of State's Office, because it is a committee of the Board. All committees that are comprised of a majority of Board members must notice meetings.

The Secretary of the Board calls each Board member to determine whether to reschedule the next meeting

NO!

According to the Open Governmental Proceedings Act 6-9A-2(4)(E), this does not constitute a meeting. See the text below.

(4) “Meeting” means 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. Meetings may be held by telephone conference or other electronic means. The term meeting does not include:

(E) Discussions by members of a governing body on logistical and procedural methods to schedule and regulate a meeting.

The Board has a retreat to listen to a consultant speak on future issues facing higher education

NO! (as long as they don't deliberate towards a decision)

According to the Open Governmental Proceedings Act W. Va. Code 6-9A-2(4)(D), this does not constitute a meeting. See text below.

(4) "Meeting" means 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. Meetings may be held by telephone conference or other electronic means. The term meeting does not include:

(D) General discussions among members of a governing body on issues of interest to the public when held in a planned or unplanned social, educational, training, informal, ceremonial, or similar setting, without intent to conduct public business even if a quorum is present and public business is discussed, but there is no intention for the discussion to lead to an official action.

The Board has a cocktail party the night before a meeting and discuss among themselves pending legislation, the gubernatorial election and similar other public issues

NO!

According to the Open Governmental Proceedings Act W.Va. Code 6-9A-2(4)(D), this does not constitute a meeting. See text below.

(4) “Meeting” means 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. Meetings may be held by telephone conference or other electronic means. The term meeting does not include:

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An ad hoc committee appointed by the Board, consisting of three Board members and seven local citizens, makes recommendations to the Board on accessibility issues in the community

NO!

Since the committee had less than a majority of its members coming from the Board, it would not constitute a meeting.

Four Board members visit the President to talk about future goals the Board might want to address

NO!

This does not constitute a meeting, because there is not a quorum present and no decisions are being made.

Full Board interviews with presidential candidates

YES!

This constitutes a meeting that should be noticed with the Secretary of State's Office, because the Board is deliberating towards making a decision.

The Board visits Charleston to attend a training session conducted by the HEPC

NO!

According to the Open Governmental Proceedings Act W.Va. Code 6-9A-2(4)(D), this does not constitute a meeting. See text below.

(4) “Meeting” means 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. Meetings may be held by telephone conference or other electronic means. The term meeting does not include:

(D) General discussions among members of a governing body on issues of interest to the public when held in a planned or unplanned social, educational, training, informal, ceremonial, or similar setting, without intent to conduct public business even if a quorum is present and public business is discussed, but there is no intention for the discussion to lead to an official action.

A Board member sends an e-mail to the President with questions regarding an issue on the next agenda and copies all other Board members. The President replies to all Board members

YES!

This would constitute a meeting pursuant to recent Ethics Committee opinions. When the President replies, he or she should only do so to the person who sent the e-mail, rather than replying to all.