



VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

COMMONWEALTH OF VIRGINIA

Delegate Mike A. Cherry, Chair
Senator Mamie E. Locke, Vice-Chair

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Thursday, December 14, 2023 - 1:30 pm
House Committee Room A -008
General Assembly Building
Richmond, VA

Click [HERE](#) for Live Stream

SUGGESTED AGENDA

ANNOTATED

1. Call to Order; introduction of members. *Welcome to new member Corrine Louden, Chief Deputy Inspector General of the Office of the State Inspector General, replacing Matt Conrad as a citizen member appointed by the Governor.*

2. Subcommittee Reports.

- **HB 1880 Subcommittee.** The Subcommittee, consisting of members Senator Locke, Delegate Cherry, Delegate Mullin, Lola Rodriguez Perkins, and Cullen Seltzer, met on September 5 and November 22, 2023, to consider [HB 1880](#) (2023, Bennett-Parker). The bill would require localities to retain a public record of certain legal settlements and judgments and requires the record of such amount to be subject to disclosure if requested pursuant to FOIA. After hearing from Delegate Bennett-Parker and interested parties on both sides of the issue, the Subcommittee decided not to recommend HB 1880.

- **Meetings Issues Subcommittee.** The Subcommittee, consisting of members Delegate Cherry, William Coleburn, Lola Rodriguez Perkins, Bruce Potter, and Cullen Seltzer, met on September 6 and November 22, 2023, to study recent decisions of the Supreme Court of Virginia with the goal to provide guidance to public bodies on how best to comply with the Supreme Court's rulings. The Subcommittee heard from interested parties and considered several different legislative drafts in response to [*Berry v. Bd. of Supervisors of Fairfax County*](#) (Va., 2023) and [*Gloss v. Wheeler*](#) (Va., 2023). The Subcommittee directed staff to prepare three drafts for the Council's consideration: (1) amends the definition of "meeting" and adds a definition of "public business;" (2) adds a 180-day statute of limitations to bring a petition in response to meetings violations; and (3) provides that FOIA's remedies are exclusive and that no violation of FOIA shall render void any otherwise lawful action taken by a public body except as already stated in FOIA's policy.
- **Electronic Meetings Subcommittee.** The Subcommittee, consisting of members Senator Locke, Bruce Potter, and Cullen Seltzer, met on November 9, 2023, to consider proposals to amend the electronic meetings provisions of FOIA. The Subcommittee directed staff to prepare a draft that would allow disabled members of public bodies to participate remotely and be counted as if they were physically present for purposes of determining whether a quorum exists, and to provide that members participating electronically may not be prohibited or restricted by policy from voting on matters before the public body.

3. Discussion.

4. Legislative Preview. *Each year the Council makes itself available to interested parties as a forum for legislative proposals involving FOIA or other access-related issues. By acting as a forum, the FOIA Council hopes that all persons interested in proposed FOIA amendments will be informed of these proposed amendments in advance of the next session of the General Assembly and have the opportunity to address any disagreements or other issues before the next session.*

- **DRAFT:** At the request of Senator Stuart, staff prepared a draft for the Council's consideration that would amend the definition of "meeting" as it relates to the Virginia Freedom of Information Act to add an exception for local political party meetings.

5. Other Business.

6. Public Comment.

7. Set Future Meeting Dates.

8. Adjournment.

Council Members

Delegate Mike A. Cherry, Chair

Senator Mamie E. Locke, Vice Chair

Senator Richard H. Stuart
Sandra G. Treadway
Bruce Potter
William "Billy" Coleburn
Lee Bujakowski
Corrinne Loudon

Ryan G. Ferguson
Amigo Wade
Chidi James
Cullen Seltzer
Lola Rodriguez Perkins

Staff

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The FOIA Council's website is: [http:// foiacouncil.dls.virginia.gov](http://foiacouncil.dls.virginia.gov). To assist us in providing Internet dissemination of materials, presenters are requested to submit written comments and handouts in electronic format by email to staff prior to meetings. Presenters are also requested to bring 20 copies of their remarks or handouts to meetings. These copies will be provided to FOIA Council members and the public.
E-mail: foiacouncil@dls.virginia.gov.