

May 10, 2007 Meeting Summary
Electronic Meetings Subcommittee
Richmond, VA

The Electronic Meetings Subcommittee (the Subcommittee)¹ of the Virginia Freedom of Information Advisory Council held its first meeting of the 2007 interim to begin its deliberations on the three bills referred to the FOIA Council for study.² Although invited to discuss their respective bills, neither Senator Whipple or Delegate Ebbin were able to attend this meeting, but requested an opportunity at future meeting of the Subcommittee to present their bills. Delegate McClellan was present and discussed HB 2293 with the Subcommittee. Delegate McClellan indicated that the bill was requested by the chair of the Richmond City School Board and would allow a local governing body, school board, or any subcommittee thereof to meet by electronic communication means provided (i) no purpose of the meeting is to take action on any matter before the governing body, school board, or subcommittee, or to otherwise transact any business of the governing body, school board, or subcommittee; (ii) the meeting is not called or prearranged with any purpose of transacting any business of the local governing body, school board, or subcommittee; and (iii) the local governing body, school board, or subcommittee otherwise complies with the electronic communication meetings law. Delegate McClellan stated that local government officials are part time, volunteer members with other jobs. She indicated that the goal of the bill is to allow locally elected officials to take advantage of technology like businesses do currently. She reiterated that the bill would authorize teleconferencing only for receiving information by the local public body and for no other purpose. She urged the Subcommittee to keep practical realities in mind. Local elected officials serve part time while juggling jobs in the private sector. She reiterated that the bill is narrowly drawn to limit use of teleconferencing to information gathering only.

John Edwards, chair of the Subcommittee called for public comment on the three bills under study by the subcommittee. A representative of the Virginia Press Association (VPA) advised the Subcommittee that it opposed all three bills during session and indicated that its opposition was based generally on the following. First, with regard to HB 2293, equating government access based on a business model is fundamentally flawed and an inappropriate model for government. In addition, limiting electronic meetings to state public bodies is appropriate because of geographic diversity of the membership of state bodies. With regard to HB 2553, VPA believes allowing local public bodies to have electronic meetings in the event of a local

¹ Mr. John Edwards was present; Mssrs. Wiley, Miller, Fifer, and Axelle, and Senator Houck were absent.

² HB 2293 (McClellan), HB 2553 (Ebbin), and SB 1271 (Whipple).

emergency is too open ended. For example, a water shortage is a local emergency, but clearly not one that would justify meeting electronically. Finally with regard to SB 1271, there has been significant erosion of electronic meeting rules over the years, with the latest assault being on the physical assemblage of a quorum at one location. There is a value in face-to-face meetings not only for the public but for the members of the public body as well. All three bills represent the crossing of significant thresholds and the elimination of core concepts that have long stood in the law. As a result, VPA urged the Subcommittee to move cautiously and seriously consider the long term effect on public accessibility to open meetings.

A representative of the Virginia Association of Counties advised the subcommittee that, with regard to HB 2553, there are many emergency situations faced by local government, including natural disasters, acts of violence, contagion, and other public health emergencies. HB 2553 is narrowly tailored to emergency situations and limited only to those situations. She remarked that suggesting, in the event of a catastrophic emergency, that a local governing body not comply with the law does not address the issue or resolve problems faced by localities.

A representative of the State Independent Living Council (SILC) noted that SILC supported HB 1271, which eliminates the requirement for the physical assemblage of a quorum of a state public body at a main meeting location as a prerequisite for conducting electronic communication meetings.

John Edwards wrapped up the meeting by indicating that over the course of the Subcommittee's study of electronic meeting issues over the last several years, the one constant is a predisposition to retain the face-to-face quorum requirement. He noted, however, that the Subcommittee will keep an open mind as it proceeds. Further, he advised that the patrons who were unable to attend this meeting would be given the opportunity to present their bills at future meetings of the Subcommittee.

The next meeting of the Subcommittee is scheduled for Thursday, June 7, 2007 at 1:00 p.m. in the Speaker's Conference Room, sixth floor of the General Assembly Building.