



# VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

## COMMONWEALTH OF VIRGINIA

Senator Richard H. Stuart, Chair  
Delegate James M. LeMunyon, Vice Chair

Maria J.K. Everett, Esq., Executive Director/Senior Attorney  
Alan Gernhardt, Esq., Staff Attorney  
foiacouncil@dls.virginia.gov

---

General Assembly Building ~ 201 N. 9th Street, Second Floor ~ Richmond, Virginia 23219  
804-225-3056 ~ (Toll Free) 1-866-448-4100 ~ (Fax) 804-371-0169 ~ <http://foiacouncil.dls.virginia.gov>

August 19, 2015

1:00 PM

House Room 1

Capitol Building, Richmond, Virginia

### **Meeting of the MEETINGS Subcommittee of the FOIA Council**

*Proposed Agenda  
(Annotated)*

1. Call to order and introduction of subcommittee members.
2. Continue implementation of subcommittee work plan. *The Subcommittee will continue its work by studying the exemptions that allow closed meetings for the discussion of the following topics:*
  - A 19; Plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of records excluded from this chapter pursuant to subdivision 3 or 4 of § 2.2-3705.2;
  - A 29; award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract;
  - A 38; Virginia Port Authority of proprietary information gathered by or for the Virginia Port Authority (records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.6);
  - A 42; Virginia Military Advisory Council or any commission created by executive order; BRAC (subdivision 12 of § 2.2-3705.2);
  - A 46; Resource management plans; personal and proprietary information that are excluded from the provisions of this chapter pursuant to (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7;
  - A 47; (Eff. July 1, 2018); ABC; Board of Directors of the Virginia Alcoholic Beverage Control Authority of records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.3 or subdivision 34 of § 2.2-3705.7.

3. Review of VCU Health System Authority exemption (A23) rewrite.
4. Review of work to date.
5. Subcommittee work plan for future meetings.  
*As per the study plan adopted by the Council, upon completion of review of open meeting exemptions found in § 2.2-3711, the Subcommittee will review related meeting provisions, including § 2.2-3707 (notice of meetings, etc.), § 2.2-3707.01 (meetings of General Assembly), § 2.2-3707.1 (posting of minutes for state boards, commissions), § 2.2-3710 (voting), § 2.2-3712 (closed meeting procedures), and §§ 2.2-3708 and 2.2-3708.1 (electronic communication meetings).*
6. Policy consideration: Meeting exemptions that reference existing FOIA record exclusions. Query: good approach or in need of change?  
*At previous meetings, the Subcommittee discussed whether the current meeting exemptions that reference existing FOIA record exemptions should be amended to contain more information, to include the identity of the public body(s) to which the exemption applies and a general description of the subject matter of the excluded records/topic for discussion in a closed meeting in addition to the citation to the applicable records exemption. A draft was prepared by staff, discussed by the Subcommittee, and posted on the Council website to receive further comment. No action to date on this approach has been taken by the Subcommittee.*
7. Public Comment.
8. Discussion.
9. Other Business.
10. Set future meeting dates. *Reminder: Meetings may only be scheduled on Monday, Tuesday, and Wednesday of the first and third full weeks of the month. Please bring your calendars.*
11. Adjournment.

### Subcommittee Members

**Kathleen Dooley, Chair**  
**Frosty Landon**

**Marisa Porto**  
**John Selph**

The FOIA Council's web site is: <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 (i) e-mail to staff prior to meetings or (ii) diskette furnished to staff at meetings. Presenters are also requested to bring 20 copies of their remarks or handouts to meetings. These copies will be provided to FOIA Council Subcommittee members and the public.

E-mail: [foiacouncil@dls.virginia.gov](mailto:foiacouncil@dls.virginia.gov).