VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

COMMONWEALTH OF VIRGINIA

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April 11, 2016
10:00 AM
Speaker's Conference Room, 6th Floor
General Assembly 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. Overview of the work of the Subcommittee to date.

3. Continue implementation of subcommittee work plan. *As per the study plan adopted by the Council, with the completion of the review of open meeting exemptions found in § 2.2-3711, and § 2.2-3712 (closed meeting procedures), the Subcommittee will begin review of § 2.2-3707 (notice of meetings, etc.).*

   At future meetings in 2016, review of § 2.2-3707.01 (meetings of General Assembly), 2.2-3707.1 (posting of minutes for state boards, commissions), 2.2-3710 (voting), § 2.2-3708 and 2.2-3708.1 (electronic communication meetings) will be conducted.

4. Policy consideration: Meeting exemptions that reference existing FOIA record exclusions--"Context draft."
   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.

5. Public Comment.

6. Discussion.

7. Other Business.

8. Set future meeting dates in 2016. *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.*

9. Adjournment.

Subcommittee Members

Kathleen Dooley, Chair	**Marisa Porto**
Frosty Landon	**John Selph**
Shawri King-Casey	

APPENDIX A

Other States' Laws On Closed Meeting Minutes And Procedures

ARIZONA: "All public bodies shall provide for the taking of written minutes or a recording of all their meetings, including executive sessions." A.R.S. § 38-431.01(B).

D.C.: All meetings, whether open or closed, must be recorded electronically, unless a recording is not feasible, in which case detailed minutes must be kept. D.C. Code Ann. § 2-577.

§ 2-578. Record of meetings (a) All meetings of public bodies, whether open or closed, shall be recorded by electronic means; provided, that if a recording is not feasible, detailed minutes of the meeting shall be kept.

(2) The presiding officer shall make a statement providing the reason for closure, including citations from subsection (b) of this section, and the subjects to be discussed. A copy of the roll call vote and the statement shall be provided in writing and made available to the public.

ILLINOIS: All public bodies must keep written minutes of all their meetings, whether open or closed. See 5 ILCS 120/2.06(a). The Act also requires that public bodies keep a verbatim record of all their closed meetings in the form of an audio or video recording. 5 ILCS 120/2.06(a).

KANSAS: Specific information is required in minutes of closed meetings or executive sessions.

MASSACHUSETTS: minutes of executive (closed) sessions may remain secret "as long as publication may defeat the lawful purpose of the executive session." G.L. c. 39, § 23B.

MISSOURI: A journal or minutes of open or closed meetings must be taken and retained by public governmental bodies. Mo.Rev.Stat. § 610.020.7.

NORTH CAROLINA: The Open Meetings Law requires that "full and accurate" minutes be kept of all meetings, regardless of whether they are open or closed. When

a public body meets in a closed session, it shall keep a general account of the closed session so that a person not in attendance would have a reasonable understanding of what transpired. Such accounts may be a written narrative, or video or audio recordings. G.S. § 143-318.10(e).

SOUTH CAROLINA: Minutes are public record, but disclosure of the minutes of closed sessions is not required. S.C. Code Ann. § 30-4-50(7).

WYOMING: Minutes of executive sessions are required, but they are confidential unless a court orders them disclosed to the public.

16-4-405(b): Minutes shall be maintained of any executive session. Except for those parts of minutes of an executive session reflecting a members' objection to the executive session as being in violation of this act, minutes and proceedings of executive sessions shall be confidential and produced only in response to a valid court order.

(c) Unless a different procedure or vote is otherwise specified by law, an executive session may be held only pursuant to a motion that is duly seconded and carried by majority vote of the members of the governing body in attendance when the motion is made. A motion to hold an executive session which specifies any of the reasons set forth in paragraphs (a)(i) through (xi) of this section shall be sufficient notice of the issue to be considered in an executive session.

Source: Megan Rhyne, Executive Director, Virginia Coalition for Open Government