

July 26, 2021

Dear Members of the Virginia FOIA Council:

We write to you to request that you strongly consider permitting increased flexibility (so that a quorum can meet virtually) for virtual (electronic) advisory group meetings now that Virginia's Emergency Declaration has concluded. As Chairs and members of appointed advisory groups in Arlington, we have seen first-hand over this past year the benefits that having the ability to have advisory group members, residents, County staff, and stakeholders meet virtually has brought to our community. Our appointed advisory groups are integral to our community and county government and public school system in Arlington, as they conduct public meetings to hear proposals and concerns and provide recommendations to our County Board and/or County Manager on a variety of policy areas, such as (but not limited to): land use and zoning; transportation; infrastructure; housing; human rights; economic development; and issues specific to Arlington, such as new development related to the Amazon HQ2. Advisory groups are fundamental to promoting good government in Arlington and providing public forums for residents, stakeholders, and others to raise concerns, propose ideas, and/or engage in advocacy that impacts all facets of life in our 26 square miles.

During the past year, advisory groups have strongly contributed to Arlington's successes by assembling virtually to conduct their business. The only way that this good governance can continue is if a quorum of these advisory groups is permitted (if they choose) to meet virtually. Current legal exceptions that allow some members to attend virtually still require a physical quorum to assemble in-person, which if it remains in effect come September, will ensure weakened community processes, and make it highly likely that a less diverse cross-section of the community will be able to actively participate in decisions being made here in Arlington. Put simply – all the extraordinary benefits and stories of virtual participation you are about to read about below are only realized with full authority to meet entirely virtually; half measures and hybrid meetings where a physical quorum remain required are insufficient. Therefore, we ask that you strongly consider permitting advisory groups to meet virtually without the requirement that a physical quorum be present.

In that spirit, we thought that it may help for you to hear stories from some of our advisory group chairs and how the ability to have virtual meetings over the last year has brought significant and positive impacts to our community.

**Connecting with our Veterans and Service Members:** Joseph Simonelli is the Chair of the Military and Veterans Affairs Committee, an advisory group consisting of Veteran Service Organizations (VSO), Military Service Organizations (MSO), local government, local businesses and Active Duty and Veterans living and working in Arlington County that advises the County Manager on actions to strengthen relationships between local active duty and civilian military commands, the local veterans community, Arlington County government, County residents, and the local business community. Mr. Simonelli stated:

Many of our members are Veterans and have underlying conditions that make them susceptible to the virus and not able to meet in large groups. Additionally, some organizations have placed limitations on how their employees may interact which may

prevent them from meeting in person. Virtual meetings allow us to attract much more participation from our members. Allowing for more participants opens up the brainstorming we do in focusing on how to best serve the Active Duty, Veterans, and their family in our community.

**Ensuring Safe and Decent Housing:** Eric Berkey, Chair of the Citizens Advisory Commission on Housing, explained that participation in advisory group meetings has increased significantly with the ability to meet virtually over the last year, and encouraged attendance by community members that would have been unlikely if the meetings occurred in-person. Mr. Berkey described the importance of the advisory group's May and June 2021, meetings regarding serious health and safety concerns at a building supported by the County's affordable housing investment fund program, noting, "It is unlikely that residents would have had the opportunity to provide public testimony regarding the conditions in their homes, outside of attending a County Board meeting, with key decision-makers in attendance." Mr. Berkey stated that these meetings and recommendations from the Housing Commission helped to support the long-standing efforts of residents and community advocates to press the County and housing provider into taking action to protect residents.

**Promoting the Arts:** Anika Kwinana, Chair of the Arlington Commission on the Arts (which advises the County Board on policies that promote the arts), stated:

We have been able to gather the arts community in ways that we have never been able to do prior. In December 2020, we invited all of our arts grantees to attend. Over 20 organizations and artists attended. This would have not been possible had we been in-person. The gathering led to some of the organizations and artists to collaborate on projects together. In March and May, we held a two-part Equity Workshop and invited all arts organizations and artists to attend. Between the two meetings, there were more than 60 participants. Had we had this session in person, we are certain that we would not have been able to have this kind of turnout...The virtual space allows our community to have flexibility. It makes our events and meetings more accessible which is a critical component of our work in ensuring the arts are available to all Arlingtonians.

**Ensuring Emergency Preparedness:** Sharon Valencia, Chair of the Emergency Preparedness Advisory Commission, stated that virtual meetings have allowed the advisory group to work towards meeting community emergency preparedness and response needs, such as providing guidance regarding: emergency preparedness, response, the County's Police Practices Group recommendations and related actions; budget and capital needs input; and cyber issues, along with other matters. Ms. Valencia also noted that her advisory group has members who are in protected categories who may be unable to attend in-person meetings due to health concerns in an ongoing pandemic.

**Connecting Residents and Property Managers:** David Timm, Chair of the Tenant-Landlord Commission (which hears grievances and facilitates disputes between tenants and landlords, advises the County Board on policy and programs and proposes legislation for the County Board's recommendation to the General Assembly), expressed that virtual meetings have made it easier to include a larger and more diverse group of residents and stakeholders in discussions.

**Safeguarding Human Rights:** Helenanne Connolly, Chair of the Human Rights Commission, said that most of her advisory group members would like to have the flexibility to meet virtually, stating that it wants to afford each member “the dignity of choice.” Ms. Connolly noted that having virtual meetings has increased her advisory group’s meeting participation rates dramatically, as over 100 individuals attended a recent forum it held.

**Collaborating for the future of Crystal City:** Christer Ahl is the Chair of the Crystal City Review Council, which advises the County Board on all aspects of development in one of the County’s fast-growing areas. Mr. Ahl expressed his concern that it will be difficult for his advisory group to ensure a physical quorum at meetings for the foreseeable future, which could include absences from members who are unable or unwilling to attend meetings in person because of medical conditions.

**Promoting Accessibility:** Rosemary Ciotti, the Chair of the Disability Advisory Commission, stated:

Disability Advisory Commission members include at least three members who are legally blind and the remainder of the members have mobility challenges which they have worked very hard to overcome to get to the County offices every month to attend meetings. Many had to schedule Metro Access/STAR paratransit to be able to attend meetings.

Now that we have realized that we can be as effective, if not more, meeting via [Microsoft Teams) the burden of physically getting to the County Offices to do the exact same work that we do virtually begs the question of why.

**Encouraging Mobility:** Joshua Folb, the Chair of the Advisory Group on Transportation Choices, stated, “Our participation has been amazing this past 15 months with people being able to attend even when double booked. Staff appreciates the opportunity to be home with family and everyone seems generally happier that there is an alternative to the same old meeting--which is exactly what our committee is about.”

**Advocating for an active community:** John Mingus, the Chair of the Sports Commission, expressed his concern that the loss of flexibility with meetings would have on community involvement.

**Protecting our Environment:** Joan McIntyre, the Chair of the Climate Change, Energy and Environment Commission, an advisory group that provides guidance to the County Board on environmental issues and climate change, stated that not having the ability to meet virtually (and thus in-person) will limit the ability of some advisory group members and residents to participate in their meetings, especially for those who are not vaccinated and/or have young children who are not vaccinated (and for which in-person meetings would create health risks). Ms. McIntyre also noted that for one advisory group member, having the ability to meet virtually has allowed to participate more fully and better juggle family responsibilities over the last year.

**Improving our Infrastructure:** Elisa Ortiz, the Chair of the Neighborhood Complete Streets Commission, noted that attendance at her advisory group's meetings has been higher and more consistent than when it had to meet in-person, which was helpful in its work in recommending several safety and accessibility projects for approval to the County Board.

These testimonials, together along with other communications from advisory group Chairs and members, have raised the following concerns and thoughts:

1. Advisory group members are unpaid volunteers providing a service to the County and community, and many have concerns about risks to their health (and others) if advisory groups can only meet with a physical quorum present in-person, likely in a conference room inside the County's headquarters building or at space provided by Arlington County Public Schools.
2. Nearly all advisory group chairs have attested that having virtual meetings has increased attendance by both advisory group members and community members, thus increasing the diversity and reach of the advisory groups and leading to more informed discussions and recommendations to the County government and public school system.
3. Over the course of the last year, Arlington County and Arlington Public Schools have successfully demonstrated that the County government, and especially advisory groups, can work well remotely if necessary.
4. Having the ability to attend advisory group meetings virtually has eased longstanding burdens of transportation to physical meetings, needs for childcare and other caregivers, and the other burdens associated with attending meetings that are often held in the evening. This has created an environment where a more representative element of our community has been able to participate and make their voices heard.
5. Maintaining an ability to meet virtually can help safeguard against another wave of infections and provides a more stable continuity of government and community engagement should any new measures need to be taken by state and local governments.

Accordingly, we request that to the extent possible, the FOIA Council provide the legal authority for appointed advisory groups to have the flexibility, if they so choose, to meet virtually for the foreseeable future without the requirement that a physical quorum be present. We hope that you take these concerns to heart and seriously consider our request. We believe that by permitting appointed advisory groups to continue to meet virtually (without the requirement of a quorum in-person), we can both promote good governance and safeguard the health and safety of our advisory group members, residents, and stakeholders.

Thank you for your consideration.

Sincerely,

Eric Berkey  
Chair, Citizens Advisory Commission on Housing

James Lantelme  
Chair, Planning Commission

Col. Joseph A. Simonelli, Jr., U.S. Army (retired)  
Chair, Military and Veterans Affairs Committee

Anika Kwinana  
Chair, Commission on the Arts

Steve Baker  
Chair, Fiscal Affairs Advisory Commission

David Timm  
Chair, Tenant-Landlord Commission

Christopher Slatt  
Chair, Transportation Commission

Kathleen McSweeney  
Chair, Joint Facilities Advisory Commission

Tim Denning  
Chair, Community Development Citizens  
Advisory Committee

Jenette O'Keefe  
Chair, Community Services Board

Chip Gruver  
Chair, Board of Building Code Appeals

Sharon Valencia  
Chair, Emergency Preparedness Advisory  
Commission

Rosemary Ciotti  
Chair, Disability Advisory Commission

Linda Kelleher  
Chair, Commission on Aging

Elisa Oritz  
Chair, Neighborhood Complete Streets  
Commission

Julia Tanner  
Chair, Commission on the Status of Women

Yasmina Mansour  
Chair, Teen Network Board

Bethany Sutton  
Chair, Advisory Council on Teaching and  
Learning

John Mingus  
Chair, Sports Commission

Joshua Folb  
Chair, Advisory Commission Transportation  
Choices

Helenanne Connolly  
Chair, Human Rights Commission

Eric Goldstein  
Chair, Pedestrian Advisory Committee

Christer Ahl  
Chair, Crystal City Citizen Review Council

Joan McIntyre  
Chair, Climate Change, Energy and Environment  
Commission

Mary Crannell  
Chair, Information Technology Advisory  
Commission

cc: Arlington County Board  
Arlington County School Board  
Mark Schwartz, Arlington County Manager  
Senator Adam Ebbin, District 30  
Senator Barbara Favola, District 31  
Senator Janet Howell, District 32  
Delegate Mark Levine, District 45  
Delegate Patrick Hope, District 47  
Delegate Rip Sullivan, District 48  
Delegate Alfonso Lopez, District 49  
Representative Don Beyer, 8<sup>th</sup> District, U.S. House of Representatives  
Senator Mark Warner, U.S. Senate  
Senator Tim Kaine, U.S. Senate  
Governor Ralph Northam  
Lieutenant Governor Justin Fairfax  
Attorney General Mark Herring