



# VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

## COMMONWEALTH OF VIRGINIA

Senator Mamie E. Locke, Chair  
Delegate Marcus B. Simon, Vice-Chair

Alan Gernhardt, Esq., Executive Director  
Ashley Binns, Esq., Attorney

Pocahontas Building ~ 900 East Main Street, 10th Floor ~ Richmond, Virginia 23219  
foiacouncil@dls.virginia.gov ~ 804-698-1810 ~ (Toll Free) 1-866-448-4100 ~ (Fax) 804-698-1899 ~ <http://foiacouncil.dls.virginia.gov>

**May 6, 2022**  
**1:00 PM**  
**Virtual Meeting**

Click [HERE](#) to Access the Zoom Link.

**PROPOSED AGENDA (Annotated)**

**HB 444 Workgroup**  
**of the Virginia Freedom of Information Advisory Council**

- 1. Call to Order, introduction of participants.**
- 2. House Bill 444 (Bennett-Parker) referred by the 2022 Session of the General Assembly.**
  - Virginia Freedom of Information Act; meetings conducted through electronic communication means.** Amends existing provisions concerning electronic meetings by keeping the provisions for electronic meetings held in response to declared states of emergency, repealing the provisions that are specific to regional and state public bodies, and allowing certain public bodies to conduct all-virtual public meetings where all of the members who participate do so remotely and that the public may access through electronic communications means. The bill excepts local governing bodies, local school boards, planning commissions, architectural review boards, zoning appeals boards, and any board with the authority to deny, revoke, or suspend a professional or occupational license from the provisions that allow public bodies to conduct all-virtual public meetings. Definitions, procedural requirements, and limitations for all-virtual public meetings are set forth in the bill, along with technical amendments. The bill has a delayed effective date of September 1, 2022.
- 3. Charge to the workgroup (second enactment clause of HB 444).**
  - 2. That the Virginia Freedom of Information Advisory Council shall convene a work group, no later than May 1, 2022, to develop**

recommendations for best practices for public bodies holding all-virtual public meetings, including but not limited to how to take public comment virtually and the proper use of video by public body members. Such recommendations must be completed by August 1, 2022. The work group shall include representatives of the Virginia Association of Counties, the Virginia Municipal League, the Virginia Coalition for Open Government, and the Virginia Press Association and such other stakeholders the Council deem appropriate.

- 4. **Suggested study plan.** *Staff suggests that the workgroup meet three more times (or four if needed) to prepare best practices as directed: (1) one meeting to consider best practices on how to take public comment virtually; (2) one meeting to consider best practices regarding the proper use of video by public body members; (3) if there are other considerations and suggestions, a third meeting to address those; and (4) a final meeting where staff will present a draft of the best practices as recommended and take any additional comment from the participants. Because these best practices recommendations must be completed no later than August 1, it is suggested that the work group try to complete its work no later than mid-July. Staff also suggests that in order to disseminate the best practices, they will be incorporated as an appendix into an updated version of the Electronic Meetings Guide published by the Council (note that the enactment clause does not direct the workgroup to develop a report to any other public body).*
  
- 5. **Logistics.** *Due to limitations on the availability of rooms and technology, it is suggested that the workgroup continue to meet via Zoom, and that recordings of the meetings be posted so that the public and other interested parties may stay apprised of the workgroup's efforts and decisions.*
  
- 6. **Scheduling future meetings.**
  
- 7. **Other Business.**
  
- 8. **Adjournment.**

\*\*\*\*\*

**Workgroup Participants**

**Staff**

Alan Gernhardt, Esq., Executive Director