



VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

**Monday, June 12, 2006
1:30 p.m. House Room C
General Assembly Building**

SUGGESTED AGENDA

****Annotated****

- 1. Call to Order; introduction of members; welcome to newest Council member, Courtney Malveaux, designee of the Attorney General.**
- 2. Recap of FOIA and Related Access Bills from 2006 Regular and Special Sessions of General Assembly.**
- 3. Creation/Continuation of Subcommittees:**
 - Electronic Communication Meetings--(Council members John Edwards, Roger Wiley, E.M. Miller, Stewart Bryan, and Senator Houck).--
Background: The 2005 Electronic Meetings Subcommittee examined the feasibility of expanding the authorization for the conduct of electronic communication meetings to local public bodies and voted not to recommend HB 2760 in light of the significant relaxation of the procedural requirements made to § 2.2-3708 by the 2005 Session of the General Assembly. The Electronic Meetings Subcommittee recommended that the issue be revisited in 2006 after some experience with the new rules governing electronic meetings.
 - Mandated Fifth Response to FOIA Requests.--*Background: this issue is a continuation from last year when we discussed whether a mandated fifth response to a FOIA request--the requested records do not exist-- was needed. It is suggested that to bring this issue to resolution, a subcommittee be created.*
 - PPTA/PPEA Subcommittee (SB 5011, 2006 Special Session)--*SB 5011 amended the FOIA exemption for PPTA/PPEA records by expanding the exemption for records prepared by public bodies used to review and negotiate PPTA/PPEA agreements. SB 5011 also expanded the open meeting exemption in*

the case of PPTA projects. The amendments to SB 5011 will expire on July 1, 2007 in order to give the FOIA Council an opportunity to review the amendments and recommend changes deemed appropriate.

4. Other Business.

- Open Meetings Law and the Statewide Independent Living Council .
Susan Prokop, Chair, Statewide Independent Living Council (SILC), has expressed concern on behalf of SILC that Virginia's open meetings law have an adverse impact on the ability of people with disabilities to participate on SILC.
- Report on Sunshine Week-- Barrett Hardiman, Virginia Association of Broadcasters; Ginger Stanley, Virginia Press Association; Frosty Landon, Virginia Coalition for Open Government.
- Commending the Virginia Coalition for Open Government on the occasion of its 10th anniversary. (SJR 173/HJR 206,2006)

5. Of Note:

- Holding in William F. Shaw v. John T. Casteen, et al case; venue for enforcement of FOIA (§ 2.2-3713); FOIA case against UVA.
- Virginia's FOIA laws rated 5 on a scale of 7 by the Marion Brechner Center Citizen Access Project at the University of Florida for FOIA laws that provide noncriminal penalties for violation.
- Designating March 16, in 2006 and in each succeeding year, as Freedom of Information Day in Virginia. (SJR 170, 2006)
- FOIA rights of incarcerated persons; request of Steven Shoon.
- Latest stats on services rendered by FOIA Council.

6. Public Comment.

7. Set future meetings.

8. Adjournment.

Council Members

Senator R. Edward Houck, Chair
Roger C. Wiley
John B. Edwards
Nolan T. Yelich
Ralph L. "Bill" Axselle
Mary Yancey Spencer

Delegate H. Morgan Griffith
John Stewart Bryan, III
W. Wat Hopkins
E.M. Miller, Jr.
Craig T. Fifer
Courtney M. Malveaux

Staff

Maria J.K. Everett, Executive Director
Alan Gernhardt, Staff Attorney

The FOIA Council's web site is: <http://dls.state.va.us/foiacouncil.htm>. 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 members and the public. E-mail: foiacouncil@leg.state.va.us.