



# 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  
Joe Underwood, Esq., Senior Attorney  
Lauren Waller, Research Associate

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### ***VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL***

**October 3, 2022 - 1:00 PM**  
**Senate Room 1, Capitol Building**  
**Richmond, VA**

**Note: This meeting will be held in person; live streaming is not available.**

#### **SUGGESTED AGENDA**

***\*ANNOTATED\****

- 1. Call to Order; introduction of members.**
- 2. Election of Chair and Vice Chair.** *Elections for these positions were last held on August 4, 2020. Subsection D of Code § 30-178 states as follows: "The members of the Council shall elect from among their membership a chairman and a vice-chairman for two-year terms. The chairman and vice-chairman may not succeed themselves to the same position."*
- 3. [HB 444](#) (Bennett-Parker) Workgroup Progress Report.** *The second enactment clause of HB 444 directed the Council to form a workgroup to make certain best practices recommendations as follows:*
  - 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.

*The workgroup met on May 6 and May 24 to discuss these issues and make best practices recommendations, which have been incorporated into a new version of the Electronic Meetings Guide (2022). As a reminder, HB 444 was enacted with a delayed effective date of September 1, 2022.*

#### **4. Subcommittee Report.**

- *At its last meeting, the Council created the HB 980 Subcommittee to study HB 980 (Williams Graves), the only bill referred to the Council by the 2022 Session of the General Assembly. The Subcommittee consists of Delegate Simon (Chair) and FOIA Council members Potter, Rodriguez Perkins, Seltzer, and Wade. The Subcommittee met on July 26, 2022, and will report an amended draft of HB 980 to the full Council for its consideration.*
- **HB 980 (Williams Graves) Virginia Freedom of Information Act; exclusions to application of chapter; local administrative investigations; disclosure.** Adds email addresses as information that, when furnished in confidence to the local governing body, with respect to complainants in local investigations are exempt from disclosure under the Virginia Freedom of Information Act. The bill expands the applicability of the exemption to zoning enforcement complaints for all such complaints, not just individual enforcement complaints. The bill also adds local public health and safety, nuisance, and waste and recycling complaints to the list of complainants whose personal information is exempt from disclosure.

#### **5. Discussion.**

- 6. Legislative Preview.** *Each year the Council makes itself available to interested parties as a forum for legislative proposals involving FOIA or other access-related issues. By acting as a forum, the FOIA Council hopes that all persons interested in proposed FOIA amendments will be informed of these proposed amendments well in advance of the next session of the General Assembly and have the opportunity to address any disagreements or other issues before the next session.*

#### **7. Other Business.**

- **Electronic Participation Policy.** *As of September 1, 2022, there are new policy requirements for members to use remote participation and for public bodies to conduct all-virtual meetings, both using electronic communications. Therefore, the Council will need to vote to adopt a new version of its electronic participation policy that complies with the new statutory requirements.*

#### **8. Public Comment.**

#### **9. Set Future Meeting Dates.**

#### **10. Adjournment.**

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**Council Members**

**Senator Mamie E. Locke, Chair**  
**Senator Richard H. Stuart**  
**Sandra G. Treadway**  
**Bruce Potter**  
**Amigo Wade**  
**William "Billy" Coleburn**  
**Stephanie Hamlett**

**Delegate Marcus B. Simon, Vice-Chair**  
**Delegate William Wampler III**  
**Lee Bujakowski**  
**Matthew Conrad**  
**Chidi James**  
**Cullen Seltzer**  
**Lola Rodriguez Perkins**

**Staff**

Alan Gernhardt, Executive Director

The FOIA Council's website is: [http:// foiacouncil.dls.virginia.gov](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 email to staff prior to 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@dls.virginia.gov](mailto:foiacouncil@dls.virginia.gov).