

SENATE BILL NO. \_\_\_\_\_ HOUSE BILL NO. \_\_\_\_\_

1 A BILL to amend and reenact § 2.2-3707 of the Code of Virginia, relating to the Freedom of  
2 Information Act; meeting minutes.

3 **Be it enacted by the General Assembly of Virginia:**

4 **1. That § 2.2-3707 of the Code of Virginia is amended and reenacted as follows:**

5 § 2.2-3707. Meetings to be public; notice of meetings; recordings; minutes.

6 A. All meetings of public bodies shall be open, except as provided in §§ 2.2-3707.01 and 2.2-  
7 3711.

8 B. No meeting shall be conducted through telephonic, video, electronic or other communication  
9 means where the members are not physically assembled to discuss or transact public business, except as  
10 provided in § 2.2-3708, 2.2-3709 or as may be specifically provided in Title 54.1 for the summary  
11 suspension of professional licenses.

12 C. Every public body shall give notice of the date, time, and location of its meetings by placing  
13 the notice in a prominent public location at which notices are regularly posted and in the office of the  
14 clerk of the public body, or in the case of a public body that has no clerk, in the office of the chief  
15 administrator. All state public bodies subject to the provisions of this chapter shall also post notice of  
16 their meetings on their websites and on the electronic calendar maintained by the Virginia Information  
17 Technologies Agency commonly known as the Commonwealth Calendar. Publication of meeting notices  
18 by electronic means by other public bodies shall be encouraged. The notice shall be posted at least three  
19 working days prior to the meeting. Notices for meetings of state public bodies on which there is at least  
20 one member appointed by the Governor shall state whether or not public comment will be received at  
21 the meeting and, if so, the approximate point during the meeting when public comment will be received.

22 D. Notice, reasonable under the circumstance, of special or emergency meetings shall be given  
23 contemporaneously with the notice provided members of the public body conducting the meeting.

24 E. Any person may annually file a written request for notification with a public body. The  
25 request shall include the requester's name, address, zip code, daytime telephone number, electronic mail  
26 address, if available, and organization, if any. The public body receiving such request shall provide  
27 notice of all meetings directly to each such person. Without objection by the person, the public body  
28 may provide electronic notice of all meetings in response to such requests.

29 F. At least one copy of all agenda packets and, unless exempt, all materials furnished to members  
30 of a public body for a meeting shall be made available for public inspection at the same time such  
31 documents are furnished to the members of the public body.

32 G. Nothing in this chapter shall be construed to prohibit the gathering or attendance of two or  
33 more members of a public body (i) at any place or function where no part of the purpose of such  
34 gathering or attendance is the discussion or transaction of any public business, and such gathering or  
35 attendance was not called or prearranged with any purpose of discussing or transacting any business of  
36 the public body or (ii) at a public forum, candidate appearance, or debate, the purpose of which is to  
37 inform the electorate and not to transact public business or to hold discussions relating to the transaction  
38 of public business, even though the performance of the members individually or collectively in the  
39 conduct of public business may be a topic of discussion or debate at such public meeting. The notice  
40 provisions of this chapter shall not apply to informal meetings or gatherings of the members of the  
41 General Assembly.

42 H. Any person may photograph, film, record or otherwise reproduce any portion of a meeting  
43 required to be open. The public body conducting the meeting may adopt rules governing the placement  
44 and use of equipment necessary for broadcasting, photographing, filming or recording a meeting to  
45 prevent interference with the proceedings.

46 I. Minutes shall be recorded at all open meetings. However, minutes shall not be required to be  
47 taken at deliberations of (i) standing and other committees of the General Assembly; (ii) legislative  
48 interim study commissions and committees, including the Virginia Code Commission; (iii) study  
49 committees or commissions appointed by the Governor; or (iv) study commissions or study committees,  
50 or any other committees or subcommittees appointed by the governing bodies or school boards of

51 counties, cities and towns, except where the membership of any such commission, committee or  
52 subcommittee includes a majority of the governing body of the county, city or town or school board.

53 Minutes, including draft minutes, and all other records of open meetings, including audio or  
54 audio/visual records shall be deemed public records and subject to the provisions of this chapter.

55 Minutes shall be in writing and shall include; ~~but are not limited to,~~ (i) the date, time, and  
56 location of the meeting; (ii) the members of the public body recorded as present and absent; and (iii) a  
57 summary of the discussion on matters proposed, deliberated or decided, and a record of any votes taken.  
58 In addition, for electronic communication meetings conducted in accordance with § 2.2-3708, minutes  
59 of state public bodies shall include (a) the identity of the members of the public body at each remote  
60 location identified in the notice who participated in the meeting through electronic communications  
61 means, (b) the identity of the members of the public body who were physically assembled at the primary  
62 or central meeting location, and (c) the identity of the members of the public body who were not present  
63 at the locations identified in clauses (a) and (b), but who monitored such meeting through electronic  
64 communications means.

65 **2. That the provisions of this act are declaratory of existing law.**

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