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## Virginia Freedom of Information Advisory Council

November 10, 2021, at 1:00 p.m.

Senate Room A, Pocahontas Building

[foiacouncil.dls.virginia.gov](http://foiacouncil.dls.virginia.gov)

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The Virginia Freedom of Information Advisory Council (the Council) met with Senator Mamie E. Locke, chair, presiding.<sup>1</sup> The meeting began with introductions and opening remarks followed by progress reports from the Council's two subcommittees, and public comment was heard. Materials presented at the meeting, as well as all written public comments, are accessible through the [Council's meetings webpage](#).

### Records Issues Subcommittee Report and Recommendations

*Matthew A. Conrad, Subcommittee Chair*

Mr. Conrad reported that the Records Issues Subcommittee met on September 2, 2021, to further consider amended versions of HB 2000 (Roem, 2021 Regular Session), concerning fees for the production of public records, and HB 2196 (Mullin, 2021 Regular Session), concerning access to law-enforcement disciplinary records. The Subcommittee heard from the patrons of both bills and heard a presentation by council staff on the difference in laws related to the release of law-enforcement disciplinary records across the country. Mr. Conrad reported the recommendation of the Subcommittee to advance HB 2000 and HB 2196, as amended, to the full committee.

Delegate Danica A. Roem explained the intent behind HB 2000 and reiterated that she prefers this bill to focus on the citizens' burdens in paying charges related to FOIA requests. Mr. Conrad gave a brief overview of HB 2196. The Council heard public comment and discussed both bills. The Council voted 10-3 (Senator Richard H. Stuart, Delegate William Wampler, III, and Lola Rodriguez Perkins voted against) to recommend HB 2000 to the 2022 Session of the General Assembly. The Council also voted 11-2 (Delegate William Wampler, III and Lola Rodriguez Perkins voted against) to recommend HB 2196 to the 2022 Session of the General Assembly.

### Meetings Issues Subcommittee Report and Recommendations

*Cullen D. Seltzer, Subcommittee Chair*

Mr. Seltzer reported that the Meetings Issues Subcommittee met on October 5, 2021, to continue studying electronic meetings options for public bodies with appointed members but was unable to take any action for lack of a quorum. The Subcommittee heard presentations and public comment on a concept draft presented on behalf of the Virginia Coalition for Open Government (VCOG), the Virginia Press Association (VPA), the Virginia Municipal League (VML), the

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<sup>1</sup> **Members Present:** Senator Mamie E. Locke (chair), Delegate Marcus B. Simon (vice-chair), Senator Richard H. Stuart, Delegate William C. Wampler III, William D. Coleburn, Matthew A. Conrad, Pamela O'Berry, Lola Rodriguez Perkins, Chidi I. James, Bruce Potter, Cullen D. Seltzer, Sandra G. Treadway, and Amigo Wade. Note that Delegate Simon participated electronically from McLean, Virginia, due to a work-related scheduling conflict and Ms. Perkins participated electronically from Duck, North Carolina, because she was on vacation. The meeting was livestreamed on the Senate of Virginia's website and a video recording of the meeting is available on the [Council's meetings webpage](#).

**Member Absent:** Lee Bujakowski

Virginia Association of Counties (VACo), and Elizabeth Bennett-Parker, Vice Mayor of the City of Alexandria and Mr. Seltzer asked the Council to take it up for consideration.

Megan Rhyne (VCOG) gave an overview of the concept draft that was presented to the Subcommittee. Ms. Rhyne stated that this concept draft was an attempt to make the rules simpler and comparable across counties, cities, and localities. The Council heard public comment and discussed the draft, then voted 11-2 (Senator Richard H. Stuart and William Coleburn voted against) to recommend it to the 2022 Session of the General Assembly.

### **Public Comment**

Staff reported receiving written public comments for the meeting, and several members of the public provided public comments regarding the two bills and the concept draft presented at the meeting.

### **Other Business**

- *Update on SCHEV HB2120 Study:* Beverly Rebar from the State Council of Higher Education for Virginia reported on the results of the SCHEV HB2120 Study on a minimal uniform standard to improve transparency of college and university governing boards.
- *Staffing Proposal:* Amigo Wade, Director of the Division of Legislative Services, presented the Council with a proposal for the Council to increase its staffing level from 1.5 full-time employees, which has been the staffing level budgeted since the Council's inception in 2000, to 2.0 full-time employees to allow the Council to be fully staffed year-round. The Council approved the proposal.

### **Next Meeting**

The next meeting of the Council will be scheduled after the adjournment of the 2022 Session of the General Assembly.

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For more information, see the [Council's website](#) or contact the Division of Legislative Services staff:

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