

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

1 A BILL to amend and reenact § 2.2-3708 of the Code of Virginia, relating to the Freedom of  
2 Information Act; electronic meetings; reports.

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

4 **1. That § 2.2-3708 of the Code of Virginia is amended and reenacted as follows:**

5 § 2.2-3708. Electronic communication meetings.

6 A. It shall be a violation of this chapter for any political subdivision or any governing  
7 body, authority, board, bureau, commission, district or agency of local government or any  
8 committee thereof to conduct a meeting wherein the public business is discussed or transacted  
9 through telephonic, video, electronic or other communication means where the members are  
10 not physically assembled. Nothing in this section shall be construed to prohibit the use of  
11 interactive audio or video means to expand public participation.

12 B. For purposes of this section, "public body" means any public body of the  
13 Commonwealth, but excludes any political subdivision or any governing body, authority, board,  
14 bureau, commission, district or agency of local government.

15 State public bodies may conduct any meeting, except closed meetings held pursuant to  
16 § 2.2-3711, wherein the public business is discussed or transacted through telephonic or video  
17 means. Where a quorum of a public body of the Commonwealth is physically assembled at  
18 one location for the purpose of conducting a meeting authorized under this section, additional  
19 members of such public body may participate in the meeting through telephonic means  
20 provided such participation is available to the public.

21 C. Notice of any meetings held pursuant to this section shall be provided at least 30  
22 days in advance of the date scheduled for the meeting. The notice shall include the date, time,  
23 place and purpose for the meeting and shall identify the locations for the meeting. All locations  
24 for the meeting shall be made accessible to the public. All persons attending the meeting at

25 any of the meeting locations shall be afforded the same opportunity to address the public body  
26 as persons attending the primary or central location. Any interruption in the telephonic or video  
27 broadcast of the meeting shall result in the suspension of action at the meeting until repairs are  
28 made and public access restored.

29 Thirty-day notice shall not be required for telephonic or video meetings continued to  
30 address an emergency as provided in subsection F or to conclude the agenda of a telephonic  
31 or video meeting of the public body for which the proper notice has been given, when the date,  
32 time, place and purpose of the continued meeting are set during the meeting prior to  
33 adjournment.

34 The public body shall provide the Virginia ~~Information Technologies Agency Freedom of~~  
35 ~~Information Advisory Council~~ with notice of all public meetings held through telephonic or video  
36 means pursuant to this section.

37 D. An agenda and materials that will be distributed to members of the public body and  
38 that have been made available to the staff of the public body in sufficient time for duplication  
39 and forwarding to all locations where public access will be provided shall be made available to  
40 the public at the time of the meeting. Minutes of all meetings held by telephonic or video  
41 means shall be recorded as required by § 2.2-3707. Votes taken during any meeting  
42 conducted through telephonic or video means shall be recorded by name in roll-call fashion  
43 and included in the minutes. In addition, the public body shall make an audio recording of the  
44 meeting, if a telephonic medium is used, or an audio/visual recording, if the meeting is held by  
45 video means. The recording shall be preserved by the public body for a period of three years  
46 following the date of the meeting and shall be available to the public.

47 E. No more than 25 percent of all meetings held annually by a public body, including  
48 meetings of any ad hoc or standing committees, may be held by telephonic or video means.  
49 Any public body that meets by telephonic or video means shall file with the Virginia ~~Information~~  
50 ~~Technologies Agency Freedom of Information Advisory Council~~ by July 1 of each year a  
51 statement identifying the total number of meetings held during the preceding fiscal year, the

52 dates on which the meetings were held and the number and purpose of those conducted  
53 through telephonic or video means.

54 F. Notwithstanding the limitations imposed by subsection E, a public body may meet by  
55 telephonic or video means as often as needed if an emergency exists and the public body is  
56 unable to meet in regular session. Public bodies conducting emergency meetings through  
57 telephonic or video means shall comply with the provisions of subsection D requiring minutes,  
58 recordation and preservation of the audio or audio/visual recording of the meeting. The nature  
59 of the emergency shall be stated in the minutes.

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