

Electronic Meetings Subcommittee  
Meeting Summary  
October 11, 2006

The Electronic Meetings Subcommittee<sup>1</sup> held its third meeting on October 11, 2006. John Edwards, chairman of the subcommittee, reported that the subcommittee draft represented the following points of consensus among subcommittee members: preserving the requirement for a quorum a the public body to be physically assembled in one location as a prerequisite for conducting electronic meetings, reducing the notice for electronic meetings from seven to three working days, adding an emergency participation provision to FOIA to allow members to participate by electronic means in emergency situations where the member originally intended to be physically present but is unable to do so, and expanding the authority to local regional bodies to conduct electronic meetings.

The subcommittee, however, revisited the definition of a regional public body as there was a divergence of opinion on whether previously agreed to definitional language--four or more counties or cities *or* where the geographical territory within the jurisdiction of the regional public body is sufficient in size to include a straight line drawn between two points that is 100 miles or more in length--should be stated in the conjunctive, thus requiring both elements. By a vote of 5 to 1, the subcommittee abandoned its prior consensus on the definition in favor of reconsidering how to define a regional public body. The chair stated that he believed that 100 miles was too far a distance to be meaningful. It was noted that if the standard was to be separation by 100 miles, there would be no need to require at least four jurisdictions. Further, it was observed that the requiring both a minimum number of jurisdictions and a 100 mile rule was based on a faulty proposition that it is not acceptable to vote by telephone, but is acceptable to have members miss a meeting rather than participate electronically.

It was suggested that the Division of Legislative Services use its geographic information system (GIS) to draw maps that will provide the much needed visual reference to what jurisdictions would be included with the 100 mile requirement, as well as 75 and 50 miles. The subcommittee concurred with this recommendation and decided that it would continue working on the definition of a regional public body, although there was consensus on the remainder of the proposed draft as noted above. The subcommittee agreed that it was premature to make a recommendation to the full FOIA Council at this time. The subcommittee agreed to meet sometime before Thanksgiving.

On the issue raised by the State Independent Living Council (SILC) to make allowance for disabled members of public bodies to participate in meetings by electronic means, the subcommittee noted that representatives of SILC had not attended any of the subcommittee meetings. Mr. Edwards indicated that the subcommittee was not comfortable recommending language on this issue without first getting feedback directly from SILC.

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<sup>1</sup> All members of the subcommittee were present.

Staff raised the issue of the prohibition against political subdivisions meeting by electronic means, noting that the general understanding of the law was that only state public bodies could meet using electronic means. However, inclusion of the words "political subdivision" made it unclear in that state public bodies such as the Virginia Tourism Authority and the Virginia Economic Development Partnership Authority are political subdivisions of the Commonwealth. By unanimous agreement, the subcommittee directed staff to rewrite subsections A and B of § 2.2-3708 to clarify that public bodies created at the state level, the majority of the members of which are appointed by the Governor and/or the General Assembly are authorized to meet electronically under the conditions prescribed in § 2.2-3708.

A representative of the University of Virginia requested the subcommittee to consider a technical amendment to the subcommittee draft concerning the availability of agenda materials. The subcommittee agreed to make the requested amendment.

The next meeting of the subcommittee is scheduled for Wednesday, November 8, 2006 in the Speaker's Conference Room, Sixth Floor, General Assembly Building at 2:00 p.m. A revised draft will be available at this meeting.

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