

Meeting Minutes Subcommittee of the FOIA Council  
Meeting Summary  
Sept 3, 2008  
Richmond, Virginia

The Meeting Minutes Subcommittee held its first meeting on September 3, 2008<sup>1</sup> to consider the current requirements for meeting minutes in FOIA in light of new technologies, especially whether FOIA should require minutes be kept in written form. Current law does not explicitly require minutes to be in writing, or any particular format or medium.

After the call to order and introductions of those present, Fred S. Morton IV, Supervisor of Henrico County Schools (the School), presented an overview of the Schools' experience using BoardDocs.<sup>2</sup> Superintendent Morton emphasized that the School uses "technology as a tool, not a target," and pointed out that there are other competing vendors with a similar product to BoardDocs. The School chose BoardDocs over those competitors because the Virginia School Board Association (VSBA) made arrangements with the company to provide BoardDocs at a better price (approximately \$10,000/year). He indicated that the School began using BoardDocs this spring and is still in the process of implementing all of the features of BoardDocs. Superintendent Morton stated that he wanted to share both the good and bad aspects of the experience. He demonstrated how traditional minutes are made available by the School on its website as a text file. By comparison, BoardDocs allows one to browse an agenda index online to find particular topics of interest, then to select summaries, other relevant text document attachments, power point presentations, audio files of the meeting discussion of that topic, and other linked records all from within the same webpage. Additionally, because BoardDocs puts the materials on the School's website, it allows the public to access agenda materials at the same time the materials are made available to members. Superintendent Morton indicated that having the materials available this way on the front-end before meetings has saved a great deal of staff time and money in copying expenses, and allowed staff to spend more time verifying the accuracy of records and correcting any errors. Additionally, materials such as maps can be published in color using BoardDocs, whereas paper copies were often black-and-white only. Another advantage is that the BoardDocs software keeps back-up copies of materials on other servers in case of computer failure; the Superintendent indicated that the School keeps its own back-up copy as well.

Superintendent Morton stated that one of the practical difficulties has been to have speakers consistently identify themselves for the benefit of those who choose to listen to the audio files, but who cannot identify speakers by the sound of their voices. Another issue is the size of the audio files, which can become quite large in the case of long discussions, making it very time-consuming to download the files. A similar issue is that some documents do not readily fit on a computer screen, so one cannot see the entire document at once unless

---

<sup>1</sup> Subcommittee Members Wiley (Chair), Miller, Treadway, and Malveaux were present; Mr. Selph was unable to attend today's meeting.

<sup>2</sup> Generally, BoardDocs is a computer-based data and document management system designed to facilitate online access to agendas, minutes, and related documents. More information is available on the company's website at [www.boarddocs.com](http://www.boarddocs.com).

one has a physical copy (such documents can still be viewed through BoardDocs, but one has to scroll through it on the screen). Superintendent Morton indicated that the Schools are working to break the large audio files into smaller portions that are quicker to download, especially for users who do not have high-speed Internet connections. Another potential issue is that some people do not have Internet access at home and cannot access BoardDocs as readily as others. Superintendent Morton stated that the Schools still make available all materials in more traditional formats, and that the public libraries offer free high-speed Internet access that can be used to access the Schools' website and BoardDocs. The Superintendent stated that most people now view the online versions of the materials before and after meetings. The Schools still get requests for paper copies, but very few.

The Subcommittee then discussed the presentation and the implications such technology has in regard to access to meeting minutes. The Subcommittee recognized that BoardDocs and similar technological advances may provide improvements to public access, especially in enabling access to meeting materials over the Internet before the meeting is held. However, the Subcommittee also expressed concerns that the traditional historical form of meeting minutes has always been a written summary, which is not dependent on technologies which change and grow obsolete over time, and which still serves its traditional purpose of providing a readily-accessible synopsis of events at a public meeting. The Subcommittee expressed its view that while the use of additional technologies such as BoardDocs to further enhance the public's awareness of governmental activities is welcomed and encouraged, traditional written minutes should still be required under the law. It was further expressed that the common understanding is that FOIA requires written minutes, even though it is not explicitly stated in the law. In order to clarify this requirement, the Subcommittee moved to recommend to the full FOIA Council that subsection I of § 2.2-3707 be amended by explicitly requiring meetings minutes to be in writing. The motion carried by vote 3-1.<sup>3</sup> No further meeting dates were set.

#

---

<sup>3</sup> Mr. Wiley, Mr. Malveaux, and Dr. Treadway voted in favor of the motion; Mr. Miller voted against.