

To: VML/VACo key officials

From: Phyllis Errico, VACo  
Mark Flynn, VML

Re: Electronic meetings

Date: August 10, 2012

The Freedom of Information Act Advisory Council is looking at the issue of electronic meetings and a subcommittee of the Council has asked VML and VACo to provide some information on this issue. Therefore, we would like to know if your locality has faced the following situations:

1. Have you had any current or former governing body, planning commission, BZA or any other local public board/commission member miss meetings due to being out of town?

Comment Summary: Many reasons for being out of town, business, personal, vacation, commute.

Yes, (34)

No (1)

2. Please identify any instances where citizens declined to serve on the governing body or a commission or board due to a difficulty in attending meetings.

Comment Summary: Some resigned or not reappointed or declined to participate because of time commitment and others missed because of work travel or work in general. Commute to Northern VA mentioned as well. Staff informs potentials board members of the meeting commitments and some decline appointments. Declined because worked in DC, Declined because had to use personal leave to attend meetings or would conflict with work hours. Employers are becoming less flexible to employees. Some people are put off by the disclosure requirements.

Yes (20)

Unknown (7)

None (1)

3. Please identify any instances of local councils, boards, commissions, etc., encountering difficulty in scheduling meetings due to the requirement of having all participating attendees physically present.

Answers: Had to reschedule or had trouble scheduling to get quorum due to work and vacation. Conflict with other meetings or other responsibilities Special meetings difficult to schedule. Eastern Shore travel is an issue. Many committee and boards affected, EDA, Finance, Historic Preservation, Cable Advisory, Recreation Commission, Architectural Review Board, Library Board, E911 Board, Heritage Preservation Committee, Pedestrian and Bicycle Advisory, CPMT,

Social Services, Transportation Safety Commission. Occasionally have to cancel because of lack of quorum. Summer and Holidays difficult to schedule. Having members who are retired or have flexible work schedule is helpful.

Yes (22)

None (2)

4. Would participation be positively affected by some provision for local electronic participation by a member who is unable to attend?

Answers: Yes, have had requests about telephone participation because of business travel, also taking of personal leave time or travel for family illness or death. Eastern Shore travel and distance issues. If all members not present, what about documents/handouts? What about issue of the applicants participating electronically? Will make taking minutes more difficult. Would help also for joint meetings and regional meetings. Not for local governing bodies face to face important----but perhaps for advisory/regional groups. Depends on the type of Board

Yes (27)

No (3)

Minimal (3)

Please describe the specifics of any yes answers – such as

- how far the member had to travel on business or how far removed from the locality the person was-  
Answer: Midwest- travel problems, Europe, across county, Northern VA commute, SC KY, 15 miles 30-45 miles, in and out of state travel. County is 967 square miles.260 miles away in Richmond. 3 or 4 hours away for work.
- the number of meetings per year the member missed  
Answer: 10 out of 16
- how many members have missed a meeting due to being unable to attend a meeting  
Answer: several affirmative
- the number of individuals who declined serving due to conflicts between your meeting and other responsibilities  
Answer: several affirmative, some give qas reason why cannot serve
- how you think changes to the act could positively affect participation  
Answer: would be beneficial, would open up participation to other citizens

Please feel free to edit this memo and email it as your response to Phyllis ([perrico@vaco.org](mailto:perrico@vaco.org)) or Mark ([mflynn@vml.org](mailto:mflynn@vml.org)). Thank you for taking the time to respond.

Please respond by August 17<sup>th</sup>.

Also excerpt from 2012 Fairfax County program:

**Videoconferencing of Advisory Boards**

Support legislation to establish a limited exception to provisions of the Virginia Freedom of Information Act that would permit certain local citizen boards, authorities, and commissions to conduct meetings via videoconferencing, which would serve several goals, including (1) increasing volunteerism, especially among senior citizens, (2) reducing time commitments and long commutes on congested roads that now serve as impediments to those persons who serve on advisory panels, and (3) conserving fuel and lowering greenhouse gas emissions. Such a proposal could be crafted to apply only to entities that meet in an advisory capacity and are not required by statute. *(Updates and reaffirms previous position; a study by the Joint Commission on Technology and Science is currently examining the issue of electronic meetings. Allowing electronic meetings by public bodies under certain circumstances was a recommendation of the Governor's Commission on Government Reform and Restructuring in 2010.)*