



VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL
COMMONWEALTH OF VIRGINIA

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August 22, 2012

**Meeting of the Electronic Meetings Subcommittee
of the FOIA Council**

Proposed Agenda

1. Call to order and introduction of subcommittee members.
2. Election of Chair. *As you will recall, Craig Fifer was the Chair of the Subcommittee. He was term-limited as of July 1, 2012, and the Governor has appointed his successor to the FOIA Council. As Mr. Fifer is no longer a member of the Council, the Subcommittee will need to elect a new Chair.*
3. Staff Presentations:
 - Review of HB 1105 (Greason) and HB 1149 (Dudenhefer):
 - **HB 1105 Freedom of Information Act; electronic communication meetings.** Revises the rules for which meetings of state public bodies may be conducted by audio or video means. The bill provides that (i) at least one member of the public body must be physically assembled at the principal meeting location, (ii) the quorum of the public body is determined by members participating in person or by electronic means in the meeting, (iii) a member of the public shall pay for the documented marginal cost that a public body may incur in expanding public participation to the meeting, and (iv) the number of meetings a public body may conduct through electronic communications means is limited to 50 percent of its regular meetings in any calendar year. The bill contains technical amendments.

- **HB 1149; Freedom of Information Act; electronic communication meetings by local and regional public bodies.** Expands the authority for the conduct of electronic communication meetings to all public bodies. Currently, local public bodies are prohibited from conducting public meetings in this manner, except when the Governor declares a state of emergency. The bill contains technical amendments.
- Electronic Meetings Annual Reporting Requirements (§ 2.2-3708). *You will recall that § 2.2-3708 requires the following information be reported by December 15 of each by state public bodies conducting electronic meetings.*
 - *The total number of electronic communication meetings held that year;*
 - *2. The dates and purposes of the meetings;*
 - *3. The number of sites for each meeting;*
 - *4. The types of electronic communication means by which the meetings were held;*
 - *5. The number of participants, including members of the public, at each meeting location;*
 - *6. The identity of the members of the public body recorded as absent and those recorded as present at each meeting location;*
 - *7. A summary of any public comment received about the electronic communication meetings; and*
 - *8. A written summary of the public body's experience using electronic communication meetings, including its logistical and technical experience.*
- Review of Electronic Meeting Annual Reports Submitted to FOIA Council. *(Handout)*

4. Presentations: Experience with Electronic Meetings

- Mary Yancey Spencer, Virginia State Bar
- Michelle Parker, Virginia Department of Education

5. Results of local government survey conducted by the Virginia Association of Counties and the Virginia Municipal League; Phyllis Errico and Mark Flynn.

6. Public Comment.
7. Discussion.
8. Set future meeting dates.
9. Adjournment.

Subcommittee Members

**Kathleen Dooley
John Selph
George Whitehurst
Stephanie Hamlett**

Subcommittee Staff

**Maria J.K. Everett, Executive Director/Senior Attorney
Alan Gernhardt, Staff Attorney**

The FOIA Council's web site is: <http://dls.state.va.us/foiacouncil.htm>. To assist us in providing Internet dissemination of materials, presenters are requested to submit written comments and handouts in electronic format by (i) e-mail to staff prior to meetings or (ii) diskette furnished to staff at meetings. Presenters are also requested to bring 20 copies of their remarks or handouts to meetings. These copies will be provided to FOIA Council Subcommittee members and the public.

E-mail: foiacouncil@dls.virginia.gov.