

SENATE BILL NO. _____ HOUSE BILL NO. _____

1 A BILL to amend and reenact §§ 2.2-3707 and 23-2.02 of the Code of Virginia, relating to the Virginia
2 Freedom of Information Act; notice of meetings; access to agendas.

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

4 **1. That §§ 2.2-3707 and 23-2.02 of the Code of Virginia are amended and reenacted as follows:**

5 **§ 2.2-3707. Meetings to be public; notice of meetings; recordings; minutes.**

6 A. All meetings of public bodies shall be open, except as provided in §§ 2.2-3707.01 and 2.2-
7 3711.

8 B. No meeting shall be conducted through telephonic, video, electronic or other communication
9 means where the members are not physically assembled to discuss or transact public business, except as
10 provided in § 2.2-3708, 2.2-3708.1 or as may be specifically provided in Title 54.1 for the summary
11 suspension of professional licenses.

12 C. Every public body shall give notice of the date, time, and location of its meetings by ~~placing~~
13 ~~the notice in a prominent public location at which notices are regularly posted and in the office of the~~
14 ~~clerk of the public body, or in the case of a public body that has no clerk, in the office of the chief~~
15 ~~administrator;~~

- 16 1. Posting such notice on its respective publicly available website, if any; and
- 17 2. Placing such notice in a prominent public location at which notices are regularly posted; and
- 18 3. Placing such notice at the office of the clerk of the public body, or in the case of a public body
19 that has no clerk, at the office of the chief administrator.

20 All state public bodies subject to the provisions of this chapter shall also post notice of their
21 meetings ~~on their websites and on the electronic calendar maintained by the Virginia Information~~
22 ~~Technologies Agency commonly known as the Commonwealth Calendar~~ on a central, publicly available
23 electronic calendar maintained by the Commonwealth. Publication of meeting notices by electronic
24 means by other state public bodies shall be encouraged.

25 The notice shall be posted at least three working days prior to the meeting. ~~Notices for meetings~~
26 ~~of state public bodies on which there is at least one member appointed by the Governor shall state~~
27 ~~whether or not public comment will be received at the meeting and, if so, the approximate point during~~
28 ~~the meeting when public comment will be received.~~

29 D. Notice, reasonable under the circumstance, of special-~~or~~₂ emergency, or continued meetings
30 shall be given contemporaneously with the notice provided members of the public body conducting the
31 meeting.

32 E. Any person may annually file a written request for notification with a public body. The
33 request shall include the requester's name, address, zip code, daytime telephone number, electronic mail
34 address, if available, and organization, if any. The public body receiving such request shall provide
35 notice of all meetings directly to each such person. Without objection by the person, the public body
36 may provide electronic notice of all meetings in response to such requests.

37 F. At least one copy of the proposed agenda and all agenda packets and, unless exempt, all
38 materials furnished to members of a public body for a meeting shall be made available for public
39 inspection at the same time such documents are furnished to the members of the public body. The
40 proposed agendas for meetings of state public bodies on which there is at least one member appointed
41 by the Governor shall state whether or not public comment will be received at the meeting and, if so, the
42 approximate point during the meeting when public comment will be received.

43 G. ~~The notice provisions of this chapter shall not apply to informal meetings or gatherings of the~~
44 ~~members of the General Assembly.~~

45 ~~H.~~ Any person may photograph, film, record or otherwise reproduce any portion of a meeting
46 required to be open. The public body conducting the meeting may adopt rules governing the placement
47 and use of equipment necessary for broadcasting, photographing, filming or recording a meeting to
48 prevent interference with the proceedings, but shall not prohibit or otherwise prevent any person from
49 photographing, filming, recording, or otherwise reproducing any portion of a meeting required to be
50 open. No public body shall conduct a meeting required to be open in any building or facility where such
51 recording devices are prohibited.

52 | **F. H.** Minutes shall be recorded at all open meetings. However, minutes shall not be required to
53 be taken at deliberations of (i) standing and other committees of the General Assembly; (ii) legislative
54 interim study commissions and committees, including the Virginia Code Commission; (iii) study
55 committees or commissions appointed by the Governor; or (iv) study commissions or study committees,
56 or any other committees or subcommittees appointed by the governing bodies or school boards of
57 counties, cities and towns, except where the membership of any such commission, committee or
58 subcommittee includes a majority of the governing body of the county, city or town or school board.

59 Minutes, including draft minutes, and all other records of open meetings, including audio or
60 audio/visual records shall be deemed public records and subject to the provisions of this chapter.

61 Minutes shall be in writing and shall include (i) the date, time, and location of the meeting; (ii)
62 the members of the public body recorded as present and absent; and (iii) a summary of the discussion on
63 matters proposed, deliberated or decided, and a record of any votes taken.

64 In addition, for electronic communication meetings conducted in accordance with § 2.2-3708,
65 minutes of state public bodies shall include (a) the identity of the members of the public body at each
66 remote location identified in the notice who participated in the meeting through electronic
67 communications means, (b) the identity of the members of the public body who were physically
68 assembled at the primary or central meeting location, and (c) the identity of the members of the public
69 body who were not present at the locations identified in clauses (a) and (b), but who monitored such
70 meeting through electronic communications means.

71 **§ 23-2.02. Boards of visitors; bylaws.**

72 The board of visitors of each public institution of higher education and the State Board for
73 Community Colleges shall adopt bylaws for its own governance. This document shall be posted
74 conspicuously on the board's website and shall include provisions that:

- 75 1. Establish the requirement of transparency, to the extent required by law, in all board actions;
76 2. Describe the board's obligations under the Virginia Freedom of Information Act (§ 2.2-3700 et
77 seq.), as set forth in § 23-2.01, including the requirements that:

78 a. The board shall record minutes of each open meeting and post the minutes on the board's
79 website, in accordance with subsection I H of § 2.2-3707 and § 2.2-3707.1;

80 b. Discussions and actions on any topic not specifically exempted by § 2.2-3711 shall be held in
81 an open meeting;

82 c. The board shall give public notice of all meetings, in accordance with subsection C of § 2.2-
83 3707; and

84 d. Any official action taken in a closed meeting shall be approved in an open meeting before it
85 can have any force or effect, in accordance with subsection B of § 2.2-3711; and

86 3. Require that the board notify and invite the Attorney General's appointee or representative to
87 all meetings of the board, executive committee, and board committees.

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