



VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

COMMONWEALTH OF VIRGINIA

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June 6, 2016

1:00 PM

Speaker's Conference Room, 6th Floor
General Assembly Building, Richmond, Virginia

Meeting of the MEETINGS Subcommittee of the FOIA Council

*Proposed Agenda
(Annotated)*

1. Call to order.
2. Continue implementation of subcommittee work plan.
 - *Review of:*
 - § 2.2-3707.01 (meetings of General Assembly);
 - §§ 2.2-3708 and 2.2-3708.1 (electronic communication meetings); and
 - Time permitting the Meetings Subcommittee will begin review of
 - ✓ (i) § 2.2-3700 (policy) and
 - ✓ (ii) the suggested reorganization of FOIA into three articles: Article 1--General Provisions; Article 2--Access to Public Records; and Article 3--Open Meetings. [Note: The FOIA reorganization outline is attached to this agenda as Appendix A.]
 - *The Subcommittee has completed its review of open meeting exemptions found in § 2.2-3711, § 2.2-3712 (closed meeting procedures), § 2.2-3707 (notice of meetings, etc.), § 2.2-3707.1 (posting of minutes for state boards, commissions), and 2.2-3710 (voting).*
3. Policy consideration: Meeting exemptions that reference existing FOIA record exclusions--"Context draft," revised at the May 4, 2016 meeting.

At previous meetings, the Subcommittee discussed whether the current meeting exemptions that reference existing FOIA record exemptions should be amended to contain more information, to include the identity of the public body(s) to which the exemption applies and a general description of the subject matter of the excluded records/topic for discussion in a closed meeting in addition to the citation to the applicable records exemption. A draft was prepared by staff, discussed and edited by the Subcommittee, and each version posted on the Council website to receive further comment. No action to date on the context draft has been taken by the Subcommittee. It is expected that the Subcommittee will take action on the context draft at this meeting.

4. Review and action on proposed amendments to § 2.2-3707 (notice of meetings, etc.) suggested at the May 4, 2016 meeting.
5. Review of proposed amendments to § 2.2-3707.1, website posting of meeting minutes.

At its May 4, 2016 meeting, the Subcommittee directed staff to prepare a draft amending this section to require posting of meeting minutes for all state public bodies and local governing bodies, including school boards; however, for such local governing bodies, posting is required only for approved minutes. This limitation for local governing bodies and school boards was acknowledgment of the fact that such local governing bodies and school boards meet monthly and as a practical matter, draft minutes are prepared in time for approval at the next meeting.

6. Public Comment.
7. Discussion.
8. Other Business.
9. Set future meeting dates in 2016. *Please bring your calendars.*

FYI, next meeting dates of the Meetings Subcommittee has been scheduled for Monday, July 18, 2016 at 10:30 a.m. and Thursday, August 11, 2016 at 1:30 p.m.

10. Adjournment.

Subcommittee Members

**Kathleen Dooley, Chair
Frosty Landon
Shawri King-Casey**

**Marisa Porto
John Selph**

Staff

Maria J.K. Everett, Executive Director and Senior Attorney
Alan Gernhardt, Senior Attorney
VA FOIA Council

The FOIA Council's web site is: <http://foiacouncil.dls.virginia.gov/>. 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.

APPENDIX A

**PROPOSED
FOIA REORGANIZATION OUTLINE**

**PROPOSED ARTICLES AND IDENTIFICATION OF
EXISTING FOIA SECTIONS IN EACH PROPOSED
ARTICLE.**

**Proposed Chapter 37.1
(§§ 2.2-3715 et seq.)**

**Virginia Freedom of Information Act.
(Effective July 1, 2015)**

Article 1. General Provisions.

§§ Included:

2.2-3700. Short title; policy.

2.2-3702. Notice of chapter.

2.2-3703. Public bodies and records to which chapter inapplicable; voter registration and election records; access by persons incarcerated in a state, local, or federal correctional facility. (Part)

2.2-3713. Proceedings for enforcement of chapter.

2.2-3714. Violations and penalties.

Article 2. Public Records.

§§ Included:

2.2-3701. Definitions. (Part--"public body," public record," and "scholastic record.")

~~2.2-3703. Public bodies and records to which chapter inapplicable; voter registration and election records; access by persons incarcerated in a state, local, or federal correctional facility. (Part)~~

2.2-3703.1. Disclosure pursuant to court order or subpoena.

2.2-3704. Public records to be open to inspection; procedure for requesting records and responding to request; charges; transfer of records for storage, etc.

2.2-3704.1. Posting of notice of rights and responsibilities by state public bodies; assistance by the Freedom of Information Advisory Council.

2.2-3705.1. Exclusions to application of chapter; exclusions of general application to public bodies.

2.2-3705.3. Exclusions to application of chapter; records relating to administrative investigations.

2.2-3705.4. Exclusions to application of chapter; educational records and certain records of educational institutions.

2.2-3705.5. Exclusions to application of chapter; health and social services records.

2.2-3705.6. Exclusions to application of chapter; proprietary records and trade secrets.

2.2-3705.2. Exclusions to application of chapter; records relating to public safety.

2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exemptions.

2.2-3705.8. Limitation on record exclusions.

2.2-3706. Disclosure of criminal records; limitations.

NOTE: Article 2: Exemptions Sections suggested to be listed in alphabetical order.

Article 3. Public Meetings.

§§ Included:

2.2-3701. Definitions. (Part--"emergency," "closed meeting," "electronic communication," "meeting," "open meeting," "public body," and "regional public body.")

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

2.2-3707.01. Meetings of the General Assembly.

2.2-3707.1. Posting of minutes for state boards and commissions.

2.2-3708. Electronic communication meetings; applicability; physical quorum required; exceptions; notice; report.

2.2-3708.1. Participation in meetings in event of emergency or personal matter; certain disabilities; distance from meeting location for certain public bodies.

2.2-3710. Transaction of public business other than by votes at meetings prohibited.

2.2-3711. Closed meetings authorized for certain limited purposes.

2.2-3712. Closed meetings procedures; certification of proceedings.

NOTE:

§ 2.2-3709. [Expired.]--Not included in proposed reorganization.