



VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

COMMONWEALTH OF VIRGINIA

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September 19, 2016

10:00 AM

House Room C

General Assembly Building, Richmond, Virginia

Meeting of the MEETINGS Subcommittee of the FOIA Council

*Proposed Agenda
(Annotated)*

1. Call to order.
2. Welcome to newest FOIA Council and Meeting Subcommittee Members:
 - William "Billy" Coleburn, Editor of the Courier Record in Blackstone, appointed by the Senate Committee on Rules for a term of four-years.
 - Michael Stern, citizen member appointed by the Speaker of the House of Delegates for a term of four-years.
3. Review of HB 698 (Kory, 2016) and HB 757 (R. Bell, 2016) referred by General Assembly.
 - **HB 698** Kory--Requires that every public body afford an opportunity for public comment during any open meeting. A public body may adopt reasonable rules governing the public comment portion of the meeting, including imposing reasonable restrictions on time, place, and manner.
 - **HB 757** Bell, RB--Requires a local or regional public body to disseminate to the public an agenda for a public meeting at least seven days prior to the meeting or 24 hours prior to an emergency meeting. The bill also requires such body to provide at least five minutes for public comment on each agenda item at the public meeting.
4. Review of proposed amendments to § 2.2-3707.1, website posting of meeting minutes (LD 17100057D).

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. At its June 6, July 18, and August 11, 2016 meetings, the Subcommittee discussed the draft again in-depth and took additional public comment. At the July 18, 2016 meeting, the Subcommittee agreed to defer further consideration of website posting of meeting minutes until new Subcommittee members are appointed. Ms. Dooley noted that with the expiration of Messrs. Selph and Landon's terms on the Council and the Subcommittee, it would be better to have more Subcommittee members to weigh in on the discussion. The Subcommittee requested staff to contact Chairman LeMunyon with a request that he appoint two new members to the Subcommittee to fill the vacancies left by Messrs. Selph and Landon.

5. Continue implementation of subcommittee work plan:
 - Revisit § 2.2-3700, policy of FOIA.
6. Discussion.
7. Other Business.
 - Texting during the course of a public meeting by members of the public body; recent story in Loudoun County. Implications for FOIA.
 - Related review of § 2.2-3701, definitions:
 - "Electronic communication,"
 - "Public record," and
 - § 2.2-3710.
 - Continuation of meetings: review of § 15.2-1416¹:
 - § 15.2-1416 authorizes local governing bodies to adjourn their meetings from time to time, without further notice to the public, until the work of the body is complete. *Given the Subcommittee's recommendation for notice of continued meetings be given under FOIA, a review of § 15.2-1416 is necessary to make this section consistent with the Subcommittee's recommendation (LD17100047D).*
8. Public Comment.
9. Set future meeting dates in 2016. *Reminder: We may need to set meeting dates for September and October (BEFORE the Council meeting on Monday, October 17, 2016 as per Chairman LeMunyon). Please bring your calendars.*
10. Adjournment.

Subcommittee Members

Kathleen Dooley, Chair

Marisa Porto

¹ § 15.2-1416 appears as Appendix A to this agenda.

Shawri King-Casey

William "Billy" Coleburn

Michael Stern

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

§ 15.2-1416

Statute Text:

§ 15.2-1416. Regular meetings.

The governing body shall assemble at a public place as the governing body may prescribe, in regular session in January for counties and in July for cities and towns. Future meetings shall be held on such days as may be prescribed by resolution of the governing body but in no event shall less than six meetings be held in each fiscal year.

The days, times and places of regular meetings to be held during the ensuing months shall be established at the first meeting which meeting may be referred to as the annual or organizational meeting; however, if the governing body subsequently prescribes any public place other than the initial public meeting place, or any day or time other than that initially established, as a meeting day, place or time, the governing body shall pass a resolution as to such future meeting day, place or time. The governing body shall cause a copy of such resolution to be posted on the door of the courthouse or the initial public meeting place and inserted in a newspaper having general circulation in the county or municipality at least seven days prior to the first such meeting at such other day, place or time. Should the day established by the governing body as the regular meeting day fall on any legal holiday, the meeting shall be held on the next following regular business day, without action of any kind by the governing body.

At its annual meeting the governing body may fix the day or days to which a regular meeting shall be continued if the chairman or mayor, or vice-chairman or vice-mayor if the chairman or mayor is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

Regular meetings, without further public notice, may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business before the governing body is completed. (Emphasis added).

Notwithstanding the provisions of this section, any city or town that holds an organizational meeting in compliance with its charter or code shall be deemed to be in compliance with this section.

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