



VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL
COMMONWEALTH OF VIRGINIA

Delegate James M. LeMunyon, Chair
Senator Richard H. Stuart, Vice-Chair
foiacouncil@dls.virginia.gov

Alan Gernhardt, Esq., Executive Director
Jessica L. Budd, Esq., Attorney

Pocahontas Building ~ 900 East Main Street, 10th Floor ~ Richmond, Virginia 23219
804-698-1810 ~ (Toll Free) 1-866-448-4100 ~ (Fax) 804-698-1899 ~ <http://foiacouncil.dls.virginia.gov>

November 1, 2017
1:30 PM
House Room 2, Capitol Building
Richmond, Virginia 23219

PROPOSED AGENDA (Annotated)

**Electronic Meetings Subcommittee
of the Virginia Freedom of Information Advisory Council**

- 1. Call to Order, introduction of members.**
- 2. Review of Electronic Meetings Draft (LD 18100558D).** *The 2017 Session of the General Assembly referred HB 2316 (Marshall, D.W.) to the FOIA Council for study. HB 2316 would provide that the remote locations from which additional members of the Tobacco Region Revitalization Commission participate in a Commission meeting that is conducted through electronic communication means shall not be required to be open to the public. After considering HB 2316 at its May meeting, the Council directed staff to prepare a draft that would make this change generally for all public bodies. After considering the draft at its August meeting, the Council directed the subcommittee to further study this proposal. At its meeting on October 4, 2017, the subcommittee directed staff to prepare another version of this draft that would eliminate the requirement for remote locations to be open to the public, but require that if members participated by electronic communication means, then substantially equivalent electronic access must be provided for the public to witness the meeting.*
- 3. Combination draft (LD 18100557D).** *At its last meeting, the subcommittee also directed staff to prepare a draft that would combine the provisions of current §§ 2.2-3708 and 2.2-3708.1 without substantive change, in order to put into one section all of the provisions concerning participation in meetings by electronic communication means.*
- 4. Definition of "Electronic Communications."** *Under current law the term "electronic communication" is defined in § 2.2-3701 to mean "any audio or combined audio and visual communication method." This definition omits purely visual electronic communications such as electronic mail and text messages. Additionally, the current definition does not specify what is "electronic" as opposed to other communication means. Staff has prepared alternative definitions for the*

subcommittee's consideration. At its last meeting the subcommittee considered these alternatives and directed staff to bring them back for further consideration.

5. Public Comment.

6. Discussion.

7. Recommendations.

8. Adjournment.

Subcommittee Members

**Kathleen Dooley (Chair)
Marisa Porto
Michael Stern**

**William D. Coleburn
Cullen Seltzer
Mark Vucci**

Staff

Alan Gernhardt, Executive Director
Jessica L. Budd, Attorney