



City of Alexandria, Virginia

301 King Street, Suite 2300
Alexandria, Virginia 22314



Elizabeth B. Bennett-Parker
Vice Mayor

Gloria A. Sitton, CMC
City Clerk & Clerk of Council
gloria.sitton@alexandriava.gov

703.746.4550
Fax: 703.838.6433

Dear FOIA Council Subcommittee Members:

I strongly support Mr. Seltzer's proposal and ask this Subcommittee to adopt it.

I share the Virginia Coalition for Open Government's desire to collaboratively work towards solutions that serve FOIA's policy goal of promoting "an increased awareness by all persons of government activities and affording[ing] every opportunity to citizens to witness the operations of government."

There is no better way to afford every opportunity to citizens to witness the operations of government and no better way to increase awareness of government activities than to encourage participation.

As you are aware, the law does not only apply to elected officials - most of whom are considered "part-time" and thus likely to need other employment. It also applies to the many residents who serve on advisory Boards and Commissions across the Commonwealth. The overwhelming majority of these positions are completely voluntary. Additionally, many Boards have Executive Committees or other Subcommittees, which under normal circumstances also require in-person meetings and participation.

Government meetings that require in-person participation aside from two exceptions per year limit the pool of citizens who can participate. **The public benefits from a government, including advisory bodies, that reflects its population and includes a diversity of voices and experiences, including those who have children, aging parents, and/or travel for work.** I am not sure why the FOIA Council rejected that argument in 2012, but I hope that it resonates more loudly in 2020.

Given the variety amongst public bodies, a one-size-fits-all approach is not appropriate for electronic participation and local and regional bodies cannot afford unfunded mandates. Cities and counties vary in their technological capacity, but all would benefit from increased flexibility for public bodies that allow them to make the decisions that are right for their communities while maintaining transparency and accessibility.

VCOG states that they are open to redefining the number of times a member may electronically participate in a meeting. Virginia is one of only three states that places state-level restrictions on the number of times a member of a public body can participate electronically.¹ (A majority of

¹ The others are Georgia and Minnesota.



City of Alexandria, Virginia

301 King Street, Suite 2300
Alexandria, Virginia 22314



Elizabeth B. Bennett-Parker
Vice Mayor

Gloria A. Sitton, CMC
City Clerk & Clerk of Council
gloria.sitton@alexandriava.gov

703.746.4550
Fax: 703.838.6433

states actually allow electronic meetings outside of an emergency.)² Our law already requires bodies to have an electronic participation policy if they want to allow electronic participation and the bodies themselves should be allowed to decide what additional conditions on members may be appropriate for their circumstances.

I also agree with VCOG that if and when options to expand electronic meetings themselves are offered, it may be appropriate and, in some cases, necessary to also add options to protect public access. Given that even subcommittees of local and regional public bodies are required to meet in-person, I would love to see increased flexibility for public bodies to meet electronically outside of an emergency - as a majority of states allow. However, I understand that is a large change that may take more time to work through.

When it comes to the changes proposed by Mr. Seltzer, however, we have already had a study - it has been seven months-long and has shown that electronic participation can be effective in conducting business while maintaining transparency and accessibility. I am confident with your leadership that the changes proposed by Mr. Seltzer could be worked through by this Subcommittee/the Council in advance of next session.

Thank you for your time.

Elizabeth Bennett-Parker

Warmly,
Elizabeth Bennett-Parker

² These include: Alaska; Arizona; California; Colorado; Connecticut; D.C.; Hawaii; Kentucky; Maryland; Mississippi; Missouri; Montana; Nevada; New York; North Carolina; North Dakota; Oregon; South Carolina; South Dakota; Utah; Vermont; West Virginia; Wisconsin; and Wyoming. Additionally: Delaware; Idaho; Indiana; Iowa; Minnesota; and New Mexico allow under certain conditions, such as the physical presence of one or two members, or if meeting in person is difficult, impossible, or impractical.