

November 13, 2020

Dear FOIA Council:

As Chairman of the Northern Virginia Regional Commission please allow me to share the Commission's support for the following changes:

- 1) Immediate action to remove the state-level cap on individual electronic participation by members of a public body while a quorum is physically present;
- 2) A study of how flexibility could be increased for electronic meetings outside of an emergency while maintaining access for the public; and
- 3) The codification of language that would allow public bodies to address any subject during emergency electronic meetings.

Our 24 members hail from four counties, five cities, and four towns across Northern Virginia. Commissioners may spend 30-60 minutes traveling one-way to the meeting given our geographic composition and rush hour traffic conditions.

We have seen a 35% increase in participation amongst our members since our meetings became virtual. Increasing flexibility for individual electronic participation would allow us to continue this positive trend. Our members have busy schedules with numerous meetings and events in their own jurisdictions. If another meeting even partially conflicts with ours, the time spent traveling to our meeting becomes a barrier to participation. The current language in § 2.2-3708.2 for regional bodies does not apply to us, as none of our members live more than 60 miles from the meeting location. We note that the Code requires a member's location and reason for electronic participation to be included in the minutes and believe that public bodies should be able to determine for themselves what additional guidelines and restrictions on individual electronic participation are appropriate for their unique circumstances.

We appreciate the value of in-person meetings and especially enjoy eating dinner together and building relationships that allow us to work together for the betterment of our region. We look forward to returning to in-person meetings once it is safe to do so within our meeting space. However, increased flexibility for individual participation, and - in the future - the ability to hold a completely electronic Subcommittee or full Committee meeting, would allow us to be more effective in addressing the needs of our region.

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Our members also expressed from their experiences within their jurisdictions that they have seen public participation increase since switching to electronic meetings. One Commissioner shared that her jurisdiction has been, prior to COVID, trying to stream their meetings online, but the technology to do so was prohibitively expensive. Because they are currently meeting on Zoom, this cost has been effectively eliminated and more members of the public are participating. For these reasons, we also support a study of how flexibility could be increased for electronic meetings outside of an emergency, as a majority of states already allow.

Thank you for your kind consideration of our views.

Sincerely,

A handwritten signature in black ink, appearing to read "P. David Tarter". The signature is written in a cursive style with a large initial "P" and "D".

P. David Tarter
Chairman

cc: Honorable Member of the Northern Virginia Regional Commission