

September 19, 2025

Dear fellow FOIA Council members,

I'm sorry I can't be there on Monday. Attached to this email are two new drafts of Senator Ebbin's bill that the FOIA Council is studying.

After our last meeting, someone shared with me that a state body responsible for spending millions of taxpayer dollars is not posting their meeting agendas in advance. Furthermore, their meetings are in remote locations.

I feel strongly that state bodies should be posting agendas well in advance of the meeting so that interested parties can know whether to travel to such meetings. I acknowledged the current draft the meetings subcommittee had recommended at our last meeting would not solve this issue.

Both drafts make the following two changes:

1. They would require state and regional public bodies (except for the GA during legislative session) to post their agendas three days in advance of a meeting. It includes the same restrictions as the previous draft limiting final action on other matters not on the agenda to those that are time sensitive and those coming out of a closed session. It retains the language of the previous draft for local bodies. In discussions with VCOG and VPA, we delineated state and regional bodies because they require more travel time and effort to attend.

I also consulted representatives of some regional bodies. While posting agendas several days in advance is already standard practice for some, it is not for others. The VA Association of Planning District Commissions suggested a delayed enactment to help with compliance. I received this feedback yesterday, so the drafts do not incorporate one, but I am certainly open to it.

2. Existing law requires state public bodies with at least one member appointed by the Governor to include on their agenda whether or not public comment will be received. These drafts broaden this requirement to all public bodies. I imagine the intent of this language is to help members of the public decide whether to attend meetings and to prepare accordingly. I do not know why this was limited to only state public bodies with at least one member appointed by the Governor.

The drafts differ with respect to one line:

Fairfax County would like to include language under the definition of final action that encompasses "issuance of nonbinding advice, recommendations, analyses, or proposals." VCOG is opposed to this. 26100449D includes this language on line 56 and 26100521D does

not. This is a philosophical difference to which I do not believe compromise language can be found, and so it remains a policy decision for the Council and the General Assembly. I appreciate the time representatives from VaCO, VML, VCOG, VPA, VAPDC, Fairfax County, and others took to answer my questions and share their perspectives and I appreciate your consideration of these changes.

Warmly,
Elizabeth

Elizabeth Bennett-Parker
Delegate, HD-5