



Loudoun County

VIRGINIA

Board of Supervisors

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April 4, 2025

The Honorable Marcus Simon
Chairman
Virginia Freedom of Information Advisory Council
General Assembly Building
201 North 9th Street, 4th Floor
Richmond, VA 23219

Dear Delegate Simon,

On behalf of the Loudoun County Board of Supervisors, we write to request that the Virginia Freedom of Information Advisory Council consider convening a work group to study the restrictions imposed by the Virginia Freedom of Information Act (FOIA) on local governments and public bodies during times of public emergencies.

In the earlier part of 2024, a Loudoun County firefighter tragically passed away in the line of duty while responding to a gas explosion. Immediately following the incident, the Chair of the Loudoun County Board of Supervisors, Chair Randall, was forced to make separate phone calls to communicate with her eight fellow board members to ensure that messages such as “do not go to the scene; it is still very dangerous due to the unknown nature of additional possible gas explosions,” were properly transmitted. The need for the separate phone calls was in order to comply with the “rule of three,” where public meeting requirements are triggered when three or more supervisors would like to communicate at the same time. Separately, another communications-related issue arose when a Loudoun County school received a bomb threat while the Board of Supervisors was meeting. In that instance, Chair Randall had to call each member of the Board off of the dais one by one to communicate the current emergency to them, in an effort to not alarm the general public and still comply with the “rule of three.”

The need for the Board to have the ability to communicate quickly in these dire situations privately and not publicly is due to public safety measures to ensure that public panic is avoided. For these reasons and more, we stand alongside VACo in believing that this workgroup would provide an ideal forum for stakeholders to collaboratively explore these issues. It is our hope that this workgroup would convene as soon as possible with the goal of proposing legislation in the 2026 Legislative Session. Thank you for your consideration, Delegate Simon.

Sincerely,

Phyllis J. Randall
Chair At-Large

Koran T. Saines
Supervisor