

SENATE BILL NO. _____ HOUSE BILL NO. _____

1 A BILL to amend and reenact § 2.2-3707 of the Code of Virginia, relating to the Virginia Freedom of
2 Information Act; meeting agendas.

3 **Be it enacted by the General Assembly of Virginia:**

4 **1. That § 2.2-3707 of the Code of Virginia is amended and reenacted as follows:**

5 **§ 2.2-3707. Meetings to be public; notice of meetings; recordings; minutes.**

6 A. All meetings of public bodies shall be open, except as provided in §§ 2.2-3707.01 and 2.2-3711.

7 B. All state public bodies subject to the provisions of this chapter:

8 1. May allow public access to their meetings through electronic communication means, including
9 telephone or videoconferencing, if already used by the state public body;

10 2. May provide the public with the opportunity to comment through the use of such electronic
11 communication means at such meetings at the point when public comment is customarily received; and

12 3. Shall otherwise comply with the provisions of this chapter.

13 No cause of action shall arise against a state public body for accidental or involuntary loss of audio
14 or video signal or inability of the public to comment through the electronic communications means
15 described in this subsection.

16 C. No meeting shall be conducted through telephonic, video, electronic, or other electronic
17 communication means where the members are not physically assembled to discuss or transact public
18 business, except as provided in §§ 2.2-3708.2 and 2.2-3708.3 or as may be specifically provided in Title
19 54.1 for the summary suspension of professional licenses.

20 D. Every public body shall give notice of the date, time, location, and remote location, if required,
21 of its meetings by:

22 1. Posting such notice on its official public government website, if any;

23 2. Placing such notice in a prominent public location at which notices are regularly posted; and

24 3. Placing such notice at the office of the clerk of the public body or, in the case of a public body
25 that has no clerk, at the office of the chief administrator.

All state public bodies subject to the provisions of this chapter shall also post notice of their meetings on a central, publicly available electronic calendar maintained by the Commonwealth. Publication of meeting notices by electronic means by other public bodies shall be encouraged.

The notice shall be posted at least three working days prior to the meeting.

E. Notice, reasonable under the circumstance, of special, emergency, or continued meetings shall be given contemporaneously with the notice provided to the members of the public body conducting the meeting.

F. Any person may annually file a written request for notification with a public body. The request shall include the requester's name, address, zip code, daytime telephone number, electronic mail address, if available, and organization, if any. The public body receiving such request shall provide notice of all meetings directly to each such person. Without objection by the person, the public body may provide electronic notice of all meetings in response to such requests.

G. At least one copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of the public body. The public body shall also post the proposed agenda ~~on the public body's official government website, if any, prior to the meeting in the same locations where the meeting notice is posted.~~

The proposed agenda shall be posted prior to the meeting. All state public bodies and all regional public bodies shall post the proposed agenda at least three working days prior to the meeting, except that during any session of the General Assembly, proposed agendas for floor sessions of either chamber of the General Assembly or its committees are not required to be posted three days in advance.

No final action may be taken on items added to the agenda after the meeting commences unless they are time-sensitive or are the subject of a closed meeting properly identified in a motion in accordance with § 2.2-3711.

For purposes of this subsection, "final action" means a vote, adjudication, or other formal action taken by a public body that completes a matter or acts as final consideration of an item. "Final action" does not include:

1. Referral to a committee or advisory body;
2. Referral to a future meeting for action;
3. Direction to staff to provide further information; or
4. Issuance of a commending or memorial proclamation.

The proposed agendas ~~for meetings of state public bodies where at least one member has been appointed by the Governor~~ shall state whether or not public comment will be received at the meeting and, if so, the approximate point during the meeting when public comment will be received.

H. Any person may photograph, film, record, or otherwise reproduce any portion of a meeting required to be open. The public body conducting the meeting may adopt rules governing the placement and use of equipment necessary for broadcasting, photographing, filming, or recording a meeting to prevent interference with the proceedings but shall not prohibit or otherwise prevent any person from photographing, filming, recording, or otherwise reproducing any portion of a meeting required to be open. No public body shall conduct a meeting required to be open in any building or facility where such recording devices are prohibited.

I. Minutes shall be taken at all open meetings. However, minutes shall not be required to be taken at deliberations of (i) standing and other committees of the General Assembly; (ii) legislative interim study commissions and committees, including the Virginia Code Commission; (iii) study committees or commissions appointed by the Governor; or (iv) study commissions or study committees, or any other committees or subcommittees appointed by the governing bodies or school boards of counties, cities, and towns, except where the membership of any such commission, committee, or subcommittee includes a majority of the governing body of the county, city, or town or school board.

Minutes, including draft minutes, and all other records of open meetings, including audio or audio/visual records, shall be deemed public records and subject to the provisions of this chapter.

Minutes shall be in writing and shall include (a) the date, time, and location of the meeting; (b) the members of the public body recorded as present and absent; and (c) a summary of the discussion on matters proposed, deliberated, or decided, and a record of any votes taken. In addition, for electronic communication meetings conducted in accordance with § 2.2-3708.2 or 2.2-3708.3, minutes shall include

80 (1) the identity of the members of the public body who participated in the meeting through electronic
81 communication means, (2) the identity of the members of the public body who were physically assembled
82 at one physical location, and (3) the identity of the members of the public body who were not present at
83 the location identified in clause (2) but who monitored such meeting through electronic communication
84 means.

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