



# VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

## COMMONWEALTH OF VIRGINIA

Senator Mamie E. Locke, Chair  
Delegate Marcus B. Simon, Vice-Chair

Alan Gernhardt, Esq., Executive Director  
Joe Underwood, Esq., Senior Attorney  
Lauren Waller, Research Associate

---

Pocahontas Building ~ 900 East Main Street, Pocahontas Building, 8th Floor ~ Richmond, Virginia 23219  
(Phone) 804-698-1810 ~ (Toll Free) 1-866-448-4100 ~ (Fax) 804-698-1899  
<http://foiacouncil.dls.virginia.gov> ~ [foiacouncil@dls.virginia.gov](mailto:foiacouncil@dls.virginia.gov)



### ***VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL***

**December 14, 2022 - 11:00 AM**  
**Senate Room 3, Pocahontas Building**  
**Richmond, VA**

**Note: This meeting will be held in person and live streamed at**  
**[http://virginia-senate.granicus.com/ViewPublisher.php?view\\_id=3](http://virginia-senate.granicus.com/ViewPublisher.php?view_id=3)**

### **SUGGESTED AGENDA**

***\*ANNOTATED\****

- 1. Call to Order; introduction of members.**
- 2. Election of Chair and Vice Chair.** *Elections for these positions were last held on August 4, 2020. Subsection D of Code § 30-178 states as follows: "The members of the Council shall elect from among their membership a chairman and a vice-chairman for two-year terms. The chairman and vice-chairman may not succeed themselves to the same position."*
- 3. Subcommittee Report.**
  - *At its meeting held June 6, 2022, the Council created the HB 980 Subcommittee to study HB 980 (Williams Graves), the only bill referred to the Council by the 2022 Session of the General Assembly. The Subcommittee consists of Delegate Simon (Chair) and FOIA Council members Potter, Rodriguez Perkins, Seltzer, and Wade. The Subcommittee met on July 26, 2022. At the Council meeting on October 3, 2022, the Subcommittee reported an amended draft of HB 980 to the full Council for its consideration but the Council could not act for lack of a quorum.*

- **HB 980 (Williams Graves) Virginia Freedom of Information Act; exclusions to application of chapter; local administrative investigations; disclosure.** Adds email addresses as information that, when furnished in confidence to the local governing body, with respect to complainants in local investigations are exempt from disclosure under the Virginia Freedom of Information Act. The bill expands the applicability of the exemption to zoning enforcement complaints for all such complaints, not just individual enforcement complaints. The bill also adds local public health and safety, nuisance, and waste and recycling complaints to the list of complainants whose personal information is exempt from disclosure.

**4. Discussion.**

**5. Legislative Preview.** *Each year the Council makes itself available to interested parties as a forum for legislative proposals involving FOIA or other access-related issues. By acting as a forum, the FOIA Council hopes that all persons interested in proposed FOIA amendments will be informed of these proposed amendments well in advance of the next session of the General Assembly and have the opportunity to address any disagreements or other issues before the next session.*

**6. Other Business.**

- **Electronic Participation Policy.** *As of September 1, 2022, there are new policy requirements for members to use remote participation and for public bodies to conduct all-virtual meetings, both using electronic communications. Therefore, the Council will need to vote to adopt a new version of its electronic participation policy that complies with the new statutory requirements.*
- **Legislative Issue Brief.** The Supreme Court of Virginia issued its decision in the case of *Hawkins v. Town of South Hill* on October 20, 2022. The case sets forth guidance on what constitutes “personnel information” under FOIA.

**7. Public Comment.**

**8. Set Future Meeting Dates.**

**9. Adjournment.**

\*\*\*\*\*

**Council Members**

**Senator Mamie E. Locke, Chair**  
**Senator Richard H. Stuart**  
**Sandra G. Treadway**  
**Bruce Potter**  
**Amigo Wade**  
**William "Billy" Coleburn**  
**Stephanie Hamlett**

**Delegate Marcus B. Simon, Vice-Chair**  
**Delegate William Wampler III**  
**Lee Bujakowski**  
**Matthew Conrad**  
**Chidi James**  
**Cullen Seltzer**  
**Lola Rodriguez Perkins**

**Staff**

Alan Gernhardt, Executive Director

The FOIA Council's website is: [http:// foiacouncil.dls.virginia.gov](http://foiacouncil.dls.virginia.gov). To assist us in providing Internet dissemination of materials, presenters are requested to submit written comments and handouts in electronic format by email to staff prior to meetings. Presenters are also requested to bring 20 copies of their remarks or handouts to meetings. These copies will be provided to FOIA Council members and the public.  
E-mail: [foiacouncil@dls.virginia.gov](mailto:foiacouncil@dls.virginia.gov).