



---

## Virginia Freedom of Information Advisory Council

October 3, 2022, at 1:00 p.m.

The Capitol, Senate Room 1

[foiacouncil.dls.virginia.gov](http://foiacouncil.dls.virginia.gov)

---

The Virginia Freedom of Information Advisory Council (the Council) met with Senator Mamie E. Locke, chair, presiding.<sup>1</sup> The meeting began with introductions and opening remarks followed by reports from the HB 444 Workgroup and HB 980 Subcommittee. Because a quorum was not in attendance, the Council was unable to hold an election for chair and vice-chair nor vote on action items. Materials presented at the meeting are accessible through the Council's [Meetings webpage](#).

### **Presentation: HB 444 (Bennett-Parker, 2022) Workgroup Progress Report** *Council Staff*

Staff provided an update on the progress of the HB 444 Workgroup. The Workgroup was directed to develop recommendations for best practices for public bodies holding all-virtual public meetings. The Workgroup met on May 6 and May 24, 2022, to discuss the following topics: "how to take public comment virtually" and "the proper use of video by public body members." Staff informed the Council that the Workgroup had completed its work and issued its best practices recommendations, which have been included in the revised Electronic Meetings Guide for 2022. The Best Practices Summary is available on the Council's [Meetings webpage](#) and the Electronic Meetings Guide (2022) is available on the Council's [Reference Materials webpage](#).

### **Presentation: HB 980 (Williams Graves, 2022) Subcommittee Report** *Delegate Marcus B. Simon*

The HB 980 Subcommittee met on July 26, 2022, with Delegate Simon presiding as chair. Delegate Simon provided the Council with an update stating that the Subcommittee recommended amendments to HB 980, including (i) incorporating a definition of "personal contact information"; (ii) listing the types of nuisance complaints whose personal information is exempt from disclosure; and (iii) requiring that information contained in completed investigations shall be disclosed in a form that does not reveal the identity of the complainants or persons supplying information to investigators. Due to lack of a quorum, the Council will further discuss and take action on changes to HB 980 at the next meeting. The amended draft of HB 980 is available on the Council's [Meetings webpage](#).

---

<sup>1</sup> **Members Present:** Senator Mamie E. Locke (chair), Delegate Marcus B. Simon (vice-chair), Senator Richard H. Stuart, Lola Rodriguez Perkins, Cullen D. Seltzer, Sandra G. Treadway, and Amigo Wade.

**Members Absent:** Delegate William C. Wampler, III, Lee Bujakowski, William D. Coleburn, Matthew Conrad, Ryan Ferguson, Chidi I. James, and Bruce Potter

## Legislative Preview

The Council heard from Megan Rhyne, Virginia Coalition for Open Government (VCOG), on two draft proposals from her organization. The first, which has already been drafted and was provided to the Council and the public, aims to ensure that the names of government-issued purchase card holders are not exempt from disclosure so that these individuals may be held accountable for their spending.

The second draft proposal aims to disclose the amounts spent on settlement agreements when a public body, official, or employee is accused of wrongdoing. Ms. Rhyne said that some public bodies respond to requests for such records by stating that no records exist because the settlement amount was paid by the public body's insurance company rather than by the public body itself. There was discussion on whether it is currently required by law to disclose the settlement amount. Lola Rodriguez Perkins mentioned that there may be safety concerns surrounding the disclosure of settlement amounts. Ms. Rhyne assured the Council that information about public employees involved in the settlement is not the focus of her organization's concern. Ms. Rhyne will provide the Council with a draft of the proposal once it is available.

## 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. Due to lack of a quorum, the Council will need to vote to adopt a new version of its electronic participation policy that complies with the new statutory requirements at its next meeting.

## Public Comment

The Council did not receive any public comment.

## Future Meeting Dates

Senator Locke directed staff to poll members of the Council about future meeting dates for the Council.

---

For more information, see the [Council's website](#) or contact the Division of Legislative Services staff:

Alan Gernhardt, Executive Director, Virginia Freedom of Information Advisory Council, DLS  
agernhardt@dls.virginia.gov  
804-698-1877

Joseph Underwood, Senior Attorney, Virginia Freedom of Information Advisory Council, DLS  
junderwood@dls.virginia.gov  
804-698-1811

---

