



VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

COMMONWEALTH OF VIRGINIA

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Delegate Marcus B. Simon, Vice-Chair

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May 26, 2021

1:00 PM

Virtual Meeting

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PROPOSED AGENDA (Annotated)

Meetings Issues Subcommittee of the Virginia Freedom of Information Advisory Council

- 1. Call to Order, introduction of members.**
- 2. Bill referred by the 2021 Session of the General Assembly.** *The following bill was referred to the subcommittee for study, as summarized below.*
 - **House Bill 1997 (Murphy) Virginia Freedom of Information Act; definition of "meeting."** Increases from three to four the number of members of a public body meeting as an informal assemblage that constitutes a meeting under the Virginia Freedom of Information Act.
- 3. Other Issue to be considered by the Subcommittee.**
The Subcommittee has been tasked with studying the phrase "official public government website" as used in FOIA's meeting notice requirements, and presenting any recommendations to the full Council. The issue was raised last year after a general district court held that a town's ".com" website was not an "official public government website" and only ".gov" websites would qualify as such.
- 4. Public Comment.**
- 5. Discussion.**
- 6. Recommendations.**
- 7. Other Business.**

Council staff has received inquiries about numerous other electronic meetings issues, especially in the past year as public bodies adopted new technologies for electronic communications due to the COVID-19 pandemic. Many of the questions stem from the differences in the procedural requirements for different types of electronic meetings, and some stem from technological developments. Some examples follow:

- Whether the provisions concerning electronic meetings should explicitly state that votes may be taken and closed meetings may be held by electronic communication means under § 2.2-3708.2;
- Whether the requirement for state public bodies to take votes by name in roll-call fashion under subdivision D 7 of § 2.2-3708.2 should apply to all public bodies and all types of electronic meetings;
- Whether the annual reporting requirement for state public bodies under subdivision D 8 of § 2.2-3708.2 should apply to all public bodies and all types of electronic meetings;
- Whether the public comment forms required under subdivision D 6 of § 2.2-3708.2 should be required to be published in a smartphone compatible format.

8. Adjournment.

Subcommittee Members

**Delegate Wampler
Chidi James
Cullen Seltzer**

**Lee Bujakowski
Billy Coleburn
Matthew Conrad**

Staff

Alan Gernhardt, Esq., Executive Director
Ashley Binns, Esq., Attorney