

Virginia Freedom of Information Advisory Council
SB 324 Work Group (2024)

Proposed Study Plan

Senate Bill 324 (Roem, 2024) provides that the Freedom of Information Advisory Council (Council) shall convene a work group "to examine the current FOIA provisions on charges and make recommendations on ways to amend such provisions to make the assessment of charges by public bodies for the production of public records more uniform, more transparent, easier to understand, and less costly." The bill sets forth the following directives for the completion of the study:

- The work group "shall complete its meetings by November 30, 2024, and present its findings and recommendations for consideration by the FOIA Council at its meeting in December 2024."
- After the work group completes its work, the "chairman of the FOIA Council shall submit to the Division of Legislative Automated Systems an executive summary of the work group's findings and recommendations with any additional comments by the FOIA Council no later than the first day of the 2025 Regular Session of the General Assembly."
- Finally, the "executive summary shall state whether the FOIA Council intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website."

The Council is currently expected to meet on December 4, 2024, and the first day of the 2025 Regular Session of the General Assembly is January 8, 2025. The following study plan is proposed in order to facilitate compliance with the study directives.

I. Scope of Work Group Review and Recommendations

- A. Review of current Virginia law, other states' laws and prior studies and issue identification;
- B. Review of SB 324 (keeping in mind that the bill does "not become effective unless reenacted by the 2025 Session of the General Assembly.");
- C. Following the statutory directive, findings and recommendations on ways to make the assessment of charges by public bodies for the production of public records
 - more uniform
 - more transparent
 - easier to understand, and
 - less costly

II. Composition of Work Group

<p>FOIA Council Delegate Elizabeth Bennett-Parker DelEBennett-Parker@house.virginia.gov</p>	<p>FOIA Council Lola Rodriguez Perkins - Surry County Attorney lperkins@surrycountyva.gov</p>
<p>Senate (Patron of SB 324) Senator Danica A. Roem senatorroem@senate.virginia.gov</p>	
<p>Virginia Press Association Aimee Seibert Commonwealth Strategy Group aimee@commonwealthstrategy.net</p> <p>Betsy Edwards, Executive Director, VPA Betsye@vpa.net</p> <p>Steve Weddle stevew@vpa.net</p>	<p>Coalition for Open Government Megan Rhyne Executive Director mrhyne@opengovva.org</p>
<p>Virginia Association of Counties Phyllis Errico- General Counsel perrico@vaco.org</p> <p>Jeremy Bennett - Director of Intergovernmental Affairs jrbennett@vaco.org</p>	<p>Virginia Association of Broadcasters Jonathan Williams Jonathan.Williams@easterassociates.com</p>
<p>Virginia Municipal League Michelle Gowdy - Executive Director mgowdy@vml.org</p>	<p>Commissioners of the Revenue Association of VA Eric Maybach eric.maybach@fauquiercounty.gov</p>
<p>Virginia Electoral Board Association Jim Nix nixj@charlottesville.org</p>	<p>Interested Citizen Ramin Seddiq ramins2536@gmail.com</p>
<p>Virginia School Boards Association Lesley Rigney, Director Legal and Policy Services lesley@vsba.org</p>	<p>Virginia Association of School Superintendents Scott Brabrand - Executive Director s.brabrand@vassonline.org</p>
<p>Virginia Department of Education Rebecca S. Askew - Policy Director rebecca.askew@doe.virginia.gov</p>	<p>State Council on Higher Education in Virginia Alan Edwards - Interim Director alanedwards@schev.edu</p>

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Virginia Sheriffs' Association John W. Jones - Executive Director jjones@virginiasheriffs.org	Virginia Association of Chiefs of Police Dana G. Schrad - Executive Director dana@vachiefs.org
Virginia Association of Commonwealth's Attorneys James Hingeley Albemarle County Commonwealth's Attorney jhingeley@albemarle.org	Virginia State Police First Sergeant William K. Shipman - Office of Legal Affairs kent.shipman@vsp.virginia.gov
Local Government Attorneys of Virginia, Inc. Martin Crim mcrim@sandsanderson.com	Virginia Department of Transportation Holly Jones holly.jones@vdot.virginia.gov
Virginia Department of Agriculture and Consumer Services Kevin Schmidt - Director Office of Policy, Planning, and Research Kevin.Schmidt@vdacs.virginia.gov	Virginia State Bar Janet Van Cuyk - Deputy Executive Director jvancuyk@vsb.org
Richmond City Council Steven R. Skinner - Council Public Information Manager steven.skinner@rva.gov	Hampton City Attorney's Office Meredith C. Harlow Deputy City Attorney meredith.harlow@hampton.gov
Virginia Association of Planning District Commissions David Blount - Executive Director DBlount@tjpd.org	City of Alexandria Cheran Ivery - City Attorney cheran.ivery@alexandriava.gov

III. Schedule of Work Group Meetings/Submission of Recommendation

Because the workgroup is not a public body its meetings will be virtual in order to facilitate participation by the interested parties with some in-person meetings possible. The workgroup will operate by consensus since there is no fixed membership for voting purposes. If consensus cannot be reached on an issue, then the workgroup shall report that result by describing the issue and point(s) of contention that could not be resolved. Meetings will be recorded and the recordings and other materials will be posted on the FOIA Council website. It is anticipated that the workgroup will meet three to six times as needed (recognizing that charges may be a complicated issue, but also that it has been studied several times previously).

First Meeting

- Introduction of members; determine additional members
- Review of proposed work plan
- Review of current law and prior studies
- Issue identification

Second and Third Meetings

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- Review other states' laws
- Incorporate input from stakeholders
- Review SB 324; develop recommendation(s)

Fourth-Fifth Meeting

- Finalize recommendations for making charges more uniform
- Finalize recommendations for making charges more transparent
- Finalize recommendations for making charges easier to understand
- Finalize recommendations for making charges less costly
- Determine final recommendations to be made in executive summary and report to the FOIA Council

Sixth meeting (if needed)

After the workgroup has finished its meetings staff will prepare an executive summary and report to be presented to the FOIA Council at its December meeting as directed by SB 324.