

VPA

1 § 2.2-3712. Closed meetings procedures; certification of proceedings.

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5 D. At the conclusion of any closed meeting, the public body holding such meeting shall
6 immediately reconvene in an open meeting and shall take a roll call or other recorded vote to be
7 included in the minutes of that body, certifying that to the best of each member's knowledge (i)
8 only public business matters lawfully exempted from open meeting requirements under this
9 chapter, ~~and~~ (ii) only such public business matters as were identified in the motion by which the
10 closed meeting was convened were heard, discussed or considered in the meeting by the public
11 body, *and (iii) that the discussion during the closed meeting was recorded as required in*
12 *subsection I below.* Any member of the public body who believes that there was a departure from
13 the requirements of clauses (i), ~~and~~ (ii) *or (iii)* shall so state prior to the vote, indicating the
14 substance of the departure that, in his judgment, has taken place. The statement shall be recorded
15 in the minutes of the public body.

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19 I. Minutes may be taken during closed meetings of a public body, but shall not be required. Such
20 minutes shall not be subject to mandatory public disclosure. *The public body shall make an audio*
21 *recording of the entirety of every meeting that is closed to the public under this section. The*
22 *public body shall use a means of recording that fully captures and can clearly reproduce all*
23 *statements made during the closed meeting. The public body shall preserve the recording for a*
24 *period no less than one year. A recording made pursuant to this subsection shall not be subject*
25 *to the disclosure provisions of this chapter, but its production may be compelled, and the*
26 *recording used as evidence, in a proceeding to enforce the provisions of this chapter.*