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## SENATE BILL NO. 876

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology  
on January 15, 2025)

(Patron Prior to Substitute—Senator Ebbin)

A *BILL to amend and reenact § 2.2-3707 of the Code of Virginia, relating to Virginia Freedom of Information Act; public bodies to post agendas.*

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-3707 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-3707. Meetings to be public; notice of meetings; recordings; minutes.**

A. All meetings of public bodies shall be open, except as provided in §§ 2.2-3707.01 and 2.2-3711.

B. All state public bodies subject to the provisions of this chapter:

1. May allow public access to their meetings through electronic communication means, including telephone or videoconferencing, if already used by the state public body;

2. May provide the public with the opportunity to comment through the use of such electronic communication means at such meetings at the point when public comment is customarily received; and

3. Shall otherwise comply with the provisions of this chapter.

No cause of action shall arise against a state public body for accidental or involuntary loss of audio or video signal or inability of the public to comment through the electronic communications means described in this subsection.

C. No meeting shall be conducted through telephonic, video, electronic, or other electronic communication means where the members are not physically assembled to discuss or transact public business, except as provided in §§ 2.2-3708.2 and 2.2-3708.3 or as may be specifically provided in Title 54.1 for the summary suspension of professional licenses.

D. Every public body shall give notice of the date, time, location, and remote location, if required, of its meetings by:

1. Posting such notice on its official public government website, if any;

2. Placing such notice in a prominent public location at which notices are regularly posted; and

3. Placing such notice at the office of the clerk of the public body or, in the case of a public body that has no clerk, at the office of the chief administrator.

All state public bodies subject to the provisions of this chapter shall also post notice of their meetings on a central, publicly available electronic calendar maintained by the Commonwealth. Publication of meeting notices by electronic means by other public bodies shall be encouraged.

The notice shall be posted at least three working days prior to the meeting.

E. Notice, reasonable under the circumstance, of special, emergency, or continued meetings shall be given contemporaneously with the notice provided to the members of the public body conducting the meeting.

F. Any person may annually file a written request for notification with a public body. The request shall include the requester's name, address, zip code, daytime telephone number, electronic mail address, if available, and organization, if any. The public body receiving such request shall provide notice of all meetings directly to each such person. Without objection by the person, the public body may provide electronic notice of all meetings in response to such requests.

G. At least one copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of the public body. *The agenda and any subsequent revisions shall be posted on the public body's official public government website, if any, and made available to the public prior to the meeting. Any items added to the agenda after the meeting commences may be considered and discussed at the meeting, but final action shall not be taken on such an item unless the matter is time-sensitive.* The proposed agendas for meetings of state public bodies where at least one member has been appointed by the Governor shall state whether or not public comment will be received at the meeting and, if so, the approximate point during the meeting when public comment will be received.

H. Any person may photograph, film, record, or otherwise reproduce any portion of a meeting required to be open. The public body conducting the meeting may adopt rules governing the placement and use of equipment necessary for broadcasting, photographing, filming, or recording a meeting to prevent interference with the proceedings, but shall not prohibit or otherwise prevent any person from photographing, filming, recording, or otherwise reproducing any portion of a meeting required to be open. No public body shall conduct a meeting required to be open in any building or facility where such recording devices are prohibited.

I. Minutes shall be taken at all open meetings. However, minutes shall not be required to be taken at deliberations of (i) standing and other committees of the General Assembly; (ii) legislative interim study commissions and committees, including the Virginia Code Commission; (iii) study committees or

60 commissions appointed by the Governor; or (iv) study commissions or study committees, or any other  
61 committees or subcommittees appointed by the governing bodies or school boards of counties, cities, and  
62 towns, except where the membership of any such commission, committee, or subcommittee includes a  
63 majority of the governing body of the county, city, or town or school board.

64 Minutes, including draft minutes, and all other records of open meetings, including audio or audio/visual  
65 records shall be deemed public records and subject to the provisions of this chapter.

66 Minutes shall be in writing and shall include (a) the date, time, and location of the meeting; (b) the  
67 members of the public body recorded as present and absent; and (c) a summary of the discussion on matters  
68 proposed, deliberated, or decided, and a record of any votes taken. In addition, for electronic communication  
69 meetings conducted in accordance with § 2.2-3708.2 or 2.2-3708.3, minutes shall include (1) the identity of  
70 the members of the public body who participated in the meeting through electronic communication means,  
71 (2) the identity of the members of the public body who were physically assembled at one physical location,  
72 and (3) the identity of the members of the public body who were not present at the location identified in  
73 clause (2) but who monitored such meeting through electronic communication means.