VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

COMMONWEALTH OF VIRGINIA

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Meetings Subcommittee of the Virginia Freedom of Information Advisory Council

June 16, 2025
1:00 PM
House Room B - 205
General Assembly Building

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PROPOSED AGENDA (Annotated)

1. **Call to Order, election of chair.**

2. **Bill referred for study.** *As you may recall, the FOIA Council directed the Subcommittee to study several issues, beginning with SB 876 (Ebbin), which was referred to the Council by the 2025 Session of the General Assembly:*

   SB 876 (Ebbin) **Virginia Freedom of Information Act; notice of public meetings; proposed agenda required.** Requires public bodies subject to the Virginia Freedom of Information Act to include a proposed agenda and any subsequent revisions to be posted on the public body's official public government website, if any, and made available to the public prior to the meeting. The bill provides that 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.

3. **Other issues.** *The Council also directed the Subcommittee to study the following issues after completing its study of SB 876:*

   - **Study referral from the Joint Subcommittee to Study Pandemic Response and Preparedness in the Commonwealth.** The Joint Subcommittee, which performed a three-year study of the Commonwealth's response to the COVID-19 pandemic, recommended that the FOIA Council study remote voting and decision-making processes used by public bodies meeting by electronic means with the goal to establish consistent protocols to enhance transparency and public trust. See the letter submitted by Co-Chairs of the Joint Subcommittee ("Freedom of Information Advisory Council- JSPRP Letter") and the After Action Report Breakout (Freedom

of Information Advisory Council Referral) here for details. The Council directed the Subcommittee to study the issue while noting that several years have passed since the pandemic ended and most public bodies have made progress in using electronic communications since then, so it may be more a matter of examining what has happened rather than trying to create future legislation.

- ~~**Emergency Meeting Protocols.** Representatives from Loudoun County related difficulties in responding to local emergencies due to limitations imposed by FOIA's meetings requirements. See the memorandum submitted by the Loudoun County Board of Supervisors here for details.~~ NOTE: This agenda item has been stricken from the docket at the request of Loudoun County.
- **Stakeholder meetings.** Philip F. Abraham of the Vectre Corporation raised the issue of stakeholder group meetings at the state level where the groups did not include members of a state public body's governing board or any agency heads, but consisted solely of interested parties. He noted that different agencies treat these groups differently, with some treating them as public bodies that must adhere to FOIA's meetings rules and others saying these groups are not public bodies. He asked that the issue be studied with an eye toward addressing these meetings in the definitions section of FOIA.

4. **Discussion.**

5. **Recommendations.**

6. **Other Business.**

7. **Schedule next meetings.** *The Council directed that the 2025 Subcommittees should meet every other month as needed to complete their work. As a reminder, House Joint Resolution 430 provides as follows: "Interim meetings of any standing committee, joint committee, joint subcommittee, legislative commission, or any other interim study subcommittee or study commission shall be held on Monday, Tuesday, Wednesday, or Thursday during the first and third full weeks of the month, unless otherwise authorized by the Speaker of the House of Delegates or the Chairman of the Senate Committee on Rules, as may be appropriate for the house in which the chairman serves. The interim work of any such committee, subcommittee, or commission shall be completed no later than December 4, 2025."*

8. **Adjournment.**

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Subcommittee Members

Delegate Elizabeth Bennett-Parker
Maria J.K. Everett
Chidi James
Lola Perkins
Ken Reid

Staff

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