

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [S 699]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 2.2-3707 of the Code of Virginia is amended and reenacted as follows:**8 **§ 2.2-3707. Meetings to be public; notice of meetings; recordings; minutes.**

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

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

11 1. May allow public access to their meetings through electronic communication means, including
 12 telephone or videoconferencing, if already used by the state public body;13 2. May provide the public with the opportunity to comment through the use of such electronic
 14 communication means at such meetings at the point when public comment is customarily received; and

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

16 No cause of action shall arise against a state public body for accidental or involuntary loss of audio or
 17 video signal or inability of the public to comment through the electronic communications means described in
 18 this subsection.19 C. No meeting shall be conducted through telephonic, video, electronic, or other electronic
 20 communication means where the members are not physically assembled to discuss or transact public
 21 business, except as provided in §§ 2.2-3708.2 and 2.2-3708.3 or as may be specifically provided in Title 54.1
 22 for the summary suspension of professional licenses.23 D. Every public body shall give notice of the date, time, location, and remote location, if required, of its
 24 meetings by:

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

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

27 3. Placing such notice at the office of the clerk of the public body or, in the case of a public body that has
 28 no clerk, at the office of the chief administrator.29 All state public bodies subject to the provisions of this chapter shall also post notice of their meetings on a
 30 central, publicly available electronic calendar maintained by the Commonwealth. Publication of meeting
 31 notices by electronic means by other public bodies shall be encouraged.

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

33 E. Notice, reasonable under the circumstance, of special, emergency, or continued meetings shall be given
 34 contemporaneously with the notice provided to the members of the public body conducting the meeting.35 F. Any person may annually file a written request for notification with a public body. The request shall
 36 include the requester's name, address, zip code, daytime telephone number, electronic mail address, if
 37 available, and organization, if any. The public body receiving such request shall provide notice of all
 38 meetings directly to each such person. Without objection by the person, the public body may provide
 39 electronic notice of all meetings in response to such requests.40 G. At least one copy of the proposed agenda and all agenda packets and, unless exempt, all materials
 41 furnished to members of a public body for a meeting shall be made available for public inspection at the same
 42 time such documents are furnished to the members of the public body. *The public body shall also post the*
 43 *proposed agenda on the public body's official government website, if any, prior to the meeting. No final*
 44 *action may be taken on items added to the agenda after the meeting commences unless they are time-sensitive*
 45 *or are the subject of a closed meeting properly identified in a motion in accordance with § 2.2-3711.*46 *For purposes of this subsection, "final action" means a vote, adjudication, or other formal action taken by*
 47 *a public body that completes a matter or acts as final consideration of an item. "Final action" does not*
 48 *include:*49 1. *Referral to a committee or advisory body;*50 2. *Referral to a future meeting for action;*51 3. *Direction to staff to provide further information; or*52 4. *Issuance of a commending or memorial proclamation.*53 The proposed agendas for meetings of state public bodies where at least one member has been appointed
 54 by the Governor shall state whether or not public comment will be received at the meeting and, if so, the
 55 approximate point during the meeting when public comment will be received.

56 H. Any person may photograph, film, record, or otherwise reproduce any portion of a meeting required to

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

62 I. Minutes shall be taken at all open meetings. However, minutes shall not be required to be taken at
63 deliberations of (i) standing and other committees of the General Assembly; (ii) legislative interim study
64 commissions and committees, including the Virginia Code Commission; (iii) study committees or
65 commissions appointed by the Governor; or (iv) study commissions or study committees, or any other
66 committees or subcommittees appointed by the governing bodies or school boards of counties, cities, and
67 towns, except where the membership of any such commission, committee, or subcommittee includes a
68 majority of the governing body of the county, city, or town or school board.

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

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