



VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

COMMONWEALTH OF VIRGINIA

Senator Richard H. Stuart, Chair

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September 12, 2013



VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

**Thursday, September 12, 2013 - 1:30 p.m.
House Room C, General Assembly Building**

SUGGESTED AGENDA *ANNOTATED*

- 1. Call to Order, and Introduction of members.**
- 2. Welcome new member Delegate James M. LeMunyon.**
- 3. Election of Vice-Chair.**
- 4. Subcommittee Reports:**
 - **E-Meetings Subcommittee--Kathleen Dooley, Chair --** *As a reminder, at its last meeting the FOIA Council accepted the recommendation of the Subcommittee to make no changes to electronic meetings law at this time, in order to gauge the effects of the 2013 Council-recommended amendments to electronic meetings law before considering additional changes.*
 - **Rights and Remedies Subcommittee--Frosty Landon, Chair**
- 5. Legislative Preview.**
 - **Delegate Surovell;** *application of FOIA to the State Corporation Commission (SCC). This subject was referred to the Rights and*

Responsibilities Subcommittee. Delegate Surovell wanted the opportunity to address the full FOIA Council with his latest proposal, which would make the administrative functions of the SCC be subject to FOIA, but not its regulatory activities. Additionally, the meetings requirements of FOIA would not apply to the SCC.

- **Delegate Peace; definition of "meeting."**¹

6. Other Business.

- 2013 FOIA Workshops
- Geographic Information System (GIS) and FOIA. *FOIA describes access to GIS maps in subsection F of § 2.2-3704.² This language has been in FOIA since 1987. Unfortunately, the FOIA GIS terminology is outdated and refers only to the production of topographical maps. Today, topographical maps are a very small part of GIS capabilities.*

6. Public Comment.

¹ The term "meeting" is defined in § 2.2-3704 as follows: "Meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through telephonic or video equipment pursuant to § 2.2-3708 or 2.2-3708.1, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. The gathering of employees of a public body shall not be deemed a "meeting" subject to the provisions of this chapter. The Hanover County Legislative Agenda for the 2014 General Assembly Session includes the following item: "Request that the FOIA Advisory Council be asked to study the current definition of "public meeting" contained in the Virginia Freedom of Information Act, including a comparison of the definition with the provisions of freedom of information and open government statutes in adjoining states and the federal government, to determine whether permitting informal discussion of public business by more than two members, but less than a quorum, of a public body would promote greater efficiency and effectiveness while maintaining transparency in the transaction of public business."

² "The public body may also make a reasonable charge for the cost incurred in supplying records produced from a geographic information system at the request of anyone other than the owner of the land that is the subject of the request. However, such charges shall not exceed the actual cost to the public body in supplying such records, except that the public body may charge, on a pro rata per acre basis, for the cost of creating topographical maps developed by the public body, for such maps or portions thereof, which encompass a contiguous area greater than 50 acres."

7. **Next meeting reminder.** The next FOIA Council meeting is scheduled for Thursday, December 5, 2013 in House Room C of the GAB and will begin at 1:30 p.m.

8. **Adjournment.**

Council Members

Senator Richard H. Stuart, Chair
Sandra G. Treadway
Forrest M. "Frosty" Landon
John G. Selph
James Schliessmann
Kathleen Dooley

Delegate James M. LeMunyon
Christopher Ashby
George T. Whitehurst
Ed Jones
Robert L. Tavenner
Stephanie Hamlett

Staff

Maria J.K. Everett, Executive Director
Alan Gernhardt, Staff Attorney

The FOIA Council's web site is: <http://dls.state.va.us/foiacouncil.htm>. To assist us in providing Internet dissemination of materials, presenters are requested to submit written comments and handouts in electronic format by (i) e-mail to staff prior to meetings or (ii) diskette furnished to staff at meetings. Presenters are also requested to bring 20 copies of their remarks or handouts to meetings. These copies will be provided to FOIA Council members and the public.
E-mail: foiacouncil@dls.virginia.gov.