VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact § 2.1-343.1 of the Code of Virginia, relating to Freedom of Information Act; telephone meetings.

[H 761]

Approved

Be it enacted by the General Assembly of Virginia:

1. That § 2.1-343.1 of the Code of Virginia is amended and reenacted as follows:

§ 2.1-343.1. Electronic communication meetings.

A. It is a violation of this chapter for any political subdivision or any governing body, authority, board, bureau, commission, district or agency of local government to conduct a meeting wherein the public business is discussed or transacted through telephonic, video, electronic or other communication means where the members are not physically assembled. Nothing in this section shall be construed to prohibit the use of interactive audio or video means to expand public participation.

B. For purposes of subsections B through F of this section, "public body" means any public body of the Commonwealth, as provided in the definitions of "meeting" and "public body" in § 2.1-341, but excluding any political subdivision or any governing body, authority, board, bureau, commission, district or agency of local government. Such public bodies may conduct any meeting, except executive or closed meetings held pursuant to § 2.1-344, wherein the public business is discussed or transacted through telephonic or video means. *Where a quorum of a public body of the Commonwealth is physically assembled at one location for the purpose of conducting a meeting authorized under this subsection, additional members of such public body may participate in the meeting through telephonic means provided such participation is available to the public.*

C. Notice of any meetings held pursuant to this section shall be provided at least thirty days in advance of the date scheduled for the meeting. The notice shall include the date, time, place and purpose for the meeting and shall identify the location or locations for the meeting. All locations for the meeting shall be made accessible to the public. All persons attending the meeting at any of the meeting locations shall be afforded the same opportunity to address the public body as persons attending the primary or central location. Any interruption in the telephonic or video broadcast of the meeting shall result in the suspension of action at the meeting until repairs are made and public access restored.

Thirty-day notice shall not be required for telephonic or video meetings continued to address an emergency situation as provided in subsection F of this section or to conclude the agenda of a telephonic or video meeting of the public body for which the proper notice has been given, when the date, time, place and purpose of the continued meeting are set during the meeting prior to adjournment.

The public body shall provide the Director of the Department of Information Technology with notice of all public meetings held through telephonic or video means pursuant to this section.

D. An agenda and materials which will be distributed to members of the public body and which have been made available to the staff of the public body in sufficient time for duplication and forwarding to all location sites where public access will be provided shall be made available to the public at the time of the meeting. Minutes of all meetings held by telephonic or video means shall be recorded as required by § 2.1-343. Votes taken during any meeting conducted through telephonic or video means shall be recorded by name in roll-call fashion and included in the minutes. In addition, the public body shall make an audio recording of the meeting, if a telephonic medium is used, or an audio/visual recording, if the meeting is held by video means. The recording shall be preserved by the public body for a period of three years following the date of the meeting and shall be available to the public.

E. No more than twenty-five percent of all meetings held annually by a public body, including meetings of any ad hoc or standing committees, may be held by telephonic or video means. Any public body which meets by telephonic or video means shall file with the Director of the Department of Information Technology by July 1 of each year a statement identifying the total number of meetings held during the preceding fiscal year, the dates on which the meetings were held and the number and purpose of those conducted through telephonic or video means.

F. Notwithstanding the limitations imposed by subsection E of this section, a public body may meet by telephonic or video means as often as needed if an emergency exists and the public body is unable to meet in regular session. As used in this subsection "emergency" means an unforeseen circumstance rendering the notice required by this section, or by § 2.1-343 of this chapter, impossible or impracticable and which circumstance requires immediate action. Public bodies conducting emergency meetings through telephonic or video means shall comply with the provisions of subsection D requiring minutes,

recordation and preservation of the audio or audio/visual recording of the meeting. The basis for the emergency shall be stated in the minutes.