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SENATE BILL NO. 806

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws
on January 27, 1999)

(Patron Prior to Substitute—Senator Schrock)

A BILL to amend and reenact § 2.1-343 of the Code of Virginia, relating to the Virginia Freedom of Information Act; notice of public meetings.

Be it enacted by the General Assembly of Virginia:

1. That § 2.1-343 of the Code of Virginia is amended and reenacted as follows:

§ 2.1-343. Meetings to be public; notice of meetings; recordings; minutes.

Except as otherwise specifically provided by law and except as provided in §§ 2.1-344 and 2.1-345, all A. All meetings of public bodies shall be public meetings, including meetings and work sessions during which no votes are cast or any decisions made. Notice including the time, date and place of each meeting shall be furnished to any citizen of the Commonwealth who requests such information. Notices for meetings of public bodies of the Commonwealth on which there is at least one member appointed by the Governor shall state whether or not public comment will be received at the meeting, and, if so, the approximate points during the meeting public comment will be received. Requests to be notified on a continual basis shall be made at least once a year in writing and include name, address, zip code and organization of the requester. Notice, reasonable under the circumstance, of special or emergency meetings shall be given contemporaneously with the notice provided members of the public body conducting the meeting.

Unless otherwise exempt, at least one copy of all agenda packets and materials furnished to members of a public body for a meeting shall be made available for inspection by the public at the same time such documents are furnished to the members of the public body open, except as provided in § 2.1-344.

B. No meeting shall be conducted through telephonic, video, electronic or other communication means where the members are not physically assembled to discuss or transact public business, except as provided in § 2.1-343.1 or as may be specifically provided in Title 54.1 for the summary suspension of professional licenses.

C. Every public body shall give notice of the date, time, and location of its meetings by placing the notice in a prominent public location at which notices are regularly posted; in the office of the clerk of the public body, or in the case of a public body which has no clerk, in the office of the chief administrator. Publication of meeting notices by electronic means shall be encouraged. The notice shall be posted at least three working days prior to the meeting. Notices for meetings of state public bodies on which there is at least one member 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.

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

E. 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.

F. At least one copy of 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.

G. Nothing in this chapter shall be construed to prohibit the gathering or attendance of two or more members of a public body (i) at any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, and such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the public body or (ii) at a public forum, candidate appearance, or debate, the purpose of which is to inform the electorate and not to transact public business or to hold discussions relating to the transaction of public business, even though the performance of the members individually or collectively in the conduct of public business may be a topic of discussion or debate at such public meeting. The notice provisions of this chapter shall not apply to informal meetings or gatherings of the members of the General Assembly.

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.

60 ~~Voting by secret or written ballot in an open meeting shall be a violation of this chapter.~~

61 *I. Minutes shall be recorded at all public open meetings. However, minutes shall not be required to*
62 *be taken at deliberations of (i) standing and other committees of the General Assembly, (ii) legislative*
63 *interim study commissions and committees, including the Virginia Code Commission, (iii) study*
64 *committees or commissions appointed by the Governor, or (iv) study commissions or study committees,*
65 *or any other committees or subcommittees appointed by the governing bodies or school boards of*
66 *counties, cities and towns, except where the membership of any such commission, committee or*
67 *subcommittee includes a majority of the governing body of the county, city or town or school board.*
68 *Minutes, including draft minutes, and all other records of open meetings, including audio or*
69 *audio/visual records shall be deemed public records and subject to the provisions of this chapter. Audio*
70 *or audio/visual records of open meetings shall be public records which shall be produced in accordance*
71 *with § 2.1-342.*