



HB 722 OPPOSE in favor of HB 444/SB 214

HB 722 would amend FOIA's rules on the use of so-called electronic meetings by allowing "advisory" bodies to meet all-virtually (without any central, in-person meeting site) any time it wants, provided certain considerations are in place.

VCOG opposes this bill in favor of HB 444, which addresses many of this bill's concerns but is more comprehensive and retains a preference for in-person meetings

This summer, VCOG worked with the Virginia Press Association, the Virginia Association of Counties, the Virginia Municipal League and the City of Alexandria to come up with a streamlined and modernized set of rules to govern electronic meetings in ordinary (non-emergency) times. The result is HB 444 and SB 214, a proposal that represents compromise and consensus on the parts of all entities involved.

- HB 722 did not receive the extensive review and input that HB 444 and SB 214 did during the FOIA Council's months'-long review did.
- HB 722 attempts to peel off "public bodies that serve "solely in an advisory capacity," a term that has no real definition and could easily include important committees and subcommittees of a public body.
- All public bodies are covered by HB 444 and SB 214.
- HB 722 does not limit the number of meetings that could hold all-virtually, meaning it would be possible for these entities to meet without ever having to encounter members of the public or even their fellow advisory body members face-to-face.
- HB 722 does not include the additional safeguards HB 444 and SB 214 includes, such as contingencies for when a meeting's electronic broadcast fails or the provision of electronic agenda materials.

It should be noted that under current law, public bodies are both allowed to and encouraged to expand PUBLIC participation by electronic means. This bill (and HB 444 and SB 214) does not change that. Public bodies of all types, at all levels of government should use electronic means to allow more members of the public to observe and interact with their governing bodies.

Please contact Megan Rhyne (540-353-8264 or mrhyne@opengovva.org) with questions.