



SB214/HB444

Support

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SB 214 and HB 444 create a new framework for public bodies to use electronic means to hold meetings during non-emergency times.

VCOG worked closely with the Virginia Press Association, the Virginia Association of Counties, the Virginia Municipal League and the City of Alexandria to draft a proposal that was then submitted to the FOIA Council, where additional stakeholders were allowed to view and comment on the draft. The FOIA Council approved a similar draft on a 11-2 vote.¹

VCOG strongly supports this legislation.

- The provisions are permissive. All members are allowed to participate electronically under certain circumstances, but they are not required to.
- The rules for all-electronic meetings apply to all public bodies, including advisory bodies. Current law uses different rules for different types of public bodies, and current law does not allow local public bodies to meet all-virtually at all.
- Public bodies must adopt a policy in a public meeting that sets forth how they will implement the rules for all-virtual meetings.
- Public bodies are limited in how often they can meet all-virtually.
- Any all-virtual meeting must be accessible to the public, and transmission must cease if the feed to the public goes out.
- Public bodies are encouraged to use electronic and in-person avenues for public comment.
- This is a collaborative effort, a consensus draft.

We learned during the pandemic that the technology has improved to the point that the public can usually hear and see members who do not participate in person. We learned that technology can improve public participation, but we also learned that the discussion of public policy and the debate on important issues is better in person. This draft tries to balance those findings, granting flexibility to public bodies but keeping public access and accountability front and center.

¹ After the FOIA Council approved the draft, the bill's patrons in the House and Senate agreed to the removal of a confusing term, hybrid meeting, that was not integral to the remaining parts of the bill.