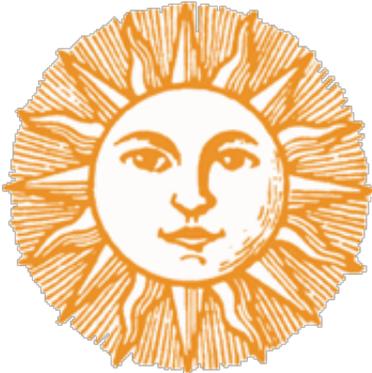


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# The Sunshine Report: *Online*

## Transparency news from the Virginia Coalition for Open Government

### February 2012

#### In this issue

[Talking about public notices](#)

[FOIA citizenship limit okayed](#)

[An Eastern Shore FOIA win](#)

[Open government news](#)

## Coalition News

#### Recently on the VCOG Blog

- [Why we oppose efforts to close off access to CHPs](#)
- [Public notices = public access](#)
- [Electronic meetings: the future is not yet here](#)

#### Happy Birthday, George & Abe

Do your patriotic duty this President's Day by supporting open government. Annual dues are a reasonable \$30.

[Click here to become a VCOG member TODAY!](#)

#### The General Assembly & You

Have you wanted to give the Virginia General Assembly a piece of your mind? Have you wanted to let your own Delegate or Senator know what is important to you? We encourage you to write or call your legislator to share your thoughts. We also would like to you to come to Richmond to testify

Greetings, Friend of VCOG!

## Let's talk about public notices

They're gray. They're not very attractive. They're sometimes confusing. But they are essential to the public's ability to know what its government is doing... and when.

They are public notices, also called legal notices, and they are in your local newspaper for a reason: to keep you informed.

Unfortunately, there are several bills in the Virginia legislature this year that would tell local governments, *"Hey, instead of putting public notices in the newspaper as you have done for decades because that's where you'll reach the most people, it's OK to put them on your local government website."*

[Here's how the rest of the conversation goes...](#)

## 4th Circuit upholds FOIA citizenship limitation

The 4th U.S. Circuit Court of Appeals ruled today (Feb. 1) that Virginia FOIA's citizens-only provision is constitutionally sound, thus ending a years-long battle to have the provision overturned.

Virginia is only one of four or five states to include a provision that says only citizens of the state can use the open records act.

[Writing for the unanimous 3-judge panel](#), Judge Steven Agee ruled that the limitation did not violate the Privileges & Immunities Clause of the U.S. Constitution or the Dormant Commerce Clause.

The case was brought by the Institute for Public

before committees and subcommittees. Citizen participation is crucial, and VCOG would be indebted to you if you'd come to speak for or against bills VCOG is involved with. [Contact Megan Rhyne](#) if you're interested.

### Stay up to date on access

Sign up for VCOG's [daily listserv on access and First Amendment news](#) from Virginia and across the country. It's free!

For a steady stream of access-related stories and additional commentary and information, join the more than 400 people who are following [VCOG on Twitter](#). The latest six posts are also carried on [our website](#).

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**(but won't you like us more?)**



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Representation at Georgetown University Law Center on behalf of Roger Hurlbert, a California businessman who was denied records by Henrico County, and Mark McBurney, a Rhode Island citizen denied records by the Division of Child Support Enforcement.

VCOG joined the Reporters Committee for Freedom of the Press and several media representatives in a brief supporting Hurlbert and McBurney.

## A win for FOIA in Onancock

An Accomac General District Judge ruled in January that the Onancock town manager/attorney's employment contract must be released in full. The manager/attorney, Tom Robinett, released only a redacted copy of the contract to town resident Charles Landis.

Robinett blacked out his signature and the date on the contract and argued in court that the material, written in his personal handwriting, was exempt from disclosure as personal information.

According to a report in the [Delmarva Daily Times](#), Judge Gordon Vincent noted that anyone who signs a check "exposes their signature to the world." Furthermore, "people who serve in public life have to sign public documents."

Vincent awarded costs to Landis and ordered Robinett to personally reimburse him approximately \$80 for the two hours he spent in multiple hearings on the case. Landis told VCOG he spent an estimated 100 hours preparing for trial and responding to five motions filed by the town.

Robinett has promised to appeal.

## Open government news

A FOIA case brought against the Loudoun County Board of Equalization by a woman who was escorted out of a meeting for snapping a photograph stretched into its fourth month when the judge hearing the case [scheduled a fourth day of testimony for Feb. 29](#)....The Attorney General recommended that the Pittsylvania County Board of Supervisors "[take heed](#)" of federal court rulings when it comes to offering a prayer at public meetings. The county is [currently in litigation with the ACLU](#) over Christian-specific meeting prayers....After [the Daily Press reported](#) that the Newport News mayor sought a compromise for his anti-gang initiative during the dinner hour between its work session and formal meeting, the city's attorney reminded the council that they are not to discuss public business during such informal gatherings.....Spotsylvania Superintendent Shelley K. Redinger [took responsibility for the security breach](#) that apparently occurred over the winter break in which

school division employees' personal information was available online....Rather than have a reporter from the *Virginian-Pilot* sit in on its meeting, the Portsmouth School Board's finance committee [canceled its meeting](#) on the proposed budget....The Virginia Supreme Court [has agreed to hear the case](#) questioning the Attorney General's ability to subpoena records from the University of Virginia related to grant funds underlying the climate-science research of former professor Michael Mann....Though included in the governor's [press release announcing several local government mandate reforms](#), a provision to extend the response time for FOIA requests was not included in either of the bills memorializing those mandates offered by Del. Kathy Byron or Sen. Steve Newman....In a change that began this year, the Wise County Circuit Court [no longer generates paper files for criminal cases](#), Clerk of Court Jack Kennedy told the *Herald Courier*.

**If you find VCOG's services and resources useful, consider making a donation or becoming a member.**  
**Your dues and/or donations go straight toward VCOG's modest operating budget and are 100% tax deductible**

*Our IRS W9 form [can be found here](#), and feel free to ask for a copy of our IRS 990 and our FY10-11 financial audit*

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