

Sarah Graham Taylor

Private Citizen

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Senator Mamie Locke
Chair, Virginia Freedom of Information Advisory Council
Pocahontas Building, 10th Floor
900 E. Main Street
Richmond, VA 23219

Dear Chair Locke and Members of the FOIA Council,

I write today regarding a popular topic for the FOIA Council – electronic participation in meetings of public bodies. While I currently serve as the Legislative Director for the City of Alexandria, a member of the Virginia Board for People with Disabilities, and a member of the Fairfax Area Disability Services Board, I am writing to you as a member of the public and not on behalf of any of these bodies.

The last several sessions of the General Assembly, and the last several interims during which the FOIA Council meets and works, we have seen efforts to implement and expand opportunities for members of public bodies to participate in public meetings electronically. The most recent attempts have made it clear that there does not seem to currently be an appetite in the General Assembly to expand opportunities for electronic participation in public meetings by members of public bodies, generally.

However, in reviewing and discussing efforts in this area last session, there was one, specific, population for which there may be a willingness to provide additional flexibility with regard to electronic participation – Virginians with disabilities who serve on public bodies.

Current law, §2.2-3708.3, allows members of public bodies who have a temporary or permanent disability to use remote participation instead of attending a public meeting in person if that public body has adopted an electronic participation policy and the member notifies the chair of the public body in advance of the meeting. However, under §2.2-3701, these members may not count toward the meeting quorum.

For public bodies where a significant number of the members may qualify for this flexibility – such as disability commissions – this may require the body to determine how to achieve a quorum despite a majority of their membership being allowed to participate remotely.

I am asking the FOIA Council to discuss the possibility of amending §2.2-3708.3, and the definition of “remote participation” under §2.2-3701, to allow members of public bodies who meet the definition of a “person with a disability” under §1.5-40.1 to both participate remotely in meetings of public bodies and count toward the quorum of that public body when they participate remotely.

Allowing members of public bodies who meet the definition of a “person with a disability” to both participate electronically and count toward the quorum for that meeting would provide a unique, but appropriate, accommodation for these members. People with disabilities are essential members of public bodies tasked with formulating public policy on services for the disability community, yet many people with disabilities face limitations that make regular, in-person attendance at meetings all-but impossible. By disallowing them to count towards the quorum – which also denies them the right to vote – they are unable to contribute the very perspective they have been asked to provide through their participation in a public body.

In addition, by tying this section to an existing definition of a “person with a disability” (§51.5-40.1), this could tighten up the rules for remote participation to prevent abuse, both by eliminating the unlimited nature of remote participation for a self-defined and nondisclosed disability and by taking power out of the Chair's hands to pry and/or deny remote participation accommodations based on his/her own self-definition of what is (or isn't) a disability.

I appreciate your consideration of this request and hope to work with you as you look into what could be an important change for people with disabilities who serve our communities as members of public bodies.

Please let me know if you have any questions or need any additional information. I can be reached in my personal capacity at sgtaylor08@gmail.com or 405.313.8801.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sarah Graham Taylor', with a stylized flourish at the end.

Sarah Graham Taylor

Cc: Mr. Alan Gernhardt, Executive Director, Virginia Freedom of Information Advisory Council
Teri Morgan, Executive Director, Virginia Board for People With Disabilities
Claudia Vila, Staff Liaison to the Fairfax Area Disability Services Board