

2022 VFOIA PUBLIC MEETINGS AMENDMENTS: HOUSE BILL 444

Effective September 1, 2022 –

- Adds new “all-virtual public meetings” for some Boards, Authorities, and Commissions (BACs)
- Modifies the Remote Participation provisions



WHAT DID NOT CHANGE?



- Public bodies may still meet by fully electronic communication means during a state of emergency
 - Declared by either the Governor or the Board of Supervisors
 - When the nature of the emergency makes it impracticable or unsafe to assemble a quorum of the public body
- Public bodies must still have a Remote Participation Policy for a member to participate electronically when the public body is physically assembled

WHAT DID CHANGE? ALL-VIRTUAL PUBLIC MEETINGS



- Boards, Authorities, and Commissions, and their committees, may hold all-virtual public meetings two times or 25% of meetings per calendar year, whichever is greater, and the meetings may not be held consecutively
- **MUST** have an all-virtual public meetings policy in place
- Local governing bodies, local school boards, planning commissions, architectural review boards, zoning appeals boards, boards with authority to deny, revoke, or suspend a professional or occupational license **CANNOT** have all-virtual public meetings

ALL-VIRTUAL PUBLIC MEETINGS, CONT'D



REQUIREMENTS:

- The public must be able to hear all members of the BAC, and when audio-visual technology is available, to see the members of the BAC
- Live contact information (phone, email) must be provided to alert the BAC if the electronic transmission fails for the public, and the BAC must recess until public access is restored

REMOTE PARTICIPATION

WHAT DID CHANGE?



- Remote participation: participation by a member of a public body by electronic communication means where a quorum of the public body is physically assembled
- HB 444 added a reason for a member to participate remotely:
 - If the member's principal residence is more than 60 miles from the meeting location
- The other reasons are the same:
 - A member's disability or other medical condition prevents their physical attendance
 - A member's family member's medical condition requires the member's care
 - A personal matter prevents attendance (and is identified with specificity)

REMOTE PARTICIPATION



- Only attendance due to a personal matter is limited – to two or 25% of meetings, whichever is greater
- The policy can apply to the BAC’s Committees
- The minutes must still include the reason for the remote participation
- The remotely participating member’s location may be identified “by a general description”
- The current DSB Remote Participation policy describes the written process for requesting remote participation, approving such requests, and creating a record of such requests

PROVIDE PUBLIC ACCESS TO THE GREATEST EXTENT POSSIBLE

- HB 444 “encourages” public bodies to provide public access to meetings both in person and through electronic communication means
- Public comment may be offered in-person or by electronic communication means



2022 VFOIA PUBLIC MEETINGS AMENDMENTS: HOUSE BILL 150

- Effective July 1, 2022 - Local public bodies must post minutes of public meetings on the public body's website **within seven working days of approval of the minutes.**

