

# 2022 VFOIA PUBLIC MEETINGS AMENDMENTS: HOUSE BILL 444

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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?



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- 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

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- 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

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## 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?

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- 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

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- 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

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- 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

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- 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.**

