



Electronic Meetings Advisory Committee

Wednesday, September 5, 2012

10:00 a.m.

Speaker's Conference Room, 6th Floor, General Assembly Building

The JCOTS Electronic Meetings Advisory Committee held its second meeting on Wednesday, September 5, 2012. Advisory Committee members Delegate Joe T. May (chairman), Delegate Ken R. Plum, and Senator John Miller were present.

Delegate May began the meeting by stating that technology has changed substantially over the past ten years, and he wants to make sure that electronic meeting laws are keeping pace with the capabilities of technology. Delegate Plum added that the use of audio/visual technology for electronic meetings has not been robust. He noted that the last time JCOTS attempted to have an audio/visual electronic meeting (in 2004), it was cumbersome. But today audio/visual meetings are done daily as a function of business in the private sector, so he is pleased to be a part of this JCOTS review. Senator Miller echoed these sentiments, stating that the technology seems to be available, but government does not seem to be using it effectively.

In response to questions raised at the first meeting, staff provided an overview of the electronic meetings conducted by agencies since 1999, as reported to JCOTS and the Freedom of Information Advisory Council. Staff distributed a table summarizing the use of electronic meetings prepared by the FOIA Council. A copy of the table is available on the JCOTS website. In summary, it appears that only 307 meetings have been conducted using electronic means since 1999, and most of these meetings were conducted using only an audio connection. In addition, many of the meetings were held by subcommittees of public bodies.

Delegate May questioned whether use of just a phone connection was appropriate in cases where public bodies were taking votes. He said that just an audio connection could seem "anemic." He suggested the possibility that perhaps the law should differentiate between what was appropriate business to conduct via phone, and what would require an audio/visual connection. He also suggested that many courts had robust audio/visual systems, and perhaps there is a way to make those facilities available to entities wishing to conduct an audio/visual meeting.

Staff also presented a detailed overview of the existing requirements of electronic meetings laws, along with background, comments, or potential changes that could be made to each provision. The staff document was not intended to suggest particular

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changes, but instead to provide topics for discussion. A copy of the table outlining the provisions of the law is available on the JCOTS website.

The members of the Advisory Committee were interested in the policy that prohibits local bodies from conducting electronic meeting. There was some inclination by the Advisory Committee to allow regional public bodies to conduct electronic meeting, but still some hesitation to expanding it to local public bodies.

The Advisory Committee also spent time discussing how audio/visual means could be used to increase public access to meetings. While the law allows a public body to stream the audio (or audio/visual) of a meeting, it is rarely used. Delegate May noted that Richmond City Council routinely provides a broadcast of its meetings on television. Delegate Plum suggested that more meetings should be streamed in order to create a better public record, enhance public participation, and positively impact members' behavior during meetings. Delegate Miller said that he thought streaming of meetings would also improve member participation.

A representative from the Governor's Office indicated that recording and streaming of meetings is something that they are currently exploring. He indicated that they have looked at live streaming, but there is some cost involved. He said they are also looking into recording all meetings, and having them available on YouTube. Delegate May questioned whether the meetings should be available, and archived, on a state website, instead of YouTube.

In closing the discussion of the current law, the members were in consensus that the limitation on the number of electronic meetings that a public body could hold per year be eliminated, so long as the law retains the requirement that a quorum be assembled in one physical location. However, no vote was taken. Delegate May also requested that a draft be prepared for the next meeting that would differentiate an audio meeting from an audio/visual meeting.

Staff indicated that the next meeting of the Advisory Committee, scheduled for October 15 at 2:00, would be held using audio/visual means. JCOTS has received permission to use the 4-VA higher education pilot facilities. A quorum will be present at the Richmond Cisco facilities, Delegate Plum will participate from George Mason University, and one of the presenters will be participating from Virginia Tech. Details about the exact locations will be posted soon, as soon as details are confirmed.

Next Meeting:

Monday, October 15, 2012

Locations to be determined