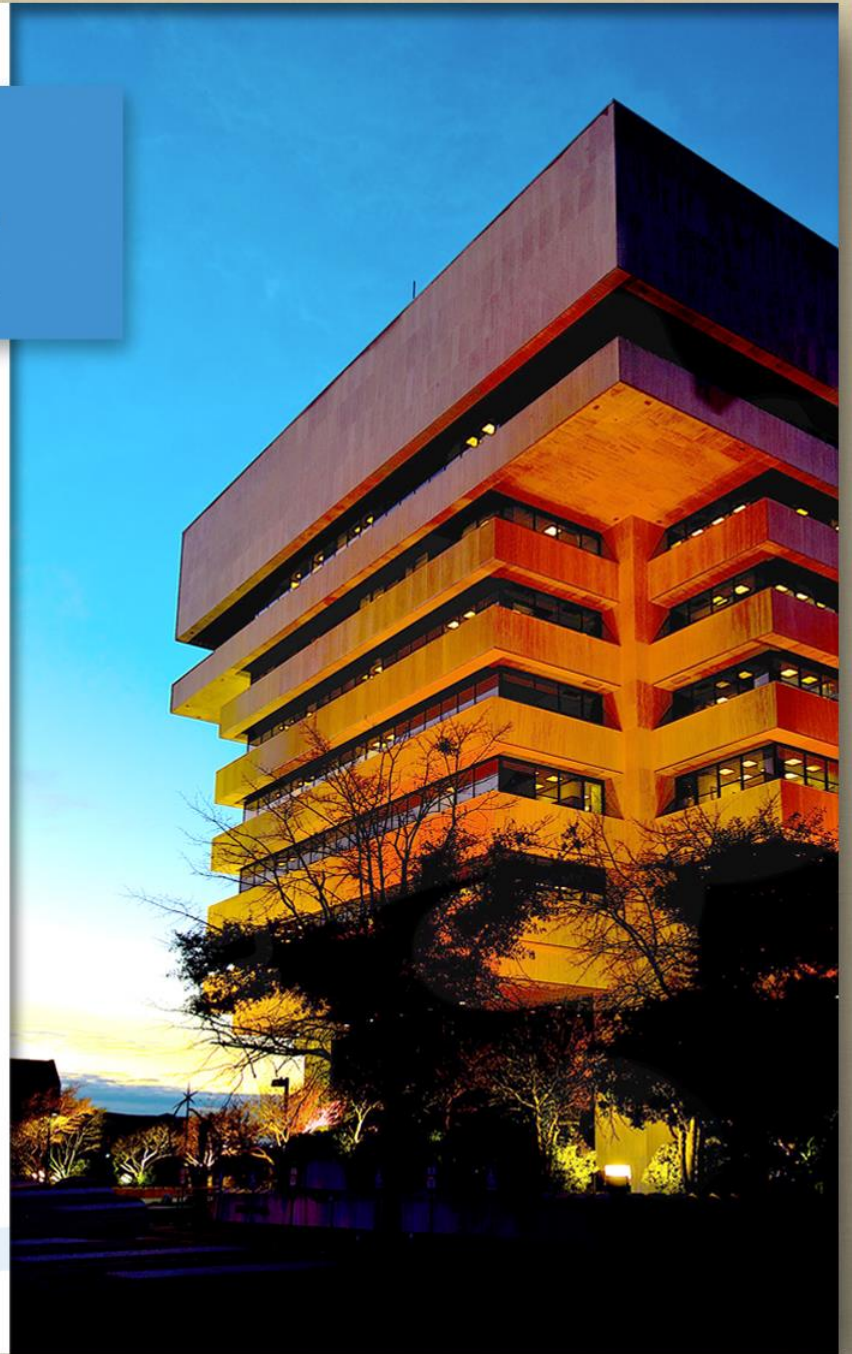


HAMPTON VA

**Public Business Caselaw
and Legislative Briefing
Council Meeting
December 13, 2023**



New Definition of Public Business

A topic is public business if it is pending before the public body at the time or is likely to come before it in the foreseeable future.

Gloss v. Wheeler, 887 S.E.2d 11, 21 (Va. 2023)

Attending an “Informational Meeting”

- Even a gathering whose motivating purpose “is to inform the electorate” falls outside of the exception if its purpose expands in such a way that allows for the “transaction of public business or” for “discussions relating to the transaction of public business”
- Once that line is crossed, the gathering is a meeting under VFOIA and all of the open meeting requirements apply.

Practical Guidance under the New Standard

- No more than 2 at any community meeting
- OR
- Follow public notice requirements

Public Notice Requirements

- Agenda
- Public notice (minimum for VFOIA)
- Minutes
 - Date, time, and location of meeting
 - Council members present
 - Summary of discussion on matters and record of any votes taken

Potential Legislative Correction

- CAO and Two Capitols have been attending FOIA Council and subcommittee meetings
- Correction will clarify that a meeting involves *discussion* among members and
- Other bodies' meetings are not included