



May 1, 2020

RE: Governor's 2020 Budget Amendment, Operating Policies, Remote Meetings:
Further support for electronic meetings during COVID-19 emergency

Dear Local Government Attorney Colleagues:

On March 24, 2020, we provided a checklist for public bodies to enable public meetings to proceed virtually during this pandemic. On April 22, 2020, the General Assembly passed legislation submitted by Governor Northam, which includes identical amendments to both the current budget and the budget for the next biennium (BA 28 and BA 137), giving additional authorization to remote meetings ("Budget Amendment").

We thought it useful to share our view of the Budget Amendment. We provide this guidance as a framework for unanimity and consistency among localities and other public entities on this issue during this time of uncertainty. Succinctly, we believe that the Governor and General Assembly have further enabled virtual meetings by public bodies during this emergency in the Budget Amendment. Any statutory imperfections do not present bases for colorable procedural or substantive challenges to otherwise legal actions taken under this authority during this pandemic emergency.

As attorneys, we have parsed how the Committee reaches this conclusion. Our analysis follows, should you be interested in the details as to how we conclude that this new legislation is intended to increase authorization of virtual meetings during this emergency. (As always, if you are a local official or staff reading this letter, we encourage you to contact your legal counsel.)

When holding virtual meetings, remember the importance of notice, public access, minutes documenting and other standards consistent with the Virginia Freedom of Information Act.

Stay Healthy and Thank You for Your Service,

Sharon E. Pandak
Chair, COVID-19 Committee

Attachments: Detailed Analysis
Budget Amendment language
Summary of Legislative History

cc: LGA President Timothy R. Spencer
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