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# The Sunshine Report: Online Transparency news from the Virginia Coalition for Open Government **June 2011**

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## Coalition News

### VCOG board meeting

The Virginia Coalition for Open Government's board of directors will meet June 23 at the Hilton Oceanfront in Virginia Beach. The meeting is hosted by VCOG's co-founding partner the Virginia Association of Broadcasters.

### Dalglish to head NFOIC board

VCOG board member Lucy Dalglish has been named president of the National FOI Coalition's board of directors. Dalglish, the executive director of the Arlington-based Reporters Committee for Freedom of the Press, succeeds Frank Gibson, executive director of the Tennessee Coalition for Open Government.

### Watch your mailbox

Renewal notices for 2011-12 will start arriving in mailboxes later this month. We now sent renewal

Greetings, Friend of VCOG!

## FOIA is part of the job

When a New York school district [hired a new employee to take care of open records requests](#), the deputy superintendent for the district had this to say: "We can't be digging out all this information at the same time we're trying to deal with legal issues, budget issues and reduced administrative staff."

His frustration is probably shared by just about every local government in the nation. State government, too.

Local governments in particular have more to do, but less money and fewer people to do it with. They're swamped.

It's probably not surprising at this time, then, to hear government employees say that filling FOIA requests is taking them away from their other duties. But the thing is, at VCOG, we've been hearing this same complaint even when times were flush and personnel rosters were full....

[Continue reading on our website](#)

## Some settlements can be withheld, says FOIA Council

In its first formal advisory opinion of 2011, the FOIA Council told the Virginia Lottery Commission (VLC) and the Virginia Office for Protection and Advocacy (VOPA) that the settlement agreement between the two agencies over the accessibility of lottery programs to those with disabilities could be withheld

notices out on a rolling basis, so if you paid dues in July last year, your renewal notice will arrive in June. Please take a moment to renew your commitment to open government in Virginia, and maybe consider contributing an additional gift. In advance of your consideration, ***thank you.***

(And remember: you can renew online. VCOG now accepts PayPal.)

### Nominate your FOIA hero

Now you don't have to wait for VCOG to open up the nomination process for its annual FOI awards for citizen, media and government contributions to open government in Virginia. Now there's [a year-round nomination form](#) on our home page. Take a moment to recognize someone who has brought sunshine to the Commonwealth!

### Stay up to date on access

Sign up for VCOG's [daily listserv on access and First Amendment news](#) from Virginia and across the country. It's free!

For a steady stream of access-related stories and additional commentary and information, join the more than 400 people who are following [VCOG on Twitter](#). The latest six posts are also carried on [our website](#).

AND, you can also follow bits and pieces of interesting access news on VCOG's [Tumblr page](#).

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from disclosure.

The two agencies entered into a settlement agreement after years of litigation. Though parts of the settlement were actively disclosed, other parts were subject to a confidentiality clause. VOPA wanted to be able to release these provisions, but VLC opposed it.

The FOIA Council said that because the settlement was prepared specifically for use in litigation, it could be withheld under section 2.2-3705.1(3) of FOIA.

[Read the opinion on VCOG's website.](#)

## Open government news

The Floyd County schools' superintendent has been the beneficiary of several pay perks and raises since 1993, but none through written agreements subject to disclosure under FOIA, [the Roanoke Times reported](#)....The Wise County school board has nearly come to blows over a high school consolidation plan. Four members on one side boycotted an early May meeting and then sued the other four board members and the superintendent. In late May, a local citizen questioned the plaintiffs' meeting with their attorney at a local hotel, [saying the four should have followed FOIA](#)....After months of legal wrangling, the University of Virginia and the American Tradition Institute [reached an agreement](#) to release some of the emails of climate scientist, and former UVa professor, Michael Mann....A committee of the Community Services Board in McLean refused to release a \$100,000 consultant's report on the feasibility of replacing a community tenn center. Though the report had been distributed to committee members, [the board refused a FOIA request for the report](#), saying the report was prepared solely for discussion in closed session.

## FOIAC updates

The Freedom of Information Advisory Council bid farewell to two longtime members at its May meeting: Roger Wiley and E.M. Miller. Wiley has represented local government on the Council, and Miller has held the seat reserved for the director of Legislative Services. Both men were named to the Council upon its creation in 2000. [Kathleen Dooley](#), the city attorney of Fredericksburg, will take over Wiley's seat. A new DLS chief has not been named. In other developments, James Schliessmann took over the seat reserved for the Attorney General's office when the previous designee, Eric Gregory, left to become the attorney for Powhatan County. Governor Bob McDonnell also named [Stephanie Hamlett](#), executive director of the Virginia Resources Authority to the seat that will be



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Virginia Resources Authority, to the seat that will be vacated on July 1 by Mary Yancey Spencer of the Virginia State Bar.

Also at its May meeting, the Council created a committee to study [SB812](#), the bill carried by Sen. Steve Martin during the 2011 legislative session that would prohibit the publication of a public employee's name in relation to his or her salary or reimbursements. An existing Council committee will again look at whether language can be worked out to allow the [release of some criminal investigative records](#) in closed cases. The Council declined to look further into a measure that would have required every public record to be [classified upon creation](#) as exempt or subject to mandatory disclosure under FOIA.

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