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The Sunshine Report: *Online*

Transparency news from the Virginia Coalition for Open Government

May 2012

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Coalition News

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VCOG in Williamsburg & Chatham

- On May 30, VCOG will be partnering with the City of Williamsburg and *The Virginia Gazette* to present an evening discussion about open government in the city.
- Megan Rhyne of VCOG will be speaking at the noon luncheon of the Chatham Rotary Club May 22.

Greetings, Friend of VCOG!

VCOG hosts records-management and FOIA seminar

REGISTER TODAY!!!

VCOG will hold its fourth workshop for government records managers on Thursday, May 3, from 9:30 to 12:30 at the [Library of Virginia](#). "**Making Your FOIA Life Easier**" gives state and local records managers practical advice on the proper management, storage and destruction of public records, in turn making it easier to manage FOIA requests. The workshop is presented in partnership with the FOIA Council, the Virginia Municipal League, the Virginia Association of Counties and the Library of Virginia. There is a \$15 fee. [Click here for details and registration.](#)

FOIA in the courts - updates

- The Virginia Supreme Court heard arguments April 16 on the FOIA case that asks whether the rapid exchange of hundreds of email by members of the Fairfax County School Board shortly before the meeting in which they voted to close a local elementary school violated the Act's open meetings requirements. [Click here for a *Washington Post* recap of the FCPS case.](#)
- A Loudoun judge said the Board of Equalization did not violate FOIA when it asked Beverly Bradford to leave the room after snapping a flash photograph during a meeting. The judge did not believe BOE member Scott Littner's account of the incident -- he denied walking over to Bradford and angrily demanding she stop taking pictures -- but nonetheless ruled it was OK that she be asked to stop because the BOE had internal rules banning flash photography. [Click here for a *Washington Post* recap of the Loudon case.](#)

VCOG to create informal partners panel

In the coming months, VCOG will be creating the Coalition Partners Advisory Panel, an informal group of VCOG members, friends and supporters who will advise VCOG on how we can best meet the access needs of Virginia's citizens. Stay tuned for news about the panel's members, meetings and reports.

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](#).

Just who comes to VCOG's seminars?

A sampling of the agencies and jurisdictions who will be represented at VCOG's May 3 records-management and FOIA seminar. *Thank you for putting your trust in VCOG!*

- Brunswick County Department of Social Services
- City of Alexandria
- City of Chesapeake
- City of Fredericksburg
- City of Newport News
- City of Norfolk
- City of Suffolk
- Department of Environmental Quality
- Department of Juvenile Justice
- Department of Medical Assistance Services
- Department of Rehabilitative Services
- Division of Capitol Police
- James City County Social Services
- Lucy Corr Village

• A Prince William judge ruled UVA did not lose its right to claim FOIA exemptions applied to the email of former professor Michael Mann, even though the university gave Mann copies of the exempt records earlier. The judge's ruling nonetheless left open the possibility that the American Tradition Institute, which has been seeking the records since January 2011, can bring the argument up again at a later date. [Click here for a Washington Times recap of the UVA case.](#)

What NOT to charge

In March a Stafford County citizen asked the board of supervisors for various email related to the budget. What he got was a lesson on what local governments should not charge when recouping fees under FOIA.



Paul Jacobs received an itemized breakdown of the total \$1,301.76 his request would cost: \$9.85/hour for two hours of the chair's time to search; \$72.12/hour for the half-hour the county attorney needed; and **\$155/hour for eight hours** of another supervisor's time. The supervisor claimed he would need to take the day off from work to search his personal computer and accounts he used for county business. The \$155/hour presumably reflected the rate of pay for his day job.

VCOG [sent a letter to the county](#) expressing its belief that the supervisor can only charge his hourly rate as a county official. The [Free Lance-Star agreed](#) and went further, suggesting that "all official email exchanges should take place in government accounts that can be easily parsed by a government employee."

The [FOIA Council weighed in](#), too, stating emphatically, "The County does not pay the Supervisor \$155/hour. Therefore the County cannot charge you for the Supervisor's time at \$155/hour."

Open government news

When the City of Norfolk received a [FOIA request from The Virginian-Pilot](#) asking for council members' emails, the city council held a closed meeting to discuss the request. One council member griped that it was "sad" that the *Pilot* "has been reduced to to the point where you have to see every letter that comes to us."....Washington County and Abingdon officials went into closed session to discuss annexation proposals. One Abingdon Town Council member said he [voted](#)

- Norfolk Police Department
- Norther Neck Regional Special Education Program
- Northumberland County School Board
- Portsmouth Police Department
- Prince William Adult Detention Center
- Richmond Ambulance Authority
- Rockingham County Circuit Court
- Town of Herndon
- Department of Aviation
- Department of Transportation
- Virginia Employment Commission
- Virginia Resources Authority

[against the decision to go into closed session](#) because "this is a matter so important to our taxpayers and potential town taxpayers that we need to keep the process open."....The Thomas Jefferson Center for the Protection of Free Expression [awarded the Virginia Department of Corrections a "Lifetime Jefferson Muzzle."](#) only the third in the center's 20 years of recognizing abridgements to free speech. The DOC was chided this year for refusing to allow a prisoner access to spoken-word CDs of Dylan Thomas poems.....A Shenandoah County Boy Scout working on his Citizenship in the Community merit badge spoke out against a proposed regional jail project at a county meeting. His effort were met not with praise for his participation, but with [complaints from residents](#) that he shouldn't have spoken out while wearing his scouting uniform....The Gloucester County School board had to put its decision to close a local elementary school on hold after an attorney told them they did not follow the proper public notice requirements for such a decision. The school board [refused the Daily Press' FOIA request](#) for the attorney's opinion, but the paper got a copy from a county resident anyway.

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(but won't you like us more?)



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