



Shawn Talmadge
Chairman
VDEM

Hon Kevin W. Hall
Sheriff
Vice Chairman
City of Covington

Randy McCabe
Treasurer
Comptroller

Dorothy Spears-Dean, Ph.D.
Deputy State Coordinator
VDEM
(804) 840-7260

Terry D. Mayo
Board Administrative Assistant
VDEM
(804) 718-9026

COMMONWEALTH of VIRGINIA

Virginia 9-1-1 Services Board

Meeting Agenda

September 08, 2022 1:00 pm

Four Points by Sheraton Richmond, 9901 Midlothian Turnpike, Richmond, VA 23235

Mary M. Blowe
Chief Financial Officer
City of Winchester

Thomas A. Bradshaw
Captain
Virginia State Police

Gary Critzer
Emergency Mgmt/ EMS Dir
City of Waynesboro

Terry Ellis
Comcast

R. Scott Garber
Fire Chief
City of Staunton

Pete Hatcher
AT&T

Michelle Painter Lama
T Mobile

Matthew Ogburn
Verizon Communications

Robert Osmond
CIO - VITA

Tamara Perez
Frederick County

Kelvin Wright
Chief of Police
City of Chesapeake

Gabe Elias
SWIC
Advisor

1. Call Meeting of the Board to Order.....Chair
2. Approval of Minutes from May 12, 2022.....Chair
3. NGS Bureau Update.....Deputy State Coordinator
4. NG9-1-1 Deployment Update.....Interim Regional Outreach Division Director
5. NG9-1-1 Project Management Support Decision.....Chair
6. FOIA Electronic Meeting Guidance.....Deputy State Coordinator
7. FY22 Annual Report.....Deputy State Coordinator
8. NG9-1-1 Funding and Amendment Requests.....PGC Committee Chair
9. Old Business:
 - 9-1-1 Cost Study.....Deputy State Coordinator
 - MSAG ALI Maintenance.....VGIN Geospatial Program Manager
10. New Business:
 - PSAP Grant Committee Report.....Committee Chair
 - Regional Advisory Council (RAC) Report.....Committee Chair
 - Finance Committee Report.....Committee Chair
 - Legislative Committee.....Committee Chair
 - Upcoming Meetings.....Deputy State Coordinator
11. Public Comment.....Chair
12. Adjourn Meeting of the Board.....Chair

Next Meeting – November 10, 2022

DRAFT MINUTES
Virginia 911 Services Board
Sheraton Four Points
Thursday, May 12, 2022
1:00 PM

Welcome and Opening Comments

Pursuant to § 56-484.13, the 9-1-1 Services Board convened in a meeting on Thursday, May 12, 2022. The meeting was open to the public via livestream on the [Virginia Department of Emergency Management \(VDEM\) 911 & Geospatial Services Bureau Web-page](#) and via [Commonwealth Calendar Posted Information](#), and held in person at the Sheraton Four Points located at 9901 Midlothian Turnpike, Virginia.

The following Board members were present for the meeting:

1. Shawn Talmadge – Chairman
2. Kevin Hall – Co-Chairman
3. Tom Bradshaw
4. Terry Ellis
5. Pete Hatcher
6. Randy McCabe
7. Robert Ogburn
8. Michelle Painter-Lama
9. Tamara Perez
10. Mary Blowe
11. Robert Osmond
12. Gabe Elias

Shawn Talmadge convened the meeting at 1:03PM and welcomed Board members and staff to the meeting. Secretary of the Commonwealth, Bob Mosier addressed the Board.

Leadership Remarks

Chairman Talmadge talked about setting agendas two weeks before the meeting. He said he will meet with Dorothy Spears-Dean a head of each meeting to be briefed on the meeting's agenda. He informed the Board that there are two vacancies open on the Board. Chairman Talmadge said that if any Board Member have suggestions as to whom to fill the vacancies, to please let Coordinator Spears-Dean know. He also emphasized that the Secretary of the Commonwealth's Office is responsible for making any appointments.

Chairman Talmadge then talked at "National Public Safety Telecommunicattors."

Chairman Talmadge then briefed the Board about the recent Agency-wide Audit that has been

conducted. Chairman Talmadge said that the Audit is complete, and that there were no significant findings. He said that the Auditors were able to confirm that the Agency is in compliance. Chairman Talmadge said that formal letter will be forthcoming from the Auditors, and that he will bring that to the Board.

Chairman Talmadge said that the Regional Outreach Manager's position in the NGS Bureau is being moved to the top of the list for recruitment. He said that this will help Coordinator Spears-Dean with the workload. Chairman Talmadge said that he is looking forward to working with the Board within the next year.

Approval of Minutes from March 10, 2022

Chairman Talmadge called for a motion to approve the March 10, 2022 Board Minutes that were distributed prior to this Board Meeting. Terry Ellis made a motion to approve the Minutes, and Pete Hatcher 2nd the motion for approval. The motion for approved passed; **11-0-0**.

NGS (911 and Geospatial Services) Bureau Update

Coordinator Spears-Dean addressed the Board and briefed the Board on updates from the NGS Bureau. Coordinator Spears-Dean informed the Board Members that the Bureau has adopted the tagline "It starts with a 911 Call".

Coordinator Spears-Dean walked the Board through the KPMG process. She talked about the NGSB Work Plan. She talked about the NG9-1-1 Support and 9-1-1 Governance. Coordinator Spears-Dean reinforced Chairman Talmadge's statement about going forward with hiring the Regional Outreach Manager.

Coordinator Spears-Dean informed the Board that the 911 Stakeholder's Summit was held yesterday, May 11, 2022, at the hotel in which the Board is meeting today, May 12, 2022. She said this has been a partnership with the Stakeholders and Vendors with moving forward with NG9-1-1. She informed the Board that there has been 31 deployments to date in the Commonwealth. Coordinator Spears-Dean talked about honing the vision as to where we are going to need support for NG9-1-1 deployment and post deployment. She said that the Board will need to strengthen stakeholder engagement activity, as well as optimize the NGS Bureau organization and collaboration. Coordinator Spears-Dean asked the Board for consensus for the FY23 priorities and direction for NGSB staff to work with the chair to proceed with these items. Coordinator Spears-Dean asked for questions from the Board. Chairman Talmadge said he would like for staff to develop a scope of work with a cost estimate, so the Board can bring in staff to get caught up on that work. Chairman Talmadge wanted to know what the major friction points are, and also, how long will staff need to extend the completion date to finish NG9-1-1. Terry Ellis asked if staff needs to start the talking process with the Legislature to push the date back. Chairman Talmadge commented yes, and that he thinks it would be a good Board action. Coordinator Spears-Dean said the Board needs to make sure it keeps the General Assembly informed. She also stated that this will be a part of the Annual Report process. Coordinator Spears-Dean said that as a part of "Code" the Board has the ability to extend the NG9-1-1 Deployment date. She said that COVID is a good cause for extension, and that the Board has the

authority to move that extension. Terry Ellis clarified her question, and asked if the Board does not need the Legislative process to make an extension? Coordinator Spears-Dean said she is correct, the Board does not need Legislation to make an extension. Terry Ellis then asked Coordinator Spears-Dean about the funding source for the extension. Coordinator Spears-Dean said it is the Wireless E-911 Fund. It is tied through the Special Funds, and the Bureau has the MEL to do that. It is an expense within the budget. Terry Ellis commented that a Project Manager for NG9-1-1 would be great. She stated that her Company has used that process. Coordinator Spears-Dean said that would be brought to the Board for a vote in the future. Tamara Perez asked what PSAPs are behind, and have staff communicated with those PSAPs. Chairman Talmadge said his expectations is that communications will be handled between the Regional staff and the PSAPs, and that the team will work together with the PSAPs to establish the priorities. Chairman Talmadge said that the Regional staff should identify the problem and focus their effort with those PSAPs. He also said that NGS Bureau staff will come back with a proposed scope of work at the July Board meeting, which will result in a vote from the Board. No Board action was taken or required at this time.

NG9-1-1 Deployment Update

Matt Gerike addressed the Board and gave a brief update on the NG9-1-1 deployment. He said that last week Chesapeake was the last to deploy.

Coordinator Spears-Dean addressed the Board and said that as of May 10 there have been 31 PSAPs deployed with 93 remaining PSAPs to be deployed. The Board Action she is seeking is for feedback from the Board on the NGS Bureau's staff recommendation related to extending the deployment deadline. Also, she is seeking agreement regarding the approach staff is recommending. Chairman Talmadge asked the Board for discussion and recommendations. Mr. Bradshaw wanted to know why the Board is unable to do the i3 scenario. Does it have to do with COVID, and people out of work? Coordinator Spears-Dean said yes to both. Chairman Talmadge added that it is also a result of the Supply Chain" and staffing problems. A discussion ensued to identify the "weakest link"? Where are the risk in the lines of driving this decision? Coordinator Spears-Dean said that there is no risk, and staff can do research. Chairman Talmadge said the Board is going to hold everything in place, and take a look at the root causes by accessing the last 24 months of implementation. Also look at the supply chain problem, etc. Chairman Talmadge said the July Board Meeting is sufficient time to bring the report. He said that staff will report what it can, and if there are gaps, staff can have additional time.

NG9-1-1 Funding and Amendment Requests

Amendment Requests - Coordinator Spears-Dean addressed the Board and said that staff has received some Administrative Amendments which do not require Board action as they were reviewed by the PSAP Grant Committee. The Amendments are for Henrico, Rockbridge, and Franklin. The PSAP Grant Committee reviewed the amendments because they are over 10% or over \$50,000. They are recommended for approval. Chairman Talmadge called for a motion to

approve the Committee's recommendation. Sheriff Hall made motion to approve the recommendation, and the motion was 2nd by Tom Bradshaw. All approved; **11-0-0**.

PSAP Grant Guidelines – Coordinator Spears-Dean said that the PSAP Grant Committee (PGC) met and discussed increasing the funding amounts available to \$4,000 for individual project and \$5,000 for multi-jurisdictional project. There are no other substantive charges to the PEP grant. The Committee is recommending amending the guidelines upon the conclusion of the “cost and feasibility” studies. She said that the PGC will continue to review and make recommendations in lieu of studies. The Committee is recommending the approval of the FY2024 PSAP Grant Guidelines. Chairman Talmadge asked for questions from the Board. Michele Painter-Lama said she has reviewed the Guidelines; however, she has a question concerning page references. Coordinator Spears-Dean informed the Board that there are incorrect page references, and staff will go back and proofread the Guidelines. Terry Ellis ask if the requested changes will take advantage of the increase. Coordinator Spears-Dean said that she expect all the group activities will continue. She said that the Board has not made any increase in several years. Terry Ellis ask if the increase will be within the budget. Coordinator Spears-Dean said that the budget has money to cover the increase. Chairman Talmadge called for a motion to approve the Committee's recommendation. Tamara Perez made a motion to approve the recommendation, and Mary Blowe 2nd the motion for approval. All approve; **11-0-0**.

IP Managed Services Reimbursements - Coordinator Spears-Dean talked about the FY21 IP Managed Services Reimbursements. She said that the Board has two Carriers in place providing services to {SAPs. The two Carriers are Lumos and Verizon, but they can't provide services to some PSAPs. She is recommending that the reimbursements for these services be approved. Chairman Talmadge called for a motion to approve the requests for reimbursement. Terry Ellis made the motion to approve, and Randy McCabe 2nd the motion to approve the reimbursements. All approved; **11-0-0**.

Kari's Law and Ray Baum Act

Coordinator Spears-Dean addressed the Board, and said that Kari's Law and the Ray Baum Act are Federal Legislation. Coordinator Spears-Dean gave a brief presentation on this Law and Act. She said that with this type of call system you have to dial a 9 or 8 before making a call. She said that such facilities typically have multi-lines telephone systems. It ensures that anyone can reach a 911 Call Center when dialing 9-1-1 from a MLTS. The law and act went into effect on February 16, 2020. The Ray Baum Act addresses a “dispatchable location.” Coordinator Spears-Dean informed the Board that she wanted Board members to be aware of these statutes and is recommending that the Board leverage its educational resources. She also informed the Board that this information was for informational purposes.

Old Business:

- **Payment Continuation Agreements** - Coordinator Spears-Dean addressed the Board and said that prior to 2018 the Board had a CMRS Subcommittee. She said that the Board has had a significant decrease in Cost Recovery participation. She said that there are two Carriers who have continued to ask for Cost Recovery. The total invoices they are asking Recovery for is \$250,000. Coordinator Spears-Dean informed the Board that she has submitted a decision brief on the payment, which is in the Board's packet. Lewis Cassada addressed the Board and informed the Board that if it has any questions concerning the decision brief, to let him know. Sheriff Hall asked for clarification in that only two Carriers have continue to bill? He said that, in his opinion, the Board should continue to pay until June 2023, and give the two Carriers a time period in which the Cost Recovery will be discontinued, so that they can make other arrangements. Chairman Talmadge called for a motion to approve the Cost Recovery in the amount of \$250,000 to the two Carriers. Sheriff Hall made a motion to approve the payment with a recommendation that after FY2023 to discontinue this payment. Michelle Lama-Painter asked if these companies provide any documentation for why they need this cost recovery payment. Mr. Cassada said yes, and they are bundled up with the cost to AT&T, The two Carriers are US Cellular and Eastern Cellular. The motion was 2nd. All approved; **11-0-0**.
- **Originating Service Provider** – Coordinator Spears-Dean said that this a continuation from the last Board Meeting. She said she is referencing the Code section 56-484.17. Coordinator Spears-Dean said that staff has been working with Counsel to get an opinion on the Code. However; staff has not gotten a response yet. She said that staff is seeking permission from the Board to grant permission for staff to draft to Counsel a decision on Floyd County Citizens Telephone Co-op (need to connect to AT&T to connect to the EsiNet). Coordinator Spears-Dean said that Board action is needed. Floyd County is looking for approval for Cost-Recovery to not exceed \$100,000. Staff would like to proceed with a Contract vehicle to do that. Chairman Talmadge called for a motion to approve. Sheriff Hall made a motion for cost recovery for Floyd County and Citizens Telephone Co-op. Terry Ellis 2nd the motion for approval. All approved; **11-0-0** in the amount of \$100,000 over three years.

New Business:

- **PSAP Grant Committee Report** – Received a request for grant PEP Funds for QA/QC project. This will be presented at the next meeting in July.

The PSAP Grant Committee said that an update in language to award amendments to “include \$50,000 and up to \$50,000”. This will change the current language which states “up to \$50,000” in the Guidelines. Chairman Talmadge called for a motion to amendment the language in the PSAP Guidelines. Mr. Randy McCabe made the motion

to approve the language change, and Sheriff Hall 2nd the motion to approve. All approved; **11-0-0**.

- **Regional Advisory Council (RAC) Report** – Tamara Perez gave an update. She said that the Recruitment and Retention Committee should have a recommendation at the next meeting along with best practices. Chairman Perez informed the Board that the RAC now has six workgroups.
- **Finance Committee Report** - Coordinator Spears-Dean introduced Mr. Randy McCabe, and said that this is his first Board Meeting. She said that in the future, Mr. McCabe will be Chairing this Committee, and will be giving an update at the next Board Meeting.
- **Legislative Committee** – Terry Ellis addressed the Board and gave a brief update. She said that the Committee is coming up to its one year anniversary. Chairman Ellis said that the Committee will continue to encourage Committee members and others, if you have ideas, to consider bringing what is important to you to the Committee. She said that the Committee may not be aware of items you deem important. She also commented that the Legislative Committee would like to be “proactive,” and focus on other issues such as HB444 – Virginia Freedom of information Act that include meetings conducted through electronic communications means.
- **Upcoming Meetings** - Coordinator Spears-Dean addressed the Board and said the following meetings are scheduled: RAC – June 16; Legislative and Finance Committee – virtual; and in July a PSAP Grant and 911 Service Board Meeting. She said that the next 911 Summit is scheduled in conjunction with the November 10th 911 Service Board Meeting. The 911 Summit would be held in the morning, and the 911 Service Board meeting in the afternoon.

Coordinator Spears-Dean informed the Board that Dinwiddie has just deployed, and so the number is up from 31 to 32 deployments.

Public Comment

Chairman Talmadge addressed the Board and asked if anyone had any public comments. There were none.

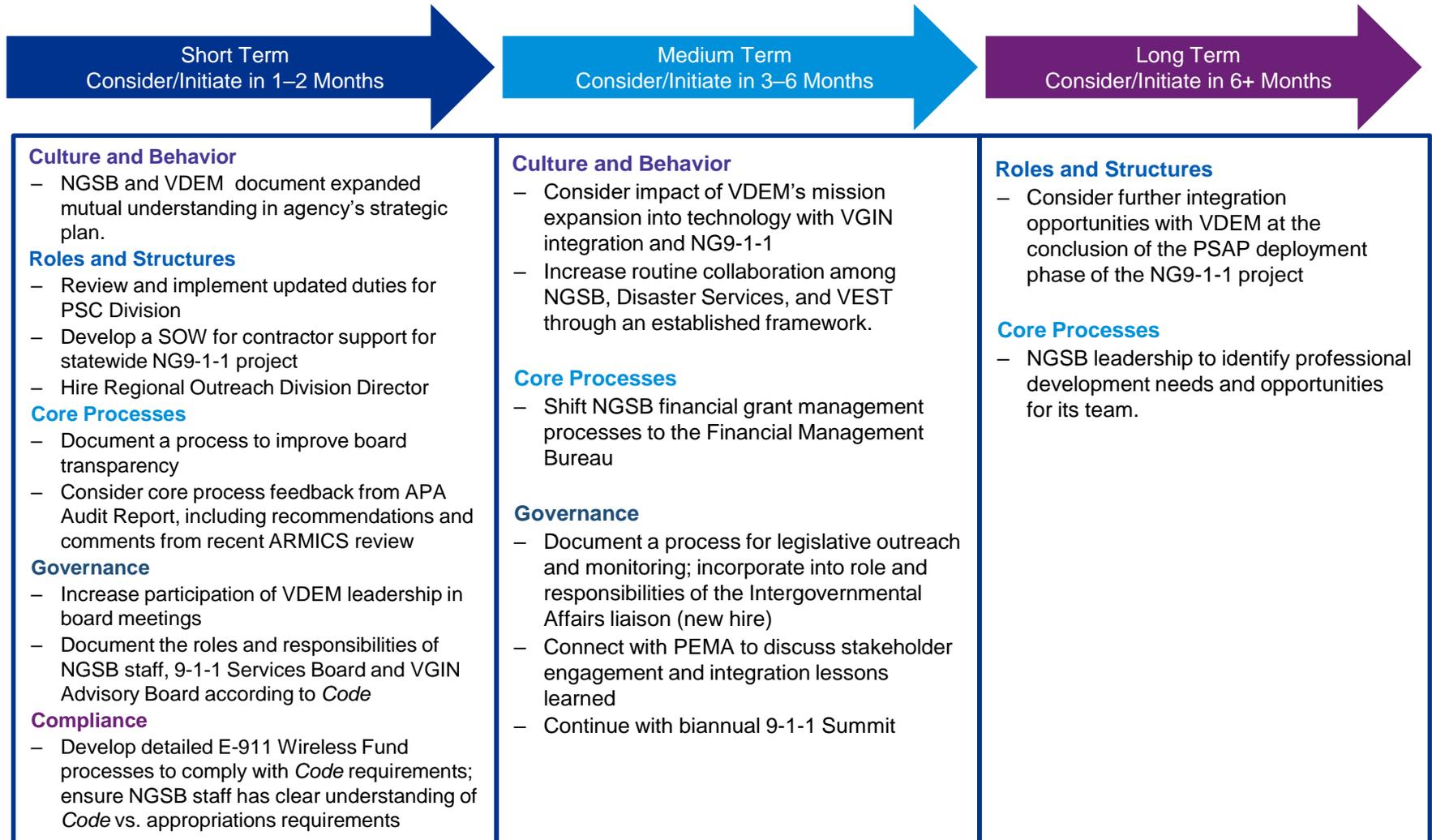
Adjournment

Chairman Talmadge asked for a motion to adjourn the meeting. Meeting adjourned at 2:52 PM.

Respectively Submitted by
Ms. Terry Davis Mayo
Board Executive Administrative Assistant

Actionable Roadmap – NGS integration with VDEM

The following are business process improvements (in progress or under consideration) organized by priority.



Actionable Roadmap – NG9-1-1

The following are business process improvements (in progress or under consideration) organized by priority.



<p>Roles and Structures</p> <ul style="list-style-type: none">– Identify dedicated NG9-1-1 project manager(s)– Gather feedback on how NG9-1-1 infrastructure may be utilized during Regional Town Halls <p>Core Processes</p> <ul style="list-style-type: none">– Develop SOW for NG9-1-1 post PSAP deployment study.– Complete analysis of the process for awarding and managing grant funds provided to localities	<p>Culture and Behavior</p> <ul style="list-style-type: none">– Consider the impact of VDEM’s mission expansion into technology	<p>Core Processes</p> <ul style="list-style-type: none">– Improve communication regarding NG9-1-1 benefits– Develop public communications content to convey NG9-1-1 benefits.
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ELECTRONIC MEETINGS UNDER THE VIRGINIA FREEDOM OF INFORMATION ACT

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III: Electronic meetings conducted under a declared state of emergency (§ 2.2-3708.2 and State Budget Item 4-0.01 (g))

- A. Electronic meetings conducted during emergencies declared by the Governor or locality (§ 2.2-3708.2)
- B. Electronic meetings conducted during emergencies declared by the Governor (State Budget Item 4-0.01 (g))

Appendix: Best Practices Recommendations for All-Virtual Public Meetings



I. Introduction

Prior to September 1, 2022, the provisions of the Virginia Freedom of Information Act (FOIA) concerning electronic meetings¹ were found in § 2.2-3708.2 of the Code. As of September 1, 2022, the FOIA provisions concerning electronic meetings are found in §§ 2.2-3708.2 and new 2.2-3708.3. These two Code sections separate electronic meetings into two general categories:

- 1) Electronic meetings held outside of states of emergency, which includes both remote participation by individual members and all-virtual public meetings (new § 2.2-3708.3), and
- 2) Electronic meetings held during declared states of emergency (§ 2.2-3708.2).

Note that electronic meetings held during a declared state of emergency are also addressed in the State Budget.² The procedures for holding electronic meetings under declared states of emergency as of September 1, 2022, are substantively identical to the same procedures prior to September 1, 2022. However, the procedures for individual members using remote participation are similar but not identical to the equivalent provisions prior to September 1, 2022. Specifically, the provisions that allow remote participation by individual members of public bodies are largely the same regarding participation due to personal matters, a member's medical condition or disability, or the need to provide medical care for a family member. However, the provision allowing remote participation for a member whose principal residence is 60 miles or more from the meeting location, which was previously available only to regional public bodies, may be used by all public bodies as of September 1, 2022. The procedures for all-virtual public meetings are new. Please note that unless otherwise specified, this guide is written to correspond to the law effective September 1, 2022, and hereafter refers to the Code as it is effective on that date and thereafter.

Note: Annual report and public comment form no longer required

As of September 1, 2022, there is no equivalent to the provisions of former subsection D of § 2.2-3708.2, which allowed certain electronic meetings to be conducted by state level public bodies. That subsection included the requirement for public bodies to report their experiences with electronic meetings to the FOIA Council, so those annual reports are no longer required after September 1, 2022. That subsection also included the requirement to make available to the public a public comment form so that members of the public could comment regarding their experiences with electronic meetings. That public comment form also is no longer required to be made available after September 1, 2022.

Note: Public participation and public comment

Former subsection E of § 2.2-3708.2 provided that "[n]othing in this section shall be construed to prohibit the use of interactive audio or video means to expand public participation." As amended effective September 1, 2022, subsection A of § 2.2-3708.3 explicitly encourages public bodies to

¹ The phrase "electronic meeting" is used herein to refer to all types of meetings conducted using electronic communications, but it is not a defined term under FOIA.

² State Budget Item 4-0.01 (g) (originally added to address the COVID-19 pandemic); 2020 Session Acts of Assembly, c. 1289; 2020 Special Session I Acts of Assembly, c. 56; 2021 Special Session I Acts of Assembly, c. 552; 2022 Special Session I Acts of Assembly, c. 2.



- (i) provide public access, both in person and through electronic communication means, to public meetings and
- (ii) provide avenues for public comment at public meetings when public comment is customarily received, which may include public comments made in person or by electronic communication means or other methods.

If members of a public body are physically assembled at one location but wish to allow members of the public to listen or provide comment electronically, there are no restrictions on doing so. In other words, the heightened procedural requirements that apply to members of the public body do not apply to the public or other persons such as employees and guest presenters. Public bodies are always welcome to use electronic means to increase public access even if no members are participating electronically (such as by broadcasting via radio, television, or online even when a meeting is held entirely in person). The specific requirements and limitations on electronic participation described in this guidance document apply only to the members of the public body holding a public meeting.

Note: Members participation and monitoring meetings electronically

So long as all of the appropriate procedural requirements are met, a member participating in a meeting using electronic communication may participate in discussions, make motions, vote, join in closed meetings, and otherwise participate fully as if such member was physically present. If the procedural requirements are not met, however, then the member may only monitor the meeting (i.e., listen or watch, depending on the technology used) and cannot otherwise participate.

If a member is monitoring a meeting but not participating, as a matter of best practices, it is suggested that the chair of the public body make a statement to inform the public and the other members, such as: "Please observe that [*member name*] could not attend today's meeting, but is [*listening/watching*] the meeting [*by speakerphone, videoconference, or whatever electronic communication means is being utilized*]. However, [*member name*] is only monitoring the meeting. [*He/she*] is not counted as present and cannot make motions, vote, or otherwise participate."

Definitions (§ 2.2-3701)

The definitions included below are specifically relevant to meetings conducted using electronic communications, but keep in mind that the other definitions in § 2.2-3701 also apply to electronic meetings as appropriate.

The definition of "electronic communication" was amended in 2018³ and subsequently is applicable to all of the types of electronic participation allowed under §§ 2.2-3708.2 and 2.2-3708.3:

"Electronic communication" means the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

This definition is meant to be broad enough to include all of the different types of technology that might be use for electronic communication, whether audio-only (such as telephone or radio

³ 2018 Acts of Assembly, c. 54.



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technology), visual-only (such as text messaging or email), or both (such as television and many online virtual meeting platforms).

The following two definitions take effect September 1, 2022.⁴ These definitions distinguish between meetings where a public body has assembled a quorum in one physical location but one or more members is participating by electronic communication, and meetings where there is no quorum physically assembled in one location and all of the members are participating using electronic communication:

"All-virtual public meeting" means a public meeting (i) conducted by a public body, other than those excepted pursuant to subsection C of § 2.2-3708.3, using electronic communication means, (ii) during which all members of the public body who participate do so remotely rather than being assembled in one physical location, and (iii) to which public access is provided through electronic communication means.

"Remote participation" means participation by an individual member of a public body by electronic communication means in a public meeting where a quorum of the public body is otherwise physically assembled.

The procedural requirements and limitations applicable to the various types of electronic meetings are described in the rest of this guide.

Please do not hesitate to contact the FOIA Council with any questions you may have concerning the requirements for conducting meetings using electronic communications.

Toll-Free Telephone: 1-866-448-4100

Email: foiacouncil@dls.virginia.gov

⁴ 2022 Acts of Assembly, c. 597.



II: Remote Participation and All-Virtual Public Meetings (§ 2.2-3708.3)

A. Policy requirement

Subsection D of § 2.2-3708.3 requires that public bodies adopt a participation policy before using the provisions for remote participation or all-virtual public meetings. Note that no policy is required for meetings conducted under § 2.2-3708.2 during declared states of emergency. (Note that this policy requirement is similar but not identical to the policy requirement in former subsection C of § 2.2-3708.2 prior to September 1, 2022 - public bodies who adopted policies prior to that date may need to adopt new versions of their policies to stay in compliance!) The public body must adopt the policy by recorded vote at a public meeting and the policy must "be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting." The policy must also do the following:

- 1) Describe the circumstances under which an all-virtual public meeting and remote participation will be allowed and the process the public body will use for making requests to use remote participation, approving or denying such requests, and creating a record of such requests; and
- 2) Fix the number of times remote participation for personal matters or all-virtual public meetings can be used per calendar year, not to exceed the limitations set forth in subdivisions B 4 and C 9.

The public body may set forth more restrictive limitations regarding the circumstances under which remote participation is allowed than the statutory limits set forth in FOIA, but it may not expand such participation beyond those statutory limits. The referenced subdivisions B 4 and C 9 of § 2.2-3708.3 set out the numerical limitation on remote participation due to personal matters and all-virtual public meetings, respectively, both of which are limited to two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. Additionally, an all-virtual public meeting may not be held consecutively with another all-virtual public meeting.

Note: Count participation separately for different types of meetings and for meetings of different public bodies

First, note that the limits on remote participation due to personal matters are separate from the limits on all-virtual public meetings and should be counted separately. For example, if an individual member had already reached his limit on participation due to personal matters, but the public body scheduled an all-virtual public meeting, the member could still participate in the all-virtual public meeting because these numerical limits are counted separately for the different types of electronic meetings. Public bodies may set lower numerical limits on such meetings by policy, but they may not exceed the statutory limits of two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. Note also that these statutory numerical limits only apply to remote participation due to personal matters and to all-virtual public meetings, not to other types of remote participation allowed under FOIA. In other words, members can use the other types of remote participation (due to medical condition or disability, providing medical care for a family member, or due to the distance of the member's



principal residence from the meeting location) an unlimited number of times, unless the public body chooses to adopt a policy that places a numerical limit on those types of remote participation.

Second, public bodies may also adopt such a participation policy on behalf of any committee, subcommittee, or other entity that it creates. Keep in mind that such committees, subcommittees, and other entities are public bodies in their own right as defined in Code § 2.2-3701.⁵ Because they are separate public bodies, meetings of such committees, subcommittees, and other entities are counted separately from meetings of the public body that created them when determining whether a member has reached the numerical limit for remote participation due to personal matters, and whether the limit regarding all-virtual public meetings has been reached (both regarding number and consecutive meetings). For example, if a member had reached the limit on participation due to personal matters in meetings of the main public body, he could still participate remotely due to personal matters in meetings of any committee, subcommittee, or other entity on which he serves (presuming he has not reached the limit for that committee, subcommittee, or other entity as well). Note again that public bodies may also set lower numerical limits on such meetings of their committee, subcommittees, or other entities, just as they can for the main public body, but they may not exceed the statutory limits.

Note: Public bodies may adopt a policy on electronic participation and members may use it at the same public meeting

If a member wishes to participate remotely but the public body has not yet adopted a policy on doing so prior to the meeting, it is still an option. So long as a quorum of the public body is assembled physically in one location first, that quorum may vote to adopt a participation policy as required by law during the public meeting. Then, after the policy has been adopted, the public body may allow the other member(s) to participate remotely for the rest of the meeting.

Sample Policy Language

In order to facilitate compliance with this requirement, the FOIA Council has prepared sample language that public bodies may use in crafting their own policies. This sample language is based on the language of the statute itself and includes both the basic policy statement and the limitations set forth in the law, as follows:

It is the policy of [the public body] that individual [public body] members may participate in meetings of [the public body] by electronic communication as permitted by § 2.2-3708.3 of the Code of Virginia. [If the public body wishes to add any additional limitations on the circumstances under which members may participate by electronic communications, include them here.] This policy shall apply to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

⁵ The definition of "public body" includes among other entities, "any committee, subcommittee, or other entity however designated, of the public body created to perform delegated functions of the public body or to advise the public body."



Whenever an individual member wishes to participate from a remote location, the law requires a quorum of [the public body] to be physically assembled at the primary or central meeting location.

When such individual participation is due to a personal matter, such participation is limited by law to two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. [If the public body wishes to add any additional limitations on such remote participation, include them here.]

Further, it is the policy of [the public body] that [the public body] may hold all-virtual public meetings pursuant to subsection C of § 2.2-3708.3. Such all-virtual public meetings are also limited by law to two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. Additionally, an all-virtual public meeting may not be held consecutively with another all-virtual public meeting. [If the public body wishes to add any additional limitations on such all-virtual public meetings, include them here.]

Policy Must Include Processes on Making Requests, Approving or Denying Requests, and Recording Requests

As part of the policy requirement, each public body must adopt three processes: one for making requests to use remote participation, one for approving or denying such requests, and one for creating a record of such requests. There are several possible mechanisms a public body might use; so long as the processes adopted do not violate the express provisions of § 2.2-3708.3, each public body may choose whichever processes it prefers. As an example, a public body might adopt a policy as follows:

- That the member notifies staff to make the request and staff then notifies the chair (since the chair must be notified of requests for remote participation, but as a practical matter, most public bodies rely on staff to make the technical arrangements for members to participate remotely);
- That approval is automatic unless a member's participation would violate FOIA, and, if such participation is challenged, then the matter would be put to a vote; and
- That the request is recorded in the minutes of the meeting.

Sample language follows:

Requests for remote participation or that [the public body] conduct an all-virtual public meeting shall be conveyed to ["staff" or "the clerk or chief administrator for the public body"] who shall then relay such requests to the chair of the public body.

Individual participation from a remote location shall be approved unless such participation would violate this policy or the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) of the Code of Virginia. If a member's participation from a remote location is challenged, then [the public body] shall vote whether to allow such participation.



The request for remote participation or that [the public body] conduct an all-virtual public meeting shall be recorded in the minutes of the meeting. If [the public body] votes to disapprove of the member's participation because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity. The minutes shall include other information as required by §§ 2.2-3707 and 2.2-3708.3 depending on the type of remote participation or all-virtual public meeting.

Additional Limitations and Other Provisions Are Optional

Additional policy provisions may be included as each public body sees fit, so long as they do not violate the express provisions of FOIA. It is up to each public body to decide for itself whether to adopt any such additional policy provisions.

B. Remote Participation by individual members of public bodies

When a meeting is scheduled to be held in person, there are four circumstances set out in subsection B of § 2.2-3708.3 where individual members of a public body may participate from a remote location instead of participating in person. In order to use these provisions, the public body must first adopt a policy on electronic participation as described above and the member must notify the chair of the public body of one of the following four reasons for remote participation:

1. The member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance;
2. A medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance;
3. The member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
4. The member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. However, the member may not use remote participation due to personal matters more than two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

Reminder: As stated previously, the limitation to two meetings per calendar year or 25 percent of the meetings held per calendar year does not apply to the first three types of remote participation (member's disability or medical condition, need to provide medical care for a family member, or principal residence distance from the meeting location), it only applies when the member participates remotely due to a personal matter.

Minutes requirements

- If an individual member remotely participates in a meeting, a **general description of the remote location** must be included in the minutes (it does not need to be an exact address - for example, the minutes might read that "[Member] participated from his home in



[locality]" or that "[Member] participated from her office in [locality]."). The remote location does not have to be open to the public.

- If a member remotely participates due to a (i) temporary or permanent **disability or other medical condition** that prevented the member's physical attendance or (ii) **family member's medical condition** that required the member to provide care for such family member, thereby preventing the member's physical attendance, that fact must be included in the minutes. While the fact that a disability or medical condition prevents the members' physical attendance must be recorded in the minutes, it is not required to identify the specific disability or medical condition.
- If a member remotely participates because the member's principal **residence is more than 60 miles** from the meeting location, the minutes must include that fact.
- If a member remotely participates due to a **personal matter**, the minutes must include the specific nature of the personal matter cited by the member.
- As stated above, **if remote participation by a member is disapproved** because it would violate the participation policy adopted by the public body, such disapproval must be recorded in the minutes with specificity. Note that even if remote participation is disapproved, the member may continue to monitor the meeting from the remote location but may not participate and may not be counted as present at the meeting.

Examples of disability or medical condition that prevents physical attendance:

- Temporary hospitalization or confined to home; or
- Contagious illness; or
- Any temporary or permanent physical disability that physically prevents travel to the meeting location.

Examples of personal matters that may prevent physical attendance:

- Flat tire or other mechanical failure on the way to the meeting;
- Traffic congestion or stoppage;
- Personal, family, or business emergency;
- Blizzard, flood, or other sudden severe weather conditions that prevent travel to the meeting location;
- Business trip;
- Family trip; or
- Scheduling conflicts.

C. All-virtual public meetings

The provisions for all-virtual public meetings under subsection C of § 2.2-3708.3 may be used by all public bodies except "local governing bodies, local school boards, planning commissions, architectural review boards, zoning appeals boards, and boards with the authority to deny, revoke, or suspend a professional or occupational license." In order to do so, a public body must comply with the other meetings requirements of FOIA, must adopt a policy as previously described, and must comply with the following ten additional statutory requirements:

1. An indication of whether the meeting will be an in-person or all-virtual public meeting is included in the required meeting notice along with a statement notifying the public that the



method by which a public body chooses to meet shall not be changed unless the public body provides a new meeting notice in accordance with the provisions of § 2.2-3707;

2. Public access to the all-virtual public meeting is provided via electronic communication means;

3. The electronic communication means used allows the public to hear all members of the public body participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the public body as well;

4. A phone number or other live contact information is provided to alert the public body if the audio or video transmission of the meeting provided by the public body fails, the public body monitors such designated means of communication during the meeting, and the public body takes a recess until public access is restored if the transmission fails for the public;

5. A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting is made available to the public in electronic format at the same time that such materials are provided to members of the public body;

6. The public is afforded the opportunity to comment through electronic means, including by way of written comments, at those public meetings when public comment is customarily received;

7. No more than two members of the public body are together in any one remote location unless that remote location is open to the public to physically access it;

8. If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public resumes before the public body votes to certify the closed meeting as required by subsection D of § 2.2-3712;

9. The public body does not convene an all-virtual public meeting (i) more than two times per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, or (ii) consecutively with another all-virtual public meeting; and

10. Minutes of all-virtual public meetings held by electronic communication means are taken as required by § 2.2-3707 and include the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held. If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such disapproval shall be recorded in the minutes with specificity.

Please see the Appendix for Best Practices Recommendations for All-Virtual Public Meetings on public comment and the use of video by members.



III: Electronic meetings conducted under a declared state of emergency (§ 2.2-3708.2 and State Budget Item 4-0.01 (g))

There are currently two different procedures for conducting electronic meetings during declared states of emergency, one in FOIA as described in subsection III A below, the other in the State Budget as described in subsection III B below. To help understand these provisions, it may be helpful to keep in mind that prior to the COVID-19 pandemic, the state of emergency provisions in FOIA had only been used to address short-duration emergencies such as acute weather conditions that required immediate responses (hurricanes, tornados, snowstorms, etc.). In 2020, those provisions were still limited to allow meetings only to address the declared state of emergency, and not for any other purposes. Because of the duration of the COVID-19 pandemic and the requirements for quarantine and social distancing in effect at that time, the existing provisions were inadequate as they did not allow public bodies to use electronic meetings for any other purposes (i.e., conducting normal business). The State Budget provisions described below were enacted in 2020 to provide a mechanism for public bodies to conduct such other public business during the ongoing state of emergency.⁶ In 2021, the FOIA provisions addressing electronic meetings during states of emergency were amended to reflect the experiences public bodies, citizens, and the media had using electronic meetings during the COVID-19 pandemic and to account for such longer duration states of emergency in the future.⁷ Note that in addition to differing procedural requirements, the FOIA provisions allow for electronic meetings during states of emergency declared both by the Governor and by localities, whereas the Budget provision only addresses states of emergency declared by the Governor. However, the Budget is applicable to common interest community governing boards as well as public bodies subject to FOIA, where the FOIA provisions are only applicable to public bodies. Both provisions remain in the law as of September 1, 2022, so public bodies may use either one as appropriate to the circumstance.

A. Electronic meetings conducted during emergencies declared by the Governor or locality under § 2.2-3708.2

Pursuant to § 2.2-3708.2 of the Code of Virginia, any public body may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17 of the Code of Virginia or the locality in which the public body is located has declared a local state of emergency pursuant to § 44-146.21, under the following conditions:

- i. The catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and
- ii. The purpose of the meeting is to provide for the continuity of operations of the public body or the discharge of its lawful purposes, duties, and responsibilities.

In addition, the public body must:

1. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body conducting the meeting;
2. Make arrangements for public access to such meeting through electronic communication means, including videoconferencing if already used by the public body;

⁶ See n. 2, *supra*.

⁷ 2021 Special Session I, c. 490.



3. Provide the public with the opportunity to comment at those meetings of the public body when public comment is customarily received; and
4. Otherwise comply with the provisions of this chapter.

Minutes requirements

The minutes must include the nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held.

Limitation on duration

The provisions of this section shall be applicable only for the duration of the emergency declared pursuant to § 44-146.17 or 44-146.21.

Note: No policy required

The requirements to adopt a policy as required for remote participation and all-virtual public meetings do not apply to meetings held under a declared state of emergency.

B. Electronic meetings conducted during emergencies declared by the Governor under State Budget Item 4-0.01 (g)

Pursuant to Budget Item 4-0.01 (g), any public body may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17, subject to the following procedures and conditions:

- i. The nature of the declared emergency makes it impracticable or unsafe for the public body or governing board to assemble in a single location;
- ii. The purpose of meeting is to discuss or transact the business statutorily required or necessary to continue operations of the public body and the discharge of its lawful purposes, duties, and responsibilities; and
- iii. A public body shall make available a recording or transcript of the meeting on its website in accordance with the timeframes established in §§ 2.2-3707 and 2.2-3707.1 of the Code of Virginia.

In addition, the public body must:

- a. Give notice to the public using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body or governing board conducting the meeting;
- b. Make arrangements for public access to such meeting through electronic means including, to the extent practicable, videoconferencing technology. If the means of communication allows, provide the public with an opportunity to comment;
- c. Otherwise comply with the provisions of § 2.2-3708.2; and



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- d. State in the minutes the nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held.

Note: This budget item also provides for electronic meetings to be held by governing boards of common interest communities such as condominium unit and property owners' associations. Such governing boards are not public bodies subject to FOIA but are subject to their own laws concerning access to records and meetings. Because this office is limited to providing guidance regarding FOIA, provisions in Budget Item 4-0.01 (g) that are specific to common interest communities have been omitted from this guide. Please direct any inquiries regarding records and meetings of common interest communities to the Office of the Common Interest Community Ombudsman within the Department of Professional and Occupational Regulation:

PHONE (804) 367-2941
FAX (866) 490-2723
EMAIL CICOmbudsman@dpor.virginia.gov



Appendix: Best Practices Recommendations for All-Virtual Public Meetings

The second enactment clause of HB 444 (Bennett Parker, 2022) directed the FOIA Council to convene a workgroup to study best practices for all-virtual public meetings as follows:

That the Virginia Freedom of Information Advisory Council shall convene a work group, no later than May 1, 2022, to develop recommendations for best practices for public bodies holding all-virtual public meetings, including but not limited to how to take public comment virtually and the proper use of video by public body members. Such recommendations must be completed by August 1, 2022. The work group shall include representatives of the Virginia Association of Counties, the Virginia Municipal League, the Virginia Coalition for Open Government, and the Virginia Press Association and such other stakeholders the Council deem appropriate.

The workgroup met twice in May, 2022, to consider these and other issues. The participants included representatives of the Virginia Association of Counties, the Virginia Municipal League, the Virginia Coalition for Open Government, the Virginia Press Association, the Virginia School Boards Association, the Department of Professional and Occupational Regulation, the Department of Health Professions, the Department of Education, the Department for Aging and Rehabilitative Services, and the Department of Criminal Justice Services. Below are the workgroup's recommendations as agreed by consensus.

I. Public Comment

A. Statutory Provisions

- For all meetings conducted under FOIA, subdivision F of § 2.2-3707 provides as follows: "The proposed agendas for meetings of state public bodies where at least one member has been appointed by the Governor shall state whether or not public comment will be received at the meeting and, if so, the approximate point during the meeting when public comment will be received."
- For all electronic meetings conducted under § 2.2-3708.3, subsection A provides as follows: "Public bodies are encouraged to (i) provide public access, both in person and through electronic communication means, to public meetings and (ii) provide avenues for public comment at public meetings when public comment is customarily received, which may include public comments made in person or by electronic communication means or other methods."
- Among other requirements for conducting all-virtual meetings under subsection C of § 2.2-3708.3, subdivision C 6 provides the following requirement: "The public is afforded the opportunity to comment through electronic means, including by way of written comments, at those public meetings when public comment is customarily received;"
- Other laws may also have requirements for public comment that are specific to the type of public body and the type of meeting. For example, there are requirements to take public comment at certain meetings for local governing bodies in subdivision D of § 15.2-1416, for school boards under § 22.1-79, for governing boards of public institutions of higher education in § 23.1-307, etc.



B. Best Practices Recommendations

Before the meeting:

- Notice: State in the meeting notice whether public comment will be taken during the meeting and/or by other means such as submitting electronic written comments in advance.
- It is recommended that all public bodies accept written comments by email or other means. Public bodies should consider posting the comments to the public body's website, if it has one, and providing the comments to the members in advance of the meeting. You may want to set a deadline for receiving comments in advance in order to ensure there will be time for members to review them and to post them (but still allow comments to be submitted after the deadline, just note that they may not be posted before the meeting if they are received late).
- Public bodies may ask people to register in advance for logistical and planning purposes, but do not require registration in advance as a condition in order to speak because many commenters may not decide whether to comment until the meeting occurs.

During the meeting:

- Have the body's chair, clerk, or chief administrator announce when and how public comment will be taken, including any time limits, whether speakers will be heard in any particular order, asking participants to mute their microphones when not speaking, etc.
- Ask the person making comments to give their name (including spelling) and whether the person represents an organization so everyone knows who is speaking (but it is not required by law).
- Time limits: it is recommended that each speaker be allowed an equal amount of time to speak and that the amount of time provided is reasonable under the circumstances and sufficient to allow meaningful comment. However, because the circumstances and logistics of each meeting may vary as to the number of speakers, total time available for public comment, etc., there is no specific length of time that would be appropriate for all situations.
- Written comments: Depending on the number and length of written comments received, you may want to either read the comments (if they are few and/or brief) or summarize them (if they are many and/or lengthy) as appropriate to the circumstances. Written comments may be incorporated by reference, just make sure to keep copies if you do so.

Technical considerations:

- Waiting rooms: based on prior experience the workgroup recommends against using virtual waiting rooms where commenters must be pulled from one virtual "room" into another in order to speak because of the logistical difficulties and interruption to the flow of the meeting.
- Consider having a separate staff person who is not directly participating in the meeting handle technical duties such as recording the meeting, muting participants with open microphones who are not currently presenting or commenting, allowing and disabling screen sharing, etc.
- Screen sharing: only staff and presenters should be allowed to share their screens in order to avoid the risk of someone else displaying inappropriate content.



- Chat functions: it is recommended not to use public written chat features for all-virtual meetings if the virtual meeting software will not capture it for recording and minutes purposes and also for the same reasons that screen sharing should be limited.

II. The Use of Video by Members

A. Statutory Provision:

- Subdivision C 6 of § 2.2-3708.3 requires that "[t]he electronic communication means used allows the public to hear all members of the public body participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the public body as well."

B. Best Practices:

Please note that in the course of discussing these recommendations for best practices, the workgroup concluded that most of them were applicable to all types of electronic participation in public meetings, although the details may vary depending on the type of meeting, the type of electronic participation, and the resources available to the public body. For example, a meeting held under the state of emergency provisions in § 2.2-3708.2 to address an acute weather emergency that requires immediate action may not allow time for many of the suggested actions, especially those that would take place before a meeting. The workgroup also recognized that staffing and technological resources vary significantly between different public bodies, which can affect each public body's ability to implement these recommendations. For those reasons, please keep in mind that other than subdivision C 3 of § 2.2-3708.3 quoted above, these recommendations for best practices are not statutory requirements.

Before the Meeting:

- Consider checking with new members to ensure they are familiar with the virtual meeting technology being used by the public body, and if not, help them become familiar with its basic functions (how to log in, turn microphone and camera on and off, etc.).
- Consider providing members who are not already familiar with participation in virtual meetings any additional tips for being on camera generally (be on time, dress and act appropriately, lighting and glare issues, whether and how to use a virtual background, etc.).
- Consider having members who have not participated electronically in previous meetings log in before the meeting starts to ensure that they do not have any connection problems or other technical issues. Leave enough time so that staff can help if there are any such problems. If there are no such issues, have the members log back out or turn off their cameras and mute their microphones until it is time to start the meeting.
- Before or at the start of a virtual meeting, remind the members that the FOIA provisions that apply to participation in all meetings also still apply to electronic participation in all-virtual meetings. For example, whether a meeting is held in person or all-virtually, members should avoid the use of electronic communications in ways that would create a "meeting within a meeting" that is not visible to the public. This is especially true in all-virtual meetings because the members are already communicating electronically and may have other means to do so that are not apparent to the public such as text chat functions that may be limited to certain participants and are not visible to those watching the meeting.



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- Similarly to accepting public comments as described above, consider posting presentation materials to the public body's website, if any, and distributing them to the members in advance of the meeting (if the materials are available in advance).
- Consider the needs of persons with disabilities and compliance with the federal Americans with Disabilities Act (42 U.S. Code § 12101 et seq.; for more information, please see www.ada.gov).

During the Meeting:

- Generally, using an audio/visual connection is preferred over an audio-only connection for all types of electronic participation. This is especially true for all-virtual meetings because there is no central meeting location where the public can be in the same place as the members to observe the meeting.
- When using an audio/visual connection, members should stay on video during the meeting unless there is a specific reason to turn the video off, but remember to mute their microphones when they are not speaking. This is especially true for all-virtual meetings in order to try to provide transparency similar to an in-person meeting for those watching, while simultaneously avoiding audio problems such as feedback, echoes, and inadvertent noises from open microphones.
- Consider taking steps to ensure that the public and other members are aware of which members are speaking or acting at any given time, especially if a member is using an audio-only connection. For example, any members who are not on video should state their names before speaking so there is no confusion regarding who is talking. For members who are on video, if the technology allows it, display members' names along with the video. The same suggestions also apply to any other speakers or presenters who are not members.



Finance Committee Charter

Purpose of Committee

The Finance Committee (the "Committee") is a committee of the 9-1-1 Services Board (the "Board") established to support the Board in fulfilling its financial obligations as enumerated in [§56-484.14](#) of the *Code of Virginia* and in accordance with establish Board policy.

Committee Membership

The chair and vice chair of the Committee is the Board's Treasurer and Commonwealth's CIO, respectively. In addition to the chair and vice chair, the Committee is composed of three additional Board members. The Board Chair appoints Committee membership. Committee members serve two-year terms beginning July 1 of the first year and ending June 30 of the subsequent year. Committee members serve until the Board chair appoints their replacements.

Committee Authority and Responsibilities

The committee has no expressed or implied power or authority.

The Committee will:

- Function in accordance with current Board practices established by the chair and in accordance with public meeting requirements.
- Review and make financial recommendations to the Board on contracts and purchase agreements based on input from NGS Bureau and other VDEM staff.
- Establish financial metrics for strategic Board initiatives and recommend content for E-911 Fund financial reports to enable standardized reporting to the Board.
- Recommend fiscal policies for the PSAP Grant Committee to review.
- Report its activities to the Board at each.
- Work together to fulfill the goals, objectives and expectations for the Committee, as defined by the Board.

Committee Meetings

The Finance Committee will meet in advance of each Board meeting on a schedule agreed upon by the Committee. The Finance Committee chair and/or vice chair will work with NGS staff to establish the agenda for each meeting. NGS staff is responsible for facilitating each meeting, distributing the agenda, producing written minutes, in accordance with public meeting requirements.

As necessary, the Committee will meet in a joint session with other committees regarding items of concern to both committees.

Review of Committee Charter

The Committee will review the Charter annually.



Virginia Next Generation 9-1-1 Deployment Timeline, Observations, Recommendations and Requirements

Historical Timeline

2017-08: Fairfax County selected AT&T for Next Generation 9-1-1 Core Services that included pricing for all Virginia localities.

2018-01: The 9-1-1 Services Board (Board) approved the Virginia NG9-1-1 Deployment Plan recommending use of the Fairfax County contract. The plan included a proposed deployment schedule starting in October 2018 and ending in 2022.

2018-03: Legislation was adopted with a deadline of July 1, 2023, for statewide NG9-1-1 deployment. This also provided the Board with discretion to extend this date for good cause, with a minimum of six months written notice to impacted stakeholders.

2018-11: The Board approved the first set of PSAP requests for NG9-1-1 deployment funding and a six-phase deployment schedule from January 2019 to December 2021.

2019-01: Virginia Beach issued an RFP for NG9-1-1 Core Services.

2019-08: Virginia Beach awarded a contract to AT&T for NG9-1-1 Core Services that included the same pricing as the Fairfax County contract. This provided Virginia PSAPs with two NG9-1-1 Core Services contract vehicles with cooperative procurement riders.

2019-11: The Board modified the deployment schedule to include eight phases deploying between January 2020 and December 2021. This update addressed two major concerns. First, CHE vendors needed more time to update their products to work correctly on the AT&T network. Second, roughly half of Virginia PSAPs requested more time to review the Virginia Beach contract prior to making their procurement decision. The schedule update also moved the Fredericksburg region from 4th to 2nd and Tidewater from 2nd to 4th because Tidewater was reviewing the results of the Virginia Beach RFP and the Fredericksburg region had received migration awards using the Fairfax contract.

2020-03: COVID impacts were seen across the country with an impact to on-site work and supply chains. Legislation was adopted to move the Public Safety Communications (PSC) Division and responsibilities for the Board from VITA to VDEM on July 1, 2020.

2020-06: Fairfax County became the first Virginia PSAP deployed on the AT&T network.

2021-03: The Board approved the last set of requests for NG9-1-1 deployment funding.

2021-09: Goochland County became the 10th Virginia PSAP on the AT&T network.

2021-12: Amelia County became the 20th Virginia PSAP on the AT&T network.

2022-05: Madison County became the 30th Virginia PSAP on the AT&T network.

Observations and Lessons Learned

Local Procurement Decisions: The choice of CHE vendor, CHE maintenance provider, legacy 9-1-1 service provider and NG9-1-1 service provide are local choices. As a result, the primary relationships are between an individual PSAP and their chosen vendors. This was evident in 2019 when roughly half of Virginia PSAPs chose to wait for the results of the Virginia Beach RFP before making their NG9-1-1 procurement decision.

Stakeholder Responsibilities: Many stakeholders have different responsibilities for tasks and scope within the Virginia move to Next Generation 9-1-1 (the Board, PSAPs, AT&T, NGS Bureau, CHE vendors, Legacy 9-1-1 Service Providers and Originating Service Providers).

Comparison to NG9-1-1 Deployment in Other States: Most other states are deploying NG9-1-1 incrementally, phasing in smaller parts of the end-state solution, resulting in a phased deployment of geospatial call routing, diverse fiber connectivity, and i3 ready CHE. This is different from the approach in Virginia where these components are being deployed at the same time. Additionally, other sites take a more direct role with choosing the vendors, CHE providers, and equipment used by PSAPs. These differences add a level of complexity that is seen in Virginia that may not be seen in other states.

Success Involves Working on Tasks in Parallel: In Virginia, there are roughly 25 major tasks that need to be completed before being able to move a PSAP to the NG9-1-1 environment. Each of these tasks only involve two or three of the stakeholders listed above. When one part of the project like fiber construction takes longer than expected, the stakeholders working on that task should continue to complete the work, but other stakeholders who have responsibility for other areas such as CHE, GIS readiness or document completion should attempt to complete the other portions of the project that are not experiencing a delay.

Each PSAP is Unique: While each project has the same major tasks, the nature of the work needed for each PSAP differs to the unique configuration of stakeholders, equipment, and resources for each site. The variability and complexity make it challenging to many PSAPs to manage a project of this complexity.

Moving from a Phased Approach to Statewide NG9-1-1 Deployment: The Board-approved phased approach to NG9-1-1 deployment was very effective for obtaining funding and coordinating the start of work in a phased / structured manner. However due to the complexity and variability at each site, the completion time for PSAPs in the same geographic region varies greatly. Once work on a PSAP begins using the phased approach, work on each PSAP will continue until they are able to deploy. This will result in some PSAPs from earlier or later phases deploying out of order, but this is necessary to keep the deployment timeline from extending our several years into the future.

Stakeholder Feedback on Overall Project Complexity: Based on conversations with each stakeholder group in May and June 2022, each stakeholder commented that they did not fully anticipate the complexity of this project until recently. Similarly, they provided feedback that NGS charts, graphs, maps, reports, and other project coordination resources have been instrumental in helping them focus on their respective tasks while gaining visibility on upcoming PSAPs within their respective area of responsibility. This also helps stakeholders to anticipate resource requirements to overcome potential supply chain challenges that may exist at any given time.

Tracking the Rates for Project Task Completion and Cutovers: While recent discussions about NG9-1-1 deployment have centered on impacts from the pandemic, the Board made several schedule modifications between 2018 and 2019. Each of those adjustments occurred prior to the first cutover in June 2020. As a result, they were unable to incorporate the speed/rate of individual task completion and the speed/rate of successful cutovers into the updated statewide cutover schedule. A sample size of roughly 20-30 PSAP deployments is appropriate before updating statewide deployment estimates.

9-1-1 and Geospatial Services (NGS) Bureau Recommendations

Coordination between NGS and AT&T: NGS Bureau staff and AT&T meet twice a month to review regular updates to project tracking documents. NGS performs additional analysis on the AT&T information to develop supplemental briefing and coordination material, and broadly shares that analysis.

Private Sector Stakeholder Coordination: Targeted information can be provided to the multitude of stakeholders supporting NG9-1-1 deployment in a more coordinated fashion. NGS staff will begin to hold a monthly call open to 9-1-1 service providers, fiber providers, CHE maintenance providers and AT&T to address private sector coordination. This will streamline how these stakeholders receive statewide project updates and will also provide a forum for discussing emerging deployment trends and successes, and to resolve any significant issues or concerns.

NG9-1-1 Deployment Deadline: Staff recommend extending the NG9-1-1 deployment deadline by 12 months to July 1, 2024. If additional extensions should be needed, staff recommend future extensions in 12-month increments, matching with the state fiscal year.

NG9-1-1 User Group: While NGS staff currently support a NG9-1-1 GIS User Group, staff recommend the development of a NG9-1-1 User Group for PSAP stakeholders focusing on all deployment related tasks and activities to provide the opportunity for questions and feedback in all areas, not just NG9-1-1 GIS.

NGS Bureau Staffing: Currently, the NGS Regional Outreach Division Director manages the day-to-day supervision of the division and the NGS Regional Coordinators. The director also currently serves as the lead for NG9-1-1 project management within the NGS Bureau. These duties should be split among two people/positions with one staff member managing the Regional Outreach Division and another staff member serving as the NG9-1-1 Project Lead.

NGS Bureau Requirements for Contractor Support

Assess the current NG9-1-1 deployment project management model to identify “process friction points” and provide recommendations to accelerate the deployment process and estimate project completion date.

Evaluate AT&T project tracking documents to provide more timely and targeted feedback with the following stakeholders: NGS staff, PSAPs, AT&T, 9-1-1 service providers, fiber providers, CHE maintenance providers.

Maintain the project metrics developed to support AT&T recurring calls, the NG9-1-1 User Group, stakeholder coordination calls and Board meetings.

Work with the NG9-1-1 Project Lead and stakeholder community to incorporate holistic observations into briefings for PSAPs, stakeholder groups, and for the Board and its committees.

Provide surge capacity to support NGS Regional Coordinator project management efforts and address staffing gaps that have implications for project call coverage by the NGS Regional Coordinators.

Supplement existing financial support for the project to improve visibility for PSAPs and NGS staff that incorporates the initial award, all amendments, reimbursement requests, and line-item closeouts.

Facilitate bimonthly Funding Review Team meetings and assist with the review and approval process for amendments, scopes of work, and closeouts.

Augment NGS staff to improve the interaction with legacy 9-1-1 and originating service providers as it relates to carrier billing agreements and OSP cost recovery.