

VGIN Advisory Board Meeting

Tuesday, January 5, 2016

10:00 AM, CESC

Minutes

MEMBERS PRESENT:	Charlie Donato	Delegate Leftwich
	John Palatiello	Christopher Knights
	Clyde Cristman	Doug Richmond
	Dr. Hua Liu	Nelson P. Moe
	Delegate Richard Anderson	Murali Rao for VDOT Commissioner
MEMBERS ABSENT:	Senator Mark Obenshain	Constance Brennan
	Delegate Scott Lingamfelter	Director, VEDP
	Elaine Roop	
STAFF PRESENT:	Dan Widner, Coordinator	Terry Mayo, Board Assistant
	Steve Marzolf, ISP Director	Wendy Stout
	Dorothy Spears-Dean, PSC Coordinator	Michael Vojta
	Anthony Bessette, AG	

**1. CALL TO ORDER**

Mr. Steve Marzolf, Acting Chairman, called the meeting of the VGIN Advisory Board to order at 10:06 AM.

**2. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES**

Mr. Steve Marzolf addressed the Advisory Board and called for a motion to review and approval of the October 15, 2015 Minutes. Mr. Doug Richmond made a motion that the Minutes of October 15, 2015 be approved. Mr. Murali Rao 2<sup>nd</sup> the motion for approval. The Minutes of October 15, 2015 were approved; **9-0-0**.

**3. DISCUSSION: NEW ADVISORY BOARD CHAIR AND VICE CHAIR**

Dan Widner, Coordinator, reviewed the Code of Virginia for the VGIN Advisory Board as it pertains to a Board Chair and Vice Chair. Mr. Widner stated that the code said the Advisory Board can elect a chair and vice chair and any other officer as the Advisory

Board deems necessary. Clyde Cristman commented to the Advisory Board that he thought that someone being appointed by Senate should Chair the Advisory Board; however, if not, he is in favor of the Advisory Board forming a nominating committee to complete this task. John Palatiello asked the Advisory Board if he can share with them how far back Senator Watkins' has been involved with this Committee and gave a historical background of how Senator Watkins' was involved with geographical issues. Mr. Charlie Donato asked about timing or pressure of getting a Chair and Vice Chair. Mr. Marzolf said there is no timing or pressure. John Palatiello said he agrees with both his colleagues, but by the time the General Assembly meets and leaves the Advisory Board would have been without a Chairman. In his opinion, he thought that this may have an adverse effect. Mr. Donato asked about an interim Chair. Mr. Palatiello reminded the Advisory Board about a past bill concerning the use of GIS data as a legal boundary between Goochland and Louisa being taken to the General Assembly. He said that issue is going to be brought back before the General Assembly again this time involving Loudoun. Delegate Richard Anderson said that the sentiments expressed about a electing a Board Chair have validity. He said that this Board is different from other Boards he is involved with in that the Advisory Board can evaluate where it wants to place interest. As far as timing, Delegate Anderson said that he and Delegate Leftwich can speak on behalf of the Advisory Board at the General Assembly if necessary; however, he defers to the will of the Board. Mr. Marzolf informed the Advisory Board that staff will keep them informed about any legislative issues that may occur. Mr. Murali Rao commented that Senator Watkins brought three distinct perspectives to the Advisory Board: (1) passion for location based services and data; (2) perspective; (3) and the importance of GIS education. Mr. Rao said that he thinks any new Chair should have these perspectives. Mr. Marzolf confirmed that what he is hearing from the Advisory Board is that they really do need to see who all the members who will be appointed before the Advisory Board act on a Chair and Vice Chair. Taking the suggestion of a Nominating Committee is what the Advisory Board wants, and once the Committee had identified potential members, they will bring that back to the VGIN Advisory Board at the next meeting. Once they bring the list back, and then the Advisory Board will take a vote to elect a Chair and Vice Chair of the VGIN Advisory Board. Mr. Marzolf then called for a vote on the motion. Mr. Cristman made a motion to accept the Advisory Board's recommendation to form a Nominating Committee. Delegate Richard Anderson 2<sup>nd</sup> the motion for approval. The motion passed; **9-0-0.**

Mr. Marzolf then asked for volunteers to serve on the Nominating Committee. Mr. Clyde Cristman; Dr. Hua Liu and Mr. Christopher Knights all agreed to serve on the VGIN Advisory Board's Nominating Committee.

Mr. Nelson Moe asked Mr. Marzolf about the deliverables for the Committee. Mr. Marzolf stated that it will be one month before the next VGIN Advisory Board Meeting.

#### **4. REVIEW OF OPEN MEETINGS LAW, FOIA**

Anthony Bessette from the Office of the Attorney General, addressed the Advisory Board and talked about the Freedom of Information Act (FOIA) and the Public Records Act as it applies to the Advisory Board. Mr. Bessette asked the Advisory Board if it wanted the discussion to be done as a “closed session” or in “open session”. Mr. Bessette said that the discussion will be about things that only apply to the Advisory Board, but nothing that is sensitive and cannot be discussed outside the Advisory Board. Mr. John Palatiello asked if the discussion contains nothing that requires a closed session then it was preferable to have it as an open session for purposes of transparency. Mr. Bessette commented that if anyone decides that the discussion needs to go into closed session, then the Advisory Board can then go into closed session at it that time. Mr. Bessette also informed the Advisory Board that everything he will be discussing today will be sent out to the Advisory Board as a “hand-out” after the meeting. During his presentation to the Advisory Board, Mr. Bessette focused on two aspects of the Freedom of Information Act such as “open meetings” and “access to information by public records”. Mr. Bessette said that the Public Records Act addresses how long records are to be keep (records retention) and the FOIA is how the information is to be accessed by the Public. The documents produced by this Advisory Board are public records. He emphasized that you should not destroy any public records on your own. Mr. Murali Rao asked about deleting emails. Mr. Bessette said that unless you are filing out a RM3 you should not destroy records. Your agency’s Records Retention Officer is your go to person. He said that there is always a presumption of openness. He said for a public body to evoke a FOIA Exemption you must request it. Meetings require a meeting posting and agenda. He talked about the recording of meetings and said that the public is allowed to photograph and record public meetings. It is not permissible to meet in a building where recording material is not allowed access. He talked about electronic meetings when he said there are a number of requirements. A couple of the highlights are: meetings that the Advisory Board can do at any time, and do not require any special qualities. He said that the quorum of the Board is the majority of the Board in the central meeting location. Any remote meeting locations have to be open to the public and if the Board does choose to have remote meetings, that there has to be at least one meeting per year where no one meets remotely. He said that having remote meetings will require the Advisory Board

fill out requests to the FOIA Council and JLARC to do so. Remote meetings also require a policy that the remote location does not have to be open to the public which requires an adoption of a remote participation policy. (Please note that the Advisory Board presently does not have remote locations). Mr. Bessette said he has drafted remote participation policy for the Board if it chooses to pursue and that he will circulate it to the Advisory Board staff. He also discussed Emergency Remote Meetings in which he said that there must be a catastrophic emergency to have occurred, and that the purpose of the meeting to address the situation is required. He said that only the Governor can declare an Emergency Remote Meeting. Mr. Doug Richmond asked how this applies to the Nominating Committee and VGIN's Administrative Boundaries workgroup. Anthony Bessette said that a sub-body of the Board counts as a Public Body of FOIA. If it is only going to meet twice it is not going to meet enough. Mr. Bessette said that the policy that he has addressed with take care of the policy and subcommittees. The agenda and minutes for subcommittee meetings are the same as if it is a meeting of the full committee, if the subcommittee meets within FOIA (3 members of the Committee or a quorum – whichever is smaller). Mr. Marzolf said that staff will take care of administrative functions.

Mr. Nelson Moe talked about the substance of the meeting being the driver. He asked about other media such as instant messaging. Mr. Bessette said that while there is no public FOIA guidance about instant messaging, he suggested not use it. He said those records are hard to retrieve if requested. He suggested that everyone maintain written communications to email or pad and paper. He talked about closed meetings in which he said there is a long list (47 or 48) of reasons you can go into closed session. Anything decided in a closed session has to be voted on at the end of the Session. All meetings in closed session have the same requirements as open session and must state the purpose and subject that will be discussed and must cite the specific exemption up front before going in closed session. When you are in the closed session you must stick to the subject, and purpose. Other members who are not members of the Board in the closed session must be named up front.

## **5. STATUS UPDATES: ORTHOPHOTOGRAPHY AND STATEWIDE LAND COVER GIS DATA**

Mr. Widner said that the 2015 orthophotography data has now been received by VGIN and will be completing the deliverables to the localities this week. Copies of the imagery by request will be available after local deliveries are completed. He said that the County and regional mosaics will be completed in the order received and are subject

to staffing resources. Mr. Widner also informed the Advisory Board that 2016 is the end of the current contract, and he is hoping to have the RFP for the next contract released in Q1 2016. Mr. Cristman asked about the funding for the orthophotography as it relates to the Land Cover legislation. Mr. Marzolf said for the recurring orthophotography, the money comes out of the E911 Fund yearly (the base level funding). Mr. Palatiello asked about the Orthophotography contract. He said during the last RFP, VITA received a letter on the orthophotography contract from the APELSCIDLA Board requesting information but did not respond. He also commented about the importance of feedback. Mr. Marzolf commented that he thought staff has been responsive but he will inquire. Mr. Widner commented that staff did get valuable feedback from the public through statewide strategic planning meetings.

Mr. Widner talked about the Statewide Land Cover. He said the first deliverables was received on November 30 from Worldview Solutions. He said that staff is on scheduled to complete the Bay Watershed by May/June 2016. The remainder of the state is to be completed by December 2016. Mr. Cristman asked if there was adequate funding. Mr. Widner said yes funding has been received, a purchase order approved, and a signed an MOU with the Department of Environmental Quality. Dr. Liu asked about USGS and any partnership plans. Mr. Widner said yes where possible but USGS data is not as high resolution as the state's data.

Mr. Widner then showed the Advisory Board a "Draft Land Cover Data" map.

## **6. MEETING DATES FOR 2016:**

Mr. Marzolf informed the Board that the 2016 Advisory Board Meeting dates need to be established. The Advisory Board selected April 12, July 12; and October 11 for the dates of the 2016 VGIN Advisory Board Meetings.

## **7. NEW BUSINESS/OPEN DISCUSSION/CONCLUSION**

Mr. Widner informed the Advisory Board that the Road Centerline data is out for comment on the Online Review and Comment Application (ORCA) and he will send the Advisory Board the link (Road Centerline Data Standard).

Mr. Marzolf asked the Advisory Board for any new or old business, and there were none. Mr. Marzolf adjourned the meeting of the VGIN Advisory Board at 11:39 AM.

Respectfully Submitted: \_\_\_\_\_

**Terry D. Mayo**

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**Date**