

## Agenda

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|---|--|
| Call to Order and Welcome                                     | Bob Osmond, CIO of the Commonwealth  |
| Introductions   | Staff and Members  |
| Review of Agenda  | Staff  |
| ITAC Legislation Overview                                     | VITA Legal & Legislative Services  |
| Overview of Roberts Rules of Order                            | Staff  |
| Electronic Participation Policy<br>(review and vote to adopt) | Staff  |
| Break   |  |
| Welcome Electronic Members                                    |  |
| Charter and Bylaws (review and vote to adopt)                 | Staff  |
| Nominations for Chair and Vice-Chair                          |  |
| Break   |  |
| Voting for Chair and Vice-Chair                               |  |
| <u>Presentations</u>  |  |
| Cybersecurity in the Commonwealth                             | Mike Watson, Chief Information Security Officer                                  |
| Information Technology Modernization                          | Lyn McDermid, Secretary of Administration<br>Bob Osmond, CIO of the Commonwealth |
| Public Comment Period   |  |
| 2023 Meeting Dates  |  |
| Other Business  |  |
| Adjourn   |  |

# INFORMATION TECHNOLOGY ADVISORY COUNCIL OVERVIEW

JOSHUA HESLINGA

Legal and Legislative Services

ITAC

12/08/22

- Prior to this year, the Information Technology Advisory Council (ITAC) was composed of representatives of other state agencies & had a more limited scope.
- In 2022, [SB 703](#) (patroned by Senator Jennifer Boysko) and [HB 1304](#) (patroned by Delegate Glenn Davis) were enacted, redefining and expanding ITAC.
- The legislation also
  - (i) added cybersecurity to ITAC's advisory subjects and rewrote ITAC's other advisory subjects for improved currency, clarity, and simplicity;
  - (ii) provided for an annual report on ITAC's work; and
  - (iii) abolished a dormant, statutorily-created, subject-matter-specific subcommittee of ITAC (the Health Information Technology Standards Advisory Committee (HITSAC)), while allowing ITAC to create a subcommittee in the future if a need ever arises again.

Per [Virginia Code § 2.2-2699.5](#), ITAC now consists of up to 20 members:

- The Chief Information Officer of the Commonwealth (the CIO),
- The Secretary of Administration,
- Another of the Governor's Secretaries,
- Four members of the House of Delegates, appointed by the Speaker of the House,\*
- Three members of the Senate, appointed by the Senate Committee on Rules, and
- An even number (up to 10) of nonlegislative citizens, appointed by the Governor.

\* not yet appointed

ITAC is responsible for advising and making recommendations to the Chief Information Officer of the Commonwealth (the CIO) and the Secretary of Administration regarding information technology in the Commonwealth.

[Virginia Code § 2.2-2699.6](#) provides that ITAC advises concerning:

1. cybersecurity policies, standards, and guidelines, for
  - i. assessing security risks,
  - ii. determining appropriate security measures,
  - iii. performing security audits of government electronic information,
  - iv. strengthening the Commonwealth's cybersecurity, and
  - v. protecting against and responding to breaches of information technology security;
2. strategies and priorities for information technology for executive branch agencies;
3. information technology planning and projects;
4. policies, standards, and guidelines for information technology and data of the Commonwealth; and
5. information technology budgeting, investments, and expenditures.



Following presentation of an action item, the Chair will ask for a motion to adopt the action item. Upon receiving a second, the Chair will ask if there is any discussion concerning the motion. At that point, the action item will then be in the proper posture to be discussed and considered by the committee. It will also be in the proper posture at that point for any member to offer amendments to the language.

Each member who wishes to participate in the discussion of any of the action items needs to first be recognized by the Chair prior to speaking. If you wish to be recognized, simply raise your hand. The Chair has discretion as to the purpose for which they wish to recognize a member, and if, in the Chair's opinion, the member's desired purpose is not germane to the current discussion or could cause confusion or interfere with the efficient and orderly operation of the Committee, the Chair may choose to delay recognition of the member until after the current discussion/item, but before the Committee's work/meeting is completed.

If any member wishes to offer an amendment to any action item, the amendment needs to be offered in the form of a motion. In making that motion, the member needs to state to the committee the language change/changes they are proposing to the text. If that motion receives a second from another member, the Committee will discuss and subsequently vote on the motion.

If, upon hearing the proposed PRIMARY amendment, another member desires to further amend that amendment, that member must make a SECONDARY AMENDMENT in the form of a motion, which also must receive a second.

Upon receiving a second, the Committee will discuss, and then vote on the SECONDARY AMENDMENT prior to voting on the PRIMARY amendment. If the amendment(s) is(are) adopted, they will be added to the main motion and the Committee will move on to the next amendment and repeat the process. Please note that a secondary amendment that is worded such that it completely negates the primary amendment's meaning can get confusing, but if it is adopted it would be attached to the main motion/PRIMARY amendment directly.

According to Robert's Rules, there can only be one secondary amendment offered. There can be no "amendment to the amendment to the amendment".

Members may provide VITA with written copies of proposed amendments prior to the meeting, which will be included in committee packets. Members may also bring written copies of proposed amendments with them to the meeting which will be photocopied by VITA staff and distributed to the Committee prior to consideration. If any member wishes to make amendments but has not yet reduced them to writing, VITA will be able to type the proposed amendments into the computer and the proposed language will be displayed on the screen for the Committee's consideration prior to voting on the motion. The Chair will ask VITA staff to read the draft amendment. Once the member is satisfied that the

amendment has been correctly stated, the Chair will ask the member to offer the amendment in the form of a motion.

The Committee must vote on any individual amendments and then the action item as a whole. Votes can be taken via a voice vote with a simultaneous show of hands or a roll call vote. All votes are recorded as part of the official committee meeting minutes.

Robert's Rules provides that any member can make a motion to "call the previous question", or "call for the question". If that motion is seconded, it is not debatable; hence the Committee will end discussion and proceed with a vote on the motion (item for consideration before them). If it is agreed to by a two-thirds majority of the members, discussion of the pending motion (for example, an amendment that is under consideration) will end and the Committee will immediately vote on the motion. If the motion to call the previous question does not receive a two-thirds majority of the votes, the discussion will continue.

Finally, please note that under Robert's Rules, a motion must receive a majority vote among the members present and voting in order to be approved. If a motion receives a tie vote, the motion is rejected and does not pass.

| Action                   | What to Say   | Can interrupt speaker? | Need a second? | Can be Debated? | Can be amended? | Votes needed |
|--------------------------|---|------------------------|----------------|-----------------|-----------------|--------------|
| Introduce main motion    | "I move to..."  | No                     | Yes            | Yes             | Yes             | Majority     |
| Amend a motion           | "I move to amend the motion by (add) (strike words)..." | No                     | Yes            | Yes             | Yes             | Majority     |
| End Debate               | "I move the previous question"                          | No                     | Yes            | Yes             | No              | Majority     |
| Adjourn the meeting      | "I move to adjourn the meeting."                        | No                     | Yes            | No              | No              | Majority     |
| Extend the allotted time | "I move to extend the time by XX minutes"               | No                     | Yes            | No              | Yes             | 2/3 Vote     |





The following is the remote or electronic participation policy of the Information Technology Advisory Council (ITAC).

### Member Remote Participation

Individual ITAC members may participate in meetings of ITAC by electronic communication means to the full extent permitted by applicable law, including § 2.2-3708.3 of the Code of Virginia. (As of December 2022, 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.)

This 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.

Whenever a member wishes to participate from a remote location, the law requires a quorum of ITAC to be physically assembled at the primary or central meeting location.

### Virtual Meetings

ITAC may hold all-virtual public meetings to the full extent permitted by applicable law, including Virginia Code § 2.2-3708.3(C). (As of December 2022, such all-virtual public meetings are 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, and may not be held consecutively with another all-virtual public meeting.)

### Requests

Requests for remote participation or that ITAC conduct an all-virtual public meeting shall be conveyed to VITA staff who shall then relay such requests to the Chair of the ITAC.

The Chair shall approve individual participation from a remote location unless a member asserts that such participation would violate this policy or the provisions of the Virginia Freedom of Information Act (Va. Code § 2.2-3700 *et seq.*). If a member's participation from a remote location is challenged, then ITAC shall vote whether to allow such participation.

The request for remote participation or that ITAC conduct an all-virtual public meeting shall be recorded in the minutes of the meeting. If ITAC 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 law (see Va. Code §§ 2.2-3707 and 2.2-3708.3), depending on the type of remote participation or all-virtual public meeting.

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The following additional explanation is intended to be informative as to current requirements and is not required by this policy independent of the requirements of law.

#### Additional Explanation of Current Requirements for Remote Participation by Members

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 ITAC may participate from a remote location instead of participating in person. In order to use these provisions, 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.

The limitations 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 due to personal matter.

#### Additional Explanation of Current Requirements for Minutes

- 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 member's 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 confinement to home;
- 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 severe weather conditions that prevent travel to the meeting location;
- Business trip;
- Family trip; or
- Scheduling conflict.

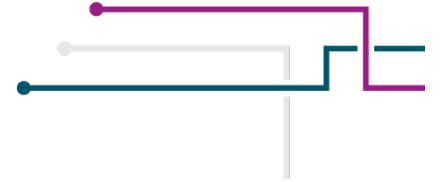
#### Additional Explanation of Current Requirements for All-Virtual Meetings

The provisions under Virginia Code § 2.2-3708.3(C) and the following must be met for all-virtual meetings.

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 these requirements is disapproved because such participation would violate the policy adopted pursuant to subsection D of § 2.2-3708.3, such disapproval shall be recorded in the minutes with specificity.

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 all virtual public meeting because these numerical limits are counted separately for the different types of electronic meetings.



# Information Technology Advisory Council

Charter & Bylaws

## **ARTICLE I.** Applicability.

### **SECTION 1.** General.

The Information Technology Advisory Council (ITAC) was created and has the authority to adopt a charter and bylaws pursuant to the Va. Code § [2.2-2699.6](#). The provisions of these Charter and Bylaws are applicable to all proceedings of the Information Technology Advisory Council (“ITAC”) to the extent that the same are not otherwise governed by legislative or executive requirements. To the extent the provisions and authorizations of these Bylaws conflict with legislative or executive mandates, the latter shall control.

### **SECTION 2.** Authority and Limitations.

The council is constituted under Va. Code §§ [2.2-2699.5](#), *et seq.* and [§2.2-2100](#) as a “Advisory Council.” As a “Advisory” council pursuant to Va. Code [§2.2-2100](#), the Council is specifically charged with the duties and responsibilities set forth in the basic law governing the actions of the Council. As set forth and consistent with basic law, the Council shall be responsible for advising, and making recommendations to, the Chief Information Officer of the Commonwealth (CIO) and the Secretary of Administration regarding information technology in the Commonwealth, as detailed in § [2.2-2699.6](#).

## **ARTICLE II.** Members

### **SECTION 1.** Members.

ITAC shall consist of not more than 20 members as follows: (i) the Secretary of Administration, or his designee, the CIO, and another of the Governor’s Secretaries as defined in subsection E of § 2.2-200, or his designee, all of whom shall serve *ex officio* with voting privileges; (ii) four members of the House of Delegates, to be appointed by the Speaker of the House of Delegates; (iii) three members of the Senate, to be appointed by the Senate Committee on Rules; and (iv) an even number, not to exceed 10, of nonlegislative citizen members to be appointed by the Governor and serve with voting privileges. Nonlegislative member vacancy other than by expiration of term shall be filled by the Governor for the unexpired term. Legislative members and *ex officio* members of the ITAC shall serve terms coincident with their terms of office.

### **SECTION 2.** Officers

ITAC shall elect a Chair and Vice Chair annually from among the members, except that neither the Secretary of Administration nor the CIO may serve as chairman. A Chair and Vice Chair shall be elected from among the voting members through nomination and formal vote. The Chair shall preside at all ITAC meetings. The Vice Chair may preside at meetings, call a special meeting, and fulfill other similar administrative duties in the absence or temporary unavailability of the Chair.

### **SECTION 3.** Representation of ITAC.

When ITAC is requested to appear before the General Assembly, or legislative or study committees, the advisory council shall be represented by the Chair, or by one or more members duly designated by the Chair and, when practicable, confirmed by the advisory council.

## **ARTICLE III.** Meetings and Public Disclosure.

### **SECTION 1.** Regular Meetings.

Regular meetings of ITAC may be held up to four times per year, at such time and place as ITAC, or the Chair as needed, may determine. No business requiring a vote or final decision of ITAC may be conducted in the absence of a quorum, as defined in Article III, Section 4.

**SECTION 2.** Subcommittees and Work Groups.

The ITAC may appoint advisory subcommittees consisting of individuals with expertise in particular subject areas and information technology to advise the ITAC on the utilization of nationally recognized technical and data standards in such subject areas. If such a subcommittee is appointed by the ITAC, the CIO, or his designee, shall be an ex officio member and the Secretary of Administration may appoint representatives from other relevant Secretariats or state agencies as may be appropriate. Any such subcommittee may be appointed for a period of two years and may be reappointed by the ITAC at the end of any two-year period. The notice of a special meeting shall set forth the business to be transacted at such special meeting. If a subcommittee or work group is created and will hold more than a single meeting, that subcommittee or work group shall report on its work at each meeting of ITAC until its business is concluded.

**SECTION 3.** Notice of Meeting.

Public notice of meetings shall be provided in accordance with applicable law, including the requirements of the Virginia Freedom of Information Act, Va. Code [§ 2.2-3700, et seq](#) (VFOIA).

**SECTION 4.** Quorum.

A majority of appointed members shall constitute a quorum.

**SECTION 5.** Conduct of Meetings.

Meetings may take place using electronic communication means to the extent permitted by law. The Virginia Information Technologies Agency (VITA) shall provide staff support, including recording all minutes of the meetings and all resolutions adopted and transactions occurring at each meeting. Should a legislative or executive mandate or these Bylaws not set forth a matter concerning the conduct of meetings of ITAC, the then current edition of Robert's Rules of Order shall govern. Meetings shall be public, except with respect to closed sessions held in accordance with the law and these Bylaws. Pursuant to Va. Code [§ 2.2-3710](#), ITAC shall not vote by written or secret ballot; voting shall be accomplished by voice vote, show of hands, or roll-call vote.

**SECTION 6.** Closed Session.

Prior to meeting in a closed session, ITAC must vote affirmatively to do so and must announce the purpose of the session. This purpose shall consist of one or more of the purposes for which a closed session is permitted in accordance with applicable law, including VFOIA. Minutes may be taken during a closed session but are not required. If taken, such minutes shall not be subject to mandatory public disclosure.

**SECTION 7.** Official Records.

All official records of the advisory council shall be kept on file at VITA and shall be open to inspection in accordance with applicable law. All files shall be kept in accordance with applicable records retention requirements, including the Virginia Public Records Act, Va. Code [§ 42.1-76, et seq](#). Draft minutes and other meeting records shall be published on VITA's website as soon as

practicable. Minutes of a meeting become final after ITAC review and approval, normally through presentation at the next meeting.

**ARTICLE IV.** Amendments to the Charter and Bylaws

ITAC shall review the Charter and Bylaws and may amend them as necessary. The Charter and Bylaws may be amended at any regular meeting of ITAC by an affirmative vote of two-thirds of ITAC membership present and voting.

These Bylaws were adopted by ITAC, and became effective, on [DATE], and remain in effect until subsequently amended.