

**DRAFT MINUTES, VA FAMILY AND CHILDREN’S TRUST FUND  
(VA-FACT) Board of Trustees Meeting, December 8, 2022**

**Participation:**

Trustees Present: Linda Wilkinson (Chair), Maureen Coffey, Linda Gilliam, Tyler Hart, Allison Lawrence, Season Roberts (Vice Chair), Tiffany Garner (Treasurer), Virginia (Ginny) Powell,

Trustees Absent: Beverly Crowder, Tarina Keene, Cindy Han, Tavares Floyd, and Gena Boyle (Deputy Commissioner), Dominique Marsalek

Trustees Virtually Present: Cherie Short & minor child (calling in from Alexandria, VA), Abigail Wescott (joined at 1pm from Richmond, VA)

Staff Present: Nicole Poulin (Executive Director), Taylor Hohle (Senior Research Associate – calling in) and Michelle L’Hommedieu (Attorney)

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**Opening:** Chairperson Wilkinson called the meeting to order at 10:19 AM

**Decisions and Actions:** The following actions were approved by the Board unanimously unless otherwise noted.

Consent Agenda: Trustees reviewed the minutes from the October 2022 Board meeting and the ad hoc grant proposal from the Greater Augusta Coalition Against Adult Abuse. A motion for the adoption of the minutes was made by Trustee Lawrence and Trustee Coffey seconded. A motion for approval of the ad hoc grant proposal for Greater August Coalition Against Adult Abuse was made by Trustee Powell and Trustee Gilliam seconded.

Board Positions: The previous Board Secretary was not reappointed. Trustees interested in becoming Secretary should discuss with Executive Director Poulin or Trustee Wilkinson. Trustee Keene has been appointed, by the Board Chair, as the Grants Committee Chair.

Mission Moment: Trustees viewed and discussed a [Ted Talk with Dr. Nadine Burke Harris](#) focused on adverse childhood experiences (ACEs).

FOIA Review:

- All emails and documents (including handwritten notes and voicemails) are records under the Freedom of Information Act (FOIA).
- Any citizen of Virginia, newspaper or magazine with circulation in VA, radio or TV station that broadcasts in Virginia can make a FOIA request.
  - Requests may be oral or in writing (cannot require request in writing). They do not have to mention FOIA.
  - Responses must be in writing and made within 5 days of receipt of the request. Failure to timely respond is considered a denial and violation of FOIA.
- There was discussion about requests sent directly to Board members. These requests should be discussed with the Executive Director and Counsel to determine the correct response.
- Exclusions of General Application (Va. Code 2.2-3705.1) – legal advice, legal memoranda and work product related to litigation, certain personal information of those who have requested information from the FACT Board, and certain financial information

**DRAFT MINUTES, VA FAMILY AND CHILDREN'S TRUST FUND  
(VA-FACT) Board of Trustees Meeting, December 8, 2022**

- Enforcement
  - Any person denied FOIA rights and privileges may file petition in court
  - Board has burden of proving that an exemption applies
  - Court may award payment of attorneys' fees and cost (there is not a litigation fund for FACT, therefore this would come from the Board of Trustees)
  - A court finding of willful and knowing violation may result in civil penalty of \$500-\$2,500
- Meetings – defined meeting as a body or entity of 3 or more members of a public body, includes work sessions and telephonic communication.
  - Three or more Board members discussing FACT constitutes a meeting
  - All meetings of public bodies shall be open except when the requirements for holding a closed meeting are met.
  - Notice of the date, time, and location of the meeting is required at least three days prior to the meeting.
  - Closed meetings can only be held in limited purposes. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation. In order to go into a closed session, a motion must be made in the open meeting where the subject matter is identified and makes reference to the specific exemption from the open meeting requirements.
    - No actions can be taken in a closed meeting and discussion is restricted to only those matters identified in the closed meeting motion. Minutes are not required. Must immediately reconvene in open meeting and vote to attest that only the specific matter was discussed.
- 2022 Virginia FOIA Open Meeting Updates
  - A Board member who participates virtually in a meeting is now allowed to vote but they do not count towards the quorum.
    - An update to FACT by-laws is needed to allow for these votes.
  - All virtual meetings, including committees, can only be held two times a year or 25% of yearly meetings (whichever is greater). Two virtual meetings can not occur back-to-back.
  - Remote participation was expanded to allow members to participate remotely if the member's residence is more than 60 miles from the meeting location or other special circumstances apply.

Child Abuse & Neglect Committee Overview: Trustee Powell provided an overview of the Child Abuse & Neglect Committee's charge and purpose.

- At the recent CAN Committee meeting (12/5), members heard from the child fatality team about common trends in recent fatalities. Unsafe sleep practices and substance use were the most common. Additionally, the Office of the Children's Ombudsman of Virginia has published their inaugural annual report which was reviewed in the CAN committee meeting.

Proposed Updated By-Laws:

- The proposed by-law updates, and Appendixes A and B, were reviewed and clerical edits were made.
- Trustee Powell made a motion to approve the by-laws as amended. Trustee Lawrence seconded the motion.

**DRAFT MINUTES, VA FAMILY AND CHILDREN'S TRUST FUND  
(VA-FACT) Board of Trustees Meeting, December 8, 2022**

Sustainability Plan Committee Update:

- Trustee Wilkinson provided an update on the Sustainability Committee, including a review of the previous meeting (11/22) minutes.
- Due to the newly amended by-laws, Lisa Specter-Dunaway will be able to resume her contract work on the sustainability plan.
- The Sustainability Committee has recommended that the next Board meeting be moved to March 30<sup>th</sup> with the sustainability meeting moved to March 31<sup>st</sup>
- Board members who are interested in joining the Sustainability Committee should reach out to Executive Director Poulin

Staff Updates:

- Executive Director Poulin provided updates on the Outreach Report and there was discussion around social media platforms utilized.
  - Trustees should send in their bio and photo for the website to Taylor by December 20<sup>th</sup>.
- Executive Director Poulin presented a potential partnership with Virginia Department of Health to support expansion of the LEAP Sexual Assault Prevention Program created through the Partnership for People with Disabilities to be voted on at the next board meeting.

Announcements

- There was discussion around encouraging donations to FACT during the holiday season.

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Adjournment/Wrap up: Chairperson Wilkinson concluded the meeting at 2:44 PM. The next meeting will be March 30<sup>th</sup>.

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Respectfully submitted,  
*Taylor Hohle*  
Taylor Hohle, Senior Research  
Associate