



# Virginia Cybersecurity Planning Committee

## Charter & Bylaws

## ARTICLE I. Applicability.

### SECTION 1. General.

The Virginia Cybersecurity Planning Committee was created and has the authority to adopt a charter and bylaws pursuant to the [Infrastructure Investment and Jobs Act \(IIJA\), Pub. L. No. 117-58](#), § 70612 (2021), and [Item 93\(F\) of Virginia's 2022 Appropriation Act](#). The provisions of these Charter and Bylaws are applicable to all proceedings of the Virginia Cybersecurity Planning Committee ("VCPC") 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.

VCPC is constituted under the IIJA and Item 93 as a "planning committee." As a "planning committee", VCPC is specifically charged with:

- Assisting with the development, implementation, and revision of the Cybersecurity Plan;
- Approving the Cybersecurity Plan;
- Assisting with the determination of effective funding priorities;
- Coordinating with other committees and like entities with the goal of maximizing coordination and reducing duplication of effort;
- Creating a cohesive planning network that builds and implements cybersecurity preparedness initiatives using FEMA resources, as well as other federal, SLT, private sector, and faith-based community resources;
- Ensuring investments support closing capability gaps or sustaining capabilities; and
- Ensuring local government members, including representatives from counties, cities, and towns within the eligible entity provide consent on behalf of all local entities across the eligible entity for services, capabilities, or activities provided by the eligible entity through this program.

The VCPC is not permitted to make decisions relating to information systems owned or operated by, or on behalf of, the state.

## ARTICLE II. Members

### SECTION 1. Voting Members.

Members shall consist of residents of the Commonwealth appointed by the Governor in accordance with Item 93 for terms of 4 years. At least one half of the representatives of the Cybersecurity Planning Committee must have professional experience relating to cybersecurity or information technology. A vacancy other than by expiration of term shall be filled by the Governor for the unexpired term. Each appointed member has one (1) vote.

#### Composition of Voting members

Representation	Organization
Eligible Entity	Virginia IT Agency

Eligible Entity	Virginia Department of Emergency Management
Institution of Public Education	Virginia Department of Education
Institution of Public Health	Virginia Department of Health
Elections infrastructure official	Vacant/TBA
Office of Governor	Secretary of Homeland Security
Tribal Representative	Monacan Indian Nation
State National Guard	Virginia National Guard
High-Population Jurisdiction	Fairfax County
Suburban Jurisdiction	Franklin County
Rural Jurisdiction	King William County
Legislature	Department of Legislative Automated Services
Public Safety	Virginia State Police
State judicial entity	Office of the Executive Secretary of the Supreme Court of Virginia
Private Sector	Woods Rogers
Public Schools	Roanoke City Public Schools

## **SECTION 2.**           Advisors

At the discretion of the Chair, additional persons representing key stakeholders or subject matters may be designated as advisors to the VCPC. Advisors may be designated for a particular purpose or on an ongoing basis. Advisors may participate in meetings of the VCPC outside of public comment periods but are not voting members of the VCPC.

## **SECTION 3.**           Officers

The VCPC shall be chaired by the Chief Information Officer of the Commonwealth (CIO), or the Chief Information Security Officer (CISO) as his designee, in accordance with the IIJA and Item 93. The Chair shall preside at all VCPC meetings. A Vice Chair shall be elected from among the voting members through nomination and formal vote, and 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. Additionally, the VCPC shall select a member to serve as chairperson of any subcommittees.

## **SECTION 4.**           Representation of VCPC.

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

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

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

Regular meetings of VCPC shall be held on at least a quarterly basis, at such time and place as the VCPC may determine, or as needed as determined by the Chair. No business requiring a vote or final decision of VCPC may be conducted in the absence of a quorum, as defined in Article III,

#### Section 4.

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

The Chair may call a special meeting, or create a subcommittee or work group, for a specific purpose or purposes. 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 the VCPC 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 quorum shall constitute a simple majority of the voting members of the VCPC.

### **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 the VCPC, 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](#), the VCPC 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, the VCPC 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 planning committee 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 VCPC review and approval, normally through presentation at the next meeting.

## **ARTICLE IV.** Programmatic Priorities

Programmatic priorities will be set by vote of the VCPC, in accordance with the cybersecurity plan. Staff shall document the decisions in the meeting minutes and make them public via VITA's website and, as appropriate, other channels, such as the grants listserv of the Virginia Department

of Emergency Management (VDEM).

#### **ARTICLE V.** Financial Decision Making

Financial decisions will be set by vote of the VCPC, in accordance with the priorities set forth in the cybersecurity plan. Staff shall document the decisions in the meeting minutes and post the information on the VITA website.

#### **ARTICLE VI.** Amendments to the Charter and Bylaws

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

These Bylaws were adopted by the VCPC, and became effective, on November 7, 2022, and remain in effect until subsequently amended.