

Electronic Meetings Policy FAQs

July 25, 2022

1. When does the [electronic meetings policy](#) go into effect?

The electronic meetings policy goes into effect September 1, 2022.

2. What types of public bodies have to follow the electronics meeting policy?

ALL public bodies who are eligible to host ALL virtual meetings OR will have at least ONE member participating virtually, per the electronics meetings bill, MUST follow the electronics meeting policy.

3. Which public bodies can convene ALL virtual meetings under the electronics meeting policy?

The electronic meetings policy **does not allow** the County Board, School Board, Planning Commission, the Board of Zoning Appeals, and the Historical Affairs and Landmark Review Board to host all-virtual meetings. Other commissions appointed by the County Board can host all-virtual meetings no more than 2 times per calendar year or 25% of the meetings (rounded up to the next whole number), whichever is greater. *NOTE: the electronic meetings policy does not apply to manager-appointed commissions or advisory groups.*

a. How many all-virtual meetings can a commission have each calendar year?

Eligible Commissions and Advisory Groups can host all-virtual meetings no more than 2 times per calendar year or 25% of the meetings (rounded up to the next whole number), whichever is greater.

- If a commission meets 4 times a year, 2 meetings can be held virtually.
- If a commission meets 11 times a year, 3 meetings can be held virtually.

4. Can individual Commission/Advisory Committee members participate virtually?

Individual members can submit a request to the Chair (copy the Staff Liaison) to request permission to participate virtually for one of the following reasons:

- (a) due to a temporary or permanent disability or other medical condition that prevents their physical in-person attendance;
- (b) a family member's medical condition that requires the member to provide care and prevents their physical in-person attendance;
- (c) For ANY personal matter --no more than 25% or 2 meetings per year.

Note: For members requesting virtual participation for a personal matter, the specific nature of the request must be reflected in the meeting minutes. And, if any request is denied, that reason also must be included in the minutes.

5. What is the electronic meetings policy that each commission should adopt?

ALL Commissions and Advisory Boards that have ANY member participating virtually MUST adopt an electronic meeting policy. The County Attorney Office has approved an [electronic meetings policy template](#) for use by all Commissions and Advisory Committees. **NOTE: Any substantive changes MUST be approved by the County Attorney Office.**

a. Do Commissions need to vote to adopt the Electronics Meeting Policy and are they required to post the agreement on their webpage?

Yes, Commissions must vote to adopt the Electronics Meeting Policy. There is no legal requirement to post the agreement on the Commission's webpage.

b. Do Commission subcommittees need to follow the electronic meetings policy?

Yes, if a commission is subject to the electronic meetings policy, its subcommittees must also follow the same rules. For subcommittees that have a unique set of bylaws, they will need to adopt a separate electronic meetings policy.

c. How long does a Commission or Advisory Board have to adopt the Electronic Meetings Policy?

If the Commission or Advisory Board has not adopted the Electronic Meeting Policy by the end of the emergency declaration on August 15, 2022, they should hold their next meeting with all members in-person and use that time to adopt their policy. Until Commissions or Advisory Boards adopt their Electronic Meetings Policy, their meetings should be held in-person with a virtual component only for the public and staff.

6. How is a quorum defined?

A quorum is a simple majority of the public body's membership unless it has been defined in the bylaws. For example, a committee of 17 members would need a physical quorum of 9 people unless otherwise stated in the bylaws.

a. If the meeting starts with a physical quorum in-person but some members have to leave early—meaning there is no longer a physical quorum:

i. can they continue the meeting since some members might be participating remotely?

Without a physical quorum, the Commission has also lost the ability to have virtual participation by Commission/Advisory Board members. Members participating electronically MUST 'leave' the meeting.

ii. can they still vote, even when the committee has members participating remotely?

No, if there is no physical quorum, there can be NO electronic participation by members. The public body can NOT vote.

b. Do commission subcommittees need to have a physical quorum for electronic meetings?

Yes, a commission's subcommittee needs to have a physical quorum in order for convening an electronic meeting, where individual members have been approved to participate virtually. If a subcommittee's membership is not clear, the group can work directly with CAO to revise bylaws to establish and define a quorum.

7. Does the requirement for no consecutive virtual meetings carry over to the next calendar year or does the schedule start again in the new year? For example, if a Commission holds a virtual meeting in December 2022, can they also meet virtually in January 2023?

There can be no consecutive virtual meetings and the clock does not start again in the new year. For example, if a group meets virtually in December 2022, they cannot meet virtually in January 2023.

8. Is it required to schedule the public comment session both in-person and virtually?

If the public body holds a hybrid meeting, it must allow for public access virtually and in person. Arlington County is continuing to include virtual public comment for all Board and Commission meetings (in addition to in-person). It is strongly recommended that public comment is offered at the start of commission meetings for non-public hearing items.

9. Are minutes required for electronic meetings?

Yes, the electronic meetings policy requires that for all meetings that include virtual participation by any member, meeting minutes must reflect the remote location from which virtual members participated.

- The minutes must also state the reason they are participating remotely (a) due to a temporary or permanent disability or other medical condition that prevented their physical attendance; (b) a family member’s medical condition that required the member to provide care; (c) If virtual participation is approved for a personal matter, the specific nature of the matter should be included in the meeting minutes. And, if any member is denied access, that reason also must be included in the minutes.
- Under State law, meeting minutes must include motions and votes taken during the meeting.
- Per County guidance, meeting minutes must also include a summary of presentations and discussions (3-4 sentences), with a link to presentation slides and/or handouts. If available, an optional link to the Teams recording and/or transcript can also be included. View sample [meeting minutes template](#).

a. Do electronic meetings have to be recorded?

No, electronic meetings do not have to be recorded, however, the public must have electronic access (e.g., a Teams link). If the electronic meeting is recorded, the recording must be posted in the meeting minutes. Recordings of meetings cannot serve as meeting minutes.

b. If the meeting is recorded only to assist with final summary notes, must the recording be posted online?

There is no legal requirement to post the recording, but the recording is subject to release under FOIA.

10. Do commission liaisons need to join in-person during a hybrid meeting?

While a commission liaison does not need to join in-person during a hybrid meeting, a staff member must be available in-person to access the room, technology, and assist Commissioners as well as members of the public as needed.

11. Where can I find in-person room capacity for each of the conference rooms?

Room capacity for conference rooms can be found on [AC Commons](#).