

POLICY GOVERNING ELECTRONIC MEETINGS AND ELECTRONIC PARTICIPATION IN MEETINGS

Electronic Meetings

In accordance with Virginia law, which permits certain public bodies¹ to hold all-virtual public meetings using electronic means such as telephone or video conferencing, the Climate Change, Energy and Environment Commission (C2E2) will on occasion meet virtually. The law limits the instances in which this may occur, prescribes procedures public bodies must follow when holding an all-virtual public meeting, and requires that a written policy governing such meetings be adopted. This Policy, as hereafter described, sets forth the procedures under which C2E2 may hold an all-virtual public meeting.

C2E2 may hold an all-virtual public meeting in which no physical quorum is assembled under the following circumstances:

1. When it has stated in the required meeting notice that the meeting will be held virtually and it notifies the public that the method by which C2E2 meets shall not be changed unless C2E2 provides a new meeting notice in accordance with the provisions of Va. Code § 2.2-3707; and
2. Public access to the all-virtual public meeting is provided via electronic communication means; and
3. The electronic communication means used allows the public to hear members of C2E2 participating in the all-virtual public meeting and, when audio-visual technology is available, to see members of C2E2 as well; and
4. A phone number or other live contact information is provided to allow members of the public to alert C2E2 if the audio or video transmission of the meeting it has provided fails, C2E2 monitors such designated means of communication during the meeting, and C2E2 takes a recess until public access is restored if the transmission fails for the public; and
5. A copy of the proposed agenda and all other materials furnished to members of C2E2 for a meeting, unless exempt, are made available to the public in electronic format at the same time that such materials are provided to members of C2E2; and

¹This policy is not applicable to the County Board, School Board, planning commissions, architectural review boards, board of zoning appeals, and any other board with the authority to deny, revoke or suspend a professional or occupational license.

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; and
7. No more than two members of C2E2 are meeting together in any one remote location unless that remote location is open to the public to physically access it; and
8. If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public resumes before C2E2 votes to certify the closed meeting as required by section D of Va. Code § 2.2-3712.
9. C2E2 does not convene an all-virtual public meeting (i) more than two times per calendar year or 25 percent of the meetings it holds 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 Va. Code §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; and
11. This policy shall not be applicable to electronic meetings held during declared states of emergency, which shall be governed by the applicable provisions of the Code of Virginia.

Electronic Participation in Meetings

Occasions may arise when a member of C2E2 is unable to be physically present at the meeting. Under certain circumstances, Virginia law permits members to participate in meetings through electronic means such as telephone and video conferencing. The law limits the instances in which this may occur, prescribes procedures that must be followed when a member participates in a meeting through electronic means, and requires that a written policy governing such participation be adopted. This Policy, as hereafter described, sets forth the instances when a member may participate in a meeting electronically and the procedures that apply.

Circumstances When Electronic Participation Is Permitted

A C2E2 member may participate in a meeting through electronic means from a remote location not open to the public under the following circumstances:

1. a. A member shall notify the chair on or before the day of the meeting that such member is unable to attend the meeting due to a personal matter, and shall identify with specificity the nature of the personal matter. C2E2 shall record in its minutes the specific nature of the personal matter and the remote location from which the member participated.

b. Such participation by the member shall be limited each calendar year to two meetings or 25 percent of the meetings of C2E2 held per calendar year rounded up to the next whole number, whichever is greater.

2. A member may notify the chair that such member is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance, or a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance. C2E2 shall record this fact and the remote location from which the member participated in its minutes.

3. A member may notify the chair that such member is unable to attend a meeting due to the member's principal residence being more than 60 miles from the meeting location identified in the required notice for the meeting. The C2E2 shall record this fact and the remote location from which the member participated in its minutes.

4. If a member's participation from a remote location pursuant to any of the reasons stated above is disapproved because such participation would violate the provisions of this Policy, such disapproval shall be recorded in the minutes with specificity.

Procedural Requirements

Participation by a member of C2E2 as authorized above shall be only under the following conditions:

1. A quorum of C2E2 is physically assembled at the primary or central meeting location.

2. C2E2 makes arrangements for the voice of the member who is participating remotely to be heard by all persons at the primary or central meeting location.

3. This Policy shall be applied strictly and uniformly, without exception, to all members and without regard to the identity of the member requesting to participate remotely or the matters that will be considered or voted on at the meeting.