

Amended August 27th, 2024

POLICY GOVERNING ELECTRONIC PARTICIPATION IN MEETINGS

Occasions may arise when a member of the County Board 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 annually. This Policy, as hereafter set forth, 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 County Board 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 an emergency or personal matter, and shall identify with specificity the nature of the emergency or personal matter. The County Board shall record in its minutes the specific nature of the emergency or personal matter and a general description of the remote location from which the member participated. If the member's participation from a remote location is disapproved because such participation would violate the provisions of this Policy, such disapproval shall be recorded in the minutes.
- b. Such participation by the member shall be limited each calendar year to two meetings or 50 percent of the meetings of the County Board 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) a temporary or permanent disability or other medical condition that prevents the member's physical attendance;
 - (b) a family member's medical condition that requires the member to provide care for such family member; or
 - (c) the member is a caregiver as defined by VA. CODE § 2.2-3701, as amended, who must provide care for a person with a disability at the time the public meeting is being held;

thereby preventing the member's physical attendance. The County Board shall record this fact and a general description of the remote location from which the member participated in its minutes.

Procedural Requirements

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

1. A quorum of the County Board is physically assembled at the primary or central meeting location.
2. The County Board 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.

Application to Board Appointed Commissions and Advisory Bodies

The Board hereby adopts this policy on behalf of its appointed commissions and advisory bodies. However, to the extent a commission or advisory board has or adopts its own electronic meeting policy, that specific policy shall supersede this general policy as it relates to that commission or advisory body.

COUNTY BOARD GUIDELINES
FOR POLICY GOVERNING ELECTRONIC PARTICIPATION IN MEETINGS

The determination of whether requests by members to participate in County Board meetings from remote locations complies with the County's Policy Governing Electronic Participation in Meetings ("Policy") shall be made by the County Board Chair subject to final approval by the County Board. The following guidelines shall be used by the Chair and the County Board in considering and acting upon requests:

1. Notification of the request to participate electronically shall be provided by the member seeking to participate remotely to the Chair at the earliest practicable time not later than one hour before the meeting start time. It may be provided verbally but should be followed up in writing as soon as possible.
2. The member may participate in the meeting, including work sessions and closed sessions, using all available electronic means including telephone and video conferencing provided the member participating remotely can be heard by all those in attendance at the location of the meeting. In the event that the means used for participation in the meeting, or other circumstances at the remote location, are disruptive to the meeting, the Chair, subject to County Board approval, may deny or withdraw the approval to participate remotely, including during the meeting. While not required, the member participating remotely is encouraged to view the meeting via television or the internet to the extent it is available.
3. For purposes of the Policy, the term "emergency" shall have its common meaning including dictionary definitions defining the term as: "a dangerous or serious situation, such as an accident, that happens suddenly or unexpectedly and needs immediate action." (Cambridge online dictionary).
4. For purposes of the Policy, a personal matter includes circumstances that prevent a member from physically attending a meeting including personal and business travel.
5. For purposes of the Policy, a temporary or permanent disability and a medical condition that prevents physical attendance at the meeting should be evident based on the nature of the disability or the condition.
6. The member requesting to participate electronically shall provide sufficient specificity as to the nature of the emergency or personal matter as is necessary for the Chair, and the County Board, to determine whether the circumstances warrant remote participation.
7. Medical verification of a medical condition or physical disability shall not be required.

8. More than one member may participate electronically at same meeting as long as a quorum of the Board is physically present at the meeting location.
9. Remote participation shall be permitted only under circumstances where all attendees at the regular meeting location, including the public, can, at a minimum, hear and possibly see the remote member.
10. The Clerk to the County Board shall be responsible for documenting in the minutes the request to participate electronically, the reasons why it is necessary, a general description the remote location from which the member participated electronically, and the Board's approval or disapproval.

The Clerk to the County Board shall be responsible for recordkeeping and informing Board members to ensure a member does not participate electronically for more than the number of meetings allowed by the Policy.