

POLICY ON ELECTRONIC PARTICIPATION IN MEETINGS FROM REMOTE LOCATIONS

Except as provided hereafter, the Williamsburg Tourism Council (“the Council”) does not conduct any meeting in which public business is discussed or transacted through telephonic, video, electronic, or other electronic communication means where the members are not physically assembled. This Policy is applied strictly and uniformly, without exception, to the entire membership of the Council and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

This Policy shall also be applicable to any committee, subcommittee, task force or other entity of the Council.

This Policy is adopted to comply with the provisions of the Virginia Freedom of Information Act, § 2.2-3701 et seq. of the Code of Virginia of 1950, as amended (the "Act").

For the purposes of this Policy, "electronic communication" means the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

- I. Remote Participation by Members when a Quorum is Physically Assembled
 - a. A member of the Council may participate in any meeting of the Council through electronic communication, if 1) on or before the day of a meeting, a member of the Council notifies the chair that (i) such member is unable to physically attend the meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance, (ii) a family member's medical condition that requires the member to provide care for such family member thereby preventing the member's physical attendance, (iii) a member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting, or (iv) that such member is unable to physically attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter; and 2) the Council approves the member's participation by a majority vote of the members present at the meeting location based only on the criteria in this policy and a quorum is present at the meeting location.
 - b. Participation by a Council member by electronic communication due to a personal matter is limited each calendar year to two meetings or 25% of the meetings held per calendar year rounded up to the next whole number, whichever is greater.
 - c. If participation by a Council member through electronic communication is approved pursuant to subsection (a) above, the Council shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public. If participation is approved due to (i) a temporary or permanent disability or other medical condition or a family member's

medical condition that required the member to provide care for such family member, the Council shall also include in its minutes the fact that the member participated through electronic communication means due to a temporary or permanent disability or other medical condition that prevented the member's physical attendance, (ii) or a family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance or (iii) if, a member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting, the Council shall include in its minutes the fact that such notification was made.

- d. If a member's participation from a remote location is disapproved because such participation would violate the Policy, such disapproval shall be recorded in the minutes with specificity.
- e. If participation is approved due to a personal matter, the Council must also include in its minutes the specific nature of the personal matter cited by the member.
- f. If a member's participation from a remote location due to a personal matter is disapproved, such disapproval is recorded in the minutes with specificity.
- g. A member may participate in a meeting by electronic means pursuant to subsection (a) above only when:
 - i. A quorum of the Council is physically assembled at one primary or central meeting location; and
 - ii. The Council makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

II. Remote Participation by Members when a Quorum is not Physically Assembled During an Emergency (All-Virtual Meeting During Emergency)

- a. The Council may meet by electronic communication means without a quorum physically assembled at one location when the Governor has declared a state of emergency in accordance with Virginia Code § 44-146.17, or the locality in which the Council is located has declared a local state of emergency pursuant to Virginia Code § 44-146.21, provided:
 - i. The catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location; and
 - ii. The purpose of the meeting is to provide for the continuity of operations of the Council or the discharge of its lawful purposes, duties, and responsibilities.
- b. If it holds a meeting pursuant to this section, the Council shall:

- i. Give public notice using the best available method given the nature of the emergency contemporaneously with the notice provided members of the Council;
 - ii. Make arrangements for public access to the meeting through electronic communications means, including videoconferencing if already used by the Council; and
 - iii. Provide the public with the opportunity to comment at those meetings when public comment is customarily received.
- c. For any meeting conducted pursuant to this section, the nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes of the meeting.

III. All-Virtual Public Meetings when there is no Emergency

The Council may hold all-virtual public meetings in situations other than declared states of emergency subject to the following requirements:

- a. An indication of whether the meeting will be an in-person or all-virtual public meeting is included in the required meeting notice along with a statement notifying the public that the method by which a public body chooses to meet shall not be changed unless the public body provides a new meeting notice in accordance with the provisions of Virginia Code § 2.2-3707;
- b. Public access to the all-virtual public meeting is provided via electronic communication means;
- c. The electronic communication means used allows the public to hear all members of the Council participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the Council as well;
- d. A phone number or other live contact information is provided to alert the Council if the audio or video transmission of the meeting provided by the Council fails, the Council monitors such designated means of communication during the meeting, and the Council takes a recess until public access is restored if the transmission fails for the public;
- e. A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of the Council for a meeting is made available to the public in electronic format at the same time that such materials are provided to members of the Council;
- f. 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;

- g. No more than two members of the Council are together in any one remote location unless that remote location is open to the public to physically access it;
- h. If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public resumes before the Council votes to certify the closed meeting as required by subsection D of § 2.2-3712 of the Act;
- i. The Council does not convene an all-virtual public meeting (i) more than two times per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, or (ii) consecutively with another all-virtual public meeting; and
- j. Minutes of all-virtual public meetings held by electronic communication means are taken as required by § 2.2-3707 of the Act 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.
- k. If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the Council's policy, such disapproval shall be recorded in the minutes with specificity.

LEGAL REFERENCE: §§ 2.2-3701, 2.2-3707, 2.2-3708.2, 2.2-3710

ADOPTED: _____