REMOTE ELECTRONIC PARTICIPATION and ALL-VIRTUAL MEETING POLICY

DRAFT

This policy has two purposes. The first is to provide for the Charlottesville-Albemarle Metropolitan Planning Organization (CA-MPO) to permit a member to participate in a CA-MPO meeting through electronic communication means from a remote location, and the second is to allow the CA-MPO to conduct all-virtual meetings, in the manner allowed by the Virginia Freedom of Information Act (FOIA) and as set out in this policy.

POLICY:

It is the policy of Charlottesville-Albemarle Metropolitan Planning Organization (CA-MPO) that individual members of the CA-MPO may participate in CA-MPO meetings by electronic communication as permitted by subsection B of § 2.2-3708.3 of the *Code of Virginia.* This policy shall apply to the entire membership without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

In order for an individual member to participate from a remote location *as authorized by § 2.2-3708.3 B*, a quorum of the CA-MPO must be physically assembled at the primary or central meeting location. When such individual participation is due to a personal matter, set out in section A.4, below, such participation is limited to two meetings per calendar year or 25 percent of the meetings held per calendar year, rounded up to the next whole number, whichever is greater.

Further, it is the policy of the CA-MPO that the CA-MPO may hold all-virtual public meetings pursuant to subsection C of § 2.2-3708.3 of the *Code of Virginia*. Such all-virtual public meetings are limited to two meetings per calendar year or ~~25~~ *50* percent of the meetings held per calendar year, rounded up to the next whole number, whichever is greater. An all-virtual public meeting may not be held consecutively with another all-virtual public meeting.

This policy shall apply to the CA-MPO and to all committees created by or under the authority of the CA-MPO.

REMOTE ELECTRONIC PARTICIPATION BY ~~COMMISSION~~ *CA-MPO* MEMBERS:

"Remote participation" means participation by an individual member of a public body by electronic communication means in a public meeting where a quorum of the public body is otherwise physically assembled.

"Electronic communication" means the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

A. Notification of Inability to Attend Because of Disability, Medical Condition, Location or Personal Matter

In advance of the meeting at which remote participation is requested, the member shall notify the Chair or staff committee lead that he or she is unable to attend the meeting

1) due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance;

2) because a family member's medical condition requires the member to provide care for such family member;

3) because such member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or

4) due to a personal matter. The member must identify with specificity the nature of the personal matter and may not use remote participation due to personal matters more than two meetings per calendar year, or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

B. Quorum Physically Assembled; Approval of Remote Electronic Participation

A quorum of the CA-MPO must be physically assembled at the primary or central meeting location. The members of the CA-MPO present must approve of the remote electronic participation in order for the member to participate remotely; however, the decision shall be based solely on the criteria in Section A, without regard to the identity of the member or items that will be considered or voted on during the meeting.

C. Record of Action

The CA-MPO shall record in its minutes the remote location from which a member participated. The minutes also shall reflect the specific nature of the personal matter; the disability or medical condition; the fact that a family member's medical condition that required the member to provide care for such family member, thereby preventing their physical attendance; or that that such member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting. If the absent member's remote participation is disapproved because participation would violate this policy, the disapproval shall be recorded in the CA-MPO's minutes with specificity.

ALL-VIRTUAL MEETINGS:

"All-virtual public meeting" means a public meeting (i) conducted by ~~a public body,~~ *the CA-MPO or its committees (hereinafter public body)* ~~other than those excepted pursuant to subsection C of § 2.2-3708.3,~~ using electronic

communication means, (ii) during which all members of the public body who participate do so remotely rather than being assembled in one physical location, and (iii) to which public access is provided through electronic communication means.

When holding an ~~The CA-MPO may hold~~ all-virtual public meeting~~s~~, *the CA-MPO or committee shall* ~~provided that it~~ follow~~s~~ the requirements of this policy, other meeting requirements under FOIA, and the following statutory requirements:

1) 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 § 2.2-3707;

2) Public access to the all-virtual public meeting is provided via electronic communication means;

3) The electronic communication means used allows the public to hear all members of the public body participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the public body as well. *When any member of the CA-MPO or any of its committees has audio-visual technology available, and electronic communication is being used to establish a quorum, that member shall be considered absent from any portion of a meeting during which visual communication with the member is voluntarily disconnected or otherwise fails or during which audio communication involuntarily fails;*

4) A phone number or other live contact information is provided to alert the public body if the audio or video transmission of the meeting provided by the public body fails, the public body monitors such designated means of communication during the meeting, and the public body takes a recess until public access is restored if the transmission fails for the public;

5) A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body 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 public body;

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;

7) No more than two members of the public body are together in any one remote location unless that remote location is open to the public to physically access it;

8) If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public resumes before the public body votes to certify the closed meeting as required by subsection D of § 2.2-3712;

9) The public body does not convene an all-virtual public meeting (i) more than two times per calendar year or ~~25~~ *50* 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

10) Minutes of all-virtual public meetings held by electronic communication means are taken as required by § 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. If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such disapproval shall be recorded in the minutes with specificity.

The policy replaces the Remote Electronic Participation and All-Virtual Meeting Policy adopted on September 28, 2022. Updates to and readoption of this policy shall occur at least once annually.