REMOTE PARTICIPATION AND ALL-VIRTUAL MEETING POLICY

ADOPTED ON AUGUST 2~~7~~6, 202~~5~~5

The purpose of this policy is to satisfy for the Virginia Passenger Rail Authority (VPRA) the requirements of Va. Code § 2.2-3708.3(D), permitting public meetings held through electronic communication means in situations other than declared states of emergency.

A. REMOTE PARTICIPATION BY MEMBERS

1. Bases for Requesting Remote Participation. Individual members of the VPRA public bodies (which term includes the full VPRA Board of Directors and any VPRA committee or subcommittee) may participate in VPRA public meetings (which term includes the public meetings of any VPRA public body) remotely instead of attending in person if, in advance of the VPRA public meeting, the member notifies the chairperson of the VPRA Board or the applicable committee or subcommittee that:

    a. the member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance;

    b. a medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance or the member is a caregiver 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;

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

    d. the member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter.

2. Request and Approval of Chairperson. Concurrent with the notice required under section A.1. of this policy, a member seeking to participate remotely must request approval to participate remotely from the applicable chairperson using the Remote Participation Form. The chairperson will approve or disapprove each such request using the Remote Participation Form. Such completed form shall constitute the record for each request and corresponding approval or disapproval.

3. Circumstances under which Remote Participation is Allowed. Remote participation shall be approved by the applicable chairperson unless such participation would violate this policy, Va. Code § 2.2-3708.3(B), or other law. This rule shall be applied strictly and uniformly without regard to the identity of the member requesting remote participation or the matters that will be considered or voted at the meeting.

4. Limitation on Personal Matter Basis. No member may use remote participation due to personal matters pursuant to section A.1.d. of this policy more than two meetings per calendar year or 25 percent of the meetings (inclusive of committee and subcommittee meetings) held per calendar year rounded up to the next whole number, whichever is greater.

B. ALL-VIRTUAL VPRA PUBLIC MEETINGS

1. Requirements for All-Virtual VPRA Public Meetings. A VPRA public body (which includes the VPRA Board and any VPRA committee or subcommittee) may hold all-virtual VPRA public meetings, provided that it follows the other requirements for meetings under the Virginia Freedom of Information Act (Va. Code §§ 2.2-3700 *et seq.*) and:

    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 the VPRA public body chooses to meet shall not be changed unless the VPRA public body provides a new meeting notice in accordance with the provisions of Va. 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 VPRA public body participating in the all-virtual VPRA public meeting and, when audio-visual technology is available, to see the members of the public body as well (when audio-visual technology is available, a member of a public body shall, for purposes of a quorum, be considered absent from any portion of the meeting during which visual communication with the member is voluntarily disconnected or otherwise fails or during which audio communication involuntarily fails);

    d. a phone number or other live contact information is provided to alert the VPRA public body if the audio or video transmission of the meeting provided by the public body fails, the VPRA public body monitors such designated means of communication during the meeting, and the VPRA public body 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 a VPRA 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 VPRA public body;

f. the public is afforded the opportunity to comment through electronic means, including by way of written comments, at those VPRA public meetings when public comment is customarily received;

g. no more than two members of the VPRA public body 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 VPRA public meeting, transmission of the meeting to the public resumes before the VPRA public body votes to certify the closed meeting as required by Va. Code § 2.2-3712(D);

i. the VPRA public body does not convene an all-virtual public meeting (i) more than two times per calendar year or 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 VPRA public meeting; and

j. minutes of all-virtual VPRA 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.

2. Circumstances under which All-Virtual VPRA Public Meetings are Allowed. Subject to the limitations set forth in section B.1.i. of this policy, a VPRA public meeting may be all-virtual whenever the applicable chairperson deems an all-virtual meeting necessary or convenient for such VPRA public body.

C. RECORDATION IN MEETING MINUTES

1. Recordation Requirements for Approved Remote Participation. If remote participation for an individual member is approved under section A of this policy, the VPRA public body holding the meeting shall record in its minutes:

a. the remote location from which the member participated (however, the remote location need not be open to the public and may be identified in the minutes by a general description);

b. if remote participation is approved pursuant to section A.1a. or A.1.b. of this policy, the fact that the member participated remotely due to a (i) temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance;

c. if remote participation is approved pursuant to section A.1.c. of this policy, the fact that the member participated remotely due to the distance between the member's principal residence and the meeting location; and

d. if participation is approved pursuant to section A.1.d. of this policy, the specific nature of the personal matter cited by the member.

2. Recordation Requirement for Disapproved Remote Participation. If a member's request for remote participation is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

3. Recordation Requirement for Denied Participation in All-Virtual Meeting. If a member is not permitted to participate in an all-virtual VPRA public meeting under section B of this policy because such participation would violate this policy, then such denial shall be recorded in the minutes with specificity.