

**RESOLUTION 2022-15TC**

**A RESOLUTION TO ADOPT A POLICY GOVERNING PARTICIPATION IN MEETINGS BY MEMBERS OF THE TOWN COUNCIL THROUGH ELECTRONIC COMMUNICATION**

**WHEREAS**, pursuant to Va. Code § 2.2-3708.2, a member or members of a public body may participate in meetings through electronic communication means from a remote location that is not open to the public for certain reasons when the public body has a quorum physically assembled and has adopted a written policy allowing for such participation in accordance with Va. Code § 2.2-3708.2; and

**WHEREAS**, pursuant to Va. Code § 2.2-3708.2, public bodies may further hold meetings through electronic communication means where no quorum is assembled at a single location in certain emergency situations; and

**WHEREAS**, the members of the Irvington, Virginia Town Council wish to adopt a policy to allow for those situations which may arise and prevent some members or all members from attending meetings in person, to the extent allowed by law.

**NOW, THEREFORE, BE IT RESOLVED** that the Irvington Town Council on this the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2022, does hereby adopt the attached policy, effective immediately, to allow members of the Town of Irvington, Virginia Town Council to participate in meetings through electronic communication in strict accordance with the provisions and requirements of Va. Code §§ 2.2-3708.2.

**TOWN OF IRVINGTON, VIRGINIA – POLICY FOR ELECTRONIC PARTICIPATION IN MEETINGS FROM REMOTE LOCATIONS**

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

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.

“Town Council” means the Town Council of the Town and it may also mean the constituent local public bodies of the Town if those constituent public bodies elect to follow the provisions of this policy.

1. **Quorum Physically Assembled**
   1. The Town Council may conduct any meeting wherein the public business is discussed or transacted through electronic communication means if on or before the day of a meeting, a member of the Town Council notifies the Mayor or Town Clerk:
      1. That such member is unable to attend the 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, or
      2. That such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter; and

Further, that the Town Council approves the member's participation by a majority vote of the members present at the primary or central meeting location based only on the criteria in this policy.

Provided, however, that participation by a Town Council member by electronic communication means under subsection (a)(ii) above (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.

* 1. If participation by a Town Council member through electronic communication means is approved pursuant to subsection (a) above, the Town Council shall record in its minutes the remote location from which the member participated; however, the remote location need not be accessible to the public.
     1. If participation is approved under subsection (a)(i) above (due to 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 Town 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 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. The Town Council shall not record the specific disability or medical condition involved.
     2. If participation is approved under subsection (a)(ii) above (due to a personal matter), the Town Council shall also include in its minutes the specific nature of the personal matter cited by the member.
  2. If a member's participation from a remote location is disapproved because such participation would violate this policy, such disapproval and the violation of the policy shall be recorded in the minutes with specificity.
  3. A Town Council member may participate in a meeting by electronic means pursuant to subsections (a) and (b) above only when:
     1. A quorum of the Town Council is physically assembled at one primary or central meeting location; and
     2. The Town Council makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

1. **Quorum Not Physically Assembled**

The Town 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 if the Town Council or the Board of Supervisors of Lancaster County, Virginia has declared a local state of emergency pursuant to VA Code § 44-146.21, provided

* The catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location; and
* The purpose of the meeting is to provide for the continuity of operations of the Town or the discharge of the Town’s lawful purposes, duties, and responsibilities.

If it holds a meeting pursuant to this section, the Town Council shall

* Give public notice using the best available method given the nature of the emergency contemporaneously with the notice provided members of the Town Council; and
* Make arrangements for public access to the meeting through electronic communications means, including videoconferencing if already used by the Town Council; and
* Provide the public with the opportunity to comment at those meetings when public comment is customarily received; and
* Otherwise comply with the requirements of Chapter 37 of Va. Code Ann. (1950) (the Virginia Freedom of Information Act), as amended.

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.

1. **Further Provision for State Law Allowing Participation Using Electronic Communication**

If the provisions of Virginia Code § 2.2-3708.2 are amended to provide additional authority for Town Council or the members thereof to attend meetings using electronic communication, whether with or without a quorum of Town Council assembled, or other state law allows for such additional authority, this policy shall be applied and extended to allow remote participation using electronic communication to the fullest extent provided by law.

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

ADOPTED: