



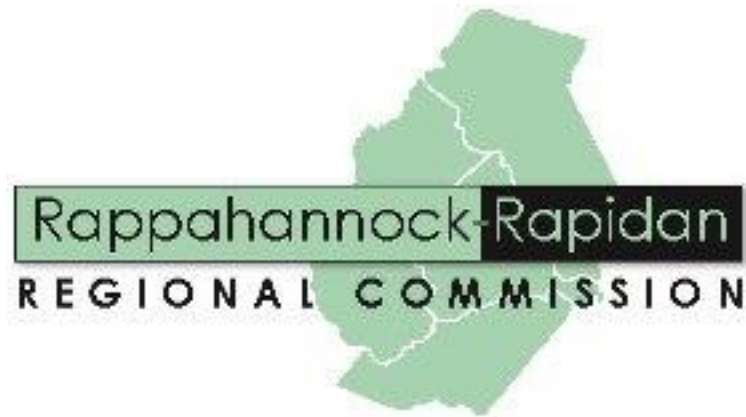
## **MEMORANDUM**

**To: Members of the Rappahannock-Rapidan Regional Commission**  
**From: Patrick L. Mauney, Executive Director**  
**Date: August 16, 2022**  
**Subject: RRRC Electronic Meetings Policy Amendments**

You may be aware that the General Assembly passed legislation amending §2.2-3708 relating to public bodies holding meetings by electronic means, with an effective date of September 1, 2022.

Staff has developed proposed amendments to the currently adopted Remote Electronic Participation Policy and a redline version is attached for consideration.

**REQUESTED ACTION:** Adoption of the amended Remote Electronic Participation Policy



### **Remote Electronic Participation Policy**

Purpose: To allow participation in meetings of the Rappahannock-Rapidan Regional Commission and its committees by a member of the commission from a remote location through means of electronic communication.

The Rappahannock-Rapidan Regional Commission hereby approves and adopts the following policy and procedures to allow and facilitate participation in commission meetings by members of the commission from a remote location through electronic communication means, as authorized by § 2.2-3708.2 and § 2.2-3708.2 of the Code of Virginia, as amended:

#### **A. Requirement for Notification**

Members of the Rappahannock-Rapidan Regional Commission may participate in meetings of the commission by electronic communication means from a remote location that is not open to the public if, on or before the day of a meeting, a commission member notifies the commission chair that:

1. 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
2. A family member's medical condition requires such member to provide care for such family member; or

~~3. Such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter; or~~

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

~~34. Such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter; or~~

If the Commission chair desires to participate electronically under this policy, such member shall notify the Vice-Chair on or before the day of the meeting, and is subject to the same procedures as other members.

#### **B. Approval of Remote Electronic Participation**

Such member's remote participation by electronic communication means shall be approved by a majority vote of those members physically assembled as a quorum at the primary or central meeting location. Those members assembled as a quorum shall base their decision solely on the criteria in Section A, without regard to the ~~identify-identity~~ of the member or items that will be considered or voted on during the meeting.

#### **C. Record of Action**

The minutes of the Commission 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, as well as the remote location from which the absent member participated. The minutes shall also record the remote location from which the member participated; however, the remote location need not be open to the public and may be identified by a general description. If the absent member's remote participation is disapproved because participation would violate this policy, the disapproval shall be recorded in the Commission's minutes with specificity.

#### **D. Remote Member Audibility**

The Commission will make arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location. If the voice of the member participating remotely cannot be heard, the meeting may continue without the participation of the member participating remotely.

#### **E. Limitation per Calendar Year**

Remote participation by a commission member ~~pursuant to this policy~~ who participates due to personal matters pursuant to section A4 is limited to two, or 25% of the meetings rounded up to the next whole number, whichever is greater, Commission meetings each calendar year.

#### **F. Meetings Held During Declared States of Emergency**

Pursuant to § 2.2-3708.2, as amended, any public body, or any joint meetings thereof, may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17 or the locality in which the public body is located has declared a local state of emergency pursuant to § 44-146.21, provided that (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 public body or the discharge of its lawful purposes, duties, and responsibilities.

When a meeting is convened in accordance with this section, the Commission shall:

1. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body conducting the meeting;

2. Make arrangements for public access to such meeting through electronic communication means, including videoconferencing if already used by the public body;

3. Provide the public with the opportunity to comment at those meetings of the public body when public comment is customarily received; and

4. Otherwise comply with the provisions of this chapter.

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 Commission meeting.

#### **G. All-Virtual Meetings**

The Commission may hold an all-virtual public meeting, defined as a public meeting (i) conducted by a 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 an all-virtual public meeting is convened, the Commission shall ensure the following requirements are met:

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 the Commission chooses to meet shall not be changed unless the Commission 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 Commission participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the Commission as well;

4. A phone number or other live contact information is provided to alert the Commission if the audio or video transmission of the meeting provided by the Commission fails, the Commission monitors such designated means of communication during the meeting, and the Commission 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 the Commission 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 Commission;

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 Commission 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 Commission votes to certify the closed meeting as required by subsection D of § 2.2-3712;

9. The Commission will 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

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.