

Remote Participation Policy
Committee Members
Henrico County Sustainability and Resilience Advisory Committee

Adopted: _____, 2025

Except as provided hereafter, or as otherwise permitted by law, the Committee does not conduct any meeting wherein the 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 Committee 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. Members participating in a meeting remotely or in an all-virtual meeting are not restricted from voting on matters before the public body.

This policy must be readopted annually.

Applicability

This policy applies to meetings of the Committee and to meetings of subcommittees created by the Committee to perform delegated functions of the Committee or to advise the Committee, mutatis mutandis.

Definitions

For purposes of this policy:

The term “electronic communication” means the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information. Va. Code § 2.2-3701.

The term “caregiver” means an adult who provides care for a person with a disability who is related by blood, marriage, or adoption to or the legally appointed guardian of the person with a disability for whom he or she is caring. Va. Code § 2.2-3701.

The term “person with a disability” means any person who has a physical or mental impairment that substantially limits one or more of his or her major life activities or who has a record of such impairment. Va. Code § 2.2-3701 and § 51.5-40.1.

The term “individual remote participation” means participation by an individual member by electronic communication means in a public meeting where a quorum of the Committee is otherwise physically assembled. Va. Code § 2.2-3701.

The term “member” means an individual voting member of the Committee.

I. Quorum Physically Assembled (Individual Remote Participation)

A. A member may use Individual Remote Participation instead of attending a public meeting in person if:

(1) Prior to 7 days in advance of the meeting, or as far in advance as practicable, the member notifies the Chair and the Sustainability Division Director 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 person in the member's family requires the member to provide care that prevents the member's physical attendance;

(c) The member is a caregiver who must provide care for a person with a disability at the time the meeting is being held thereby preventing the member's physical attendance; 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. The Virginia Freedom of Information Act limits remote participation by a member due to personal matters 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. Va. Code § 2.2-3708.3(B)(4); and,

(2) A quorum of the Committee is physically assembled at one primary or central meeting location.

(a) For the purposes of determining whether a quorum is physically assembled, a member who uses remote participation due to subsection (A)(1) or (A)(3) counts toward the quorum as if the individual was physically present; and,

(3) The Committee approves the member's participation by a majority vote of the voting members present at the primary or central meeting location; and,

(4) The Committee arranges for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

B. If any member uses Individual Remote Participation, the Committee will ensure that its minutes include the following:

(1) The Committee will record in its minutes 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.

(2) If a member's remote participation due to subsection (A)(1)(a), (A)(1)(b), or (A)(1)(c) above is approved, then the Committee will 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 due to a family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance.

(3) If a member's remote participation due to subsection (A)(1)(d) above is approved, then the Committee will also include in its minutes the specific nature of the personal matter cited by the member.

(4) If a member's remote participation is disapproved because such participation would violate the Virginia Freedom of Information Act or this policy, such disapproval will be recorded in the minutes with specificity.

II. Quorum Not Physically Assembled (Declared Emergencies).

- A. The Committee or any joint meeting of the Committee with another public body, 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 Va. Code § 44-146.17, or the locality in which the Committee is located has declared a local state of emergency pursuant to Va. Code § 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 Committee or the discharge of its lawful purposes, duties, and responsibilities.
- B. If the Committee holds a meeting pursuant to this section, it will comply with all provisions of the Virginia Freedom of Information Act regarding public meetings where quorum is not physically assembled due to declared emergencies. *See* Va. Code § 2.2-3708.2

III. Quorum Not Physically Assembled (All-Virtual Public Meeting).

- A. The Committee may schedule an all-virtual public meeting at the discretion of the Chair, and as allowed by the Virginia Freedom of Information Act and by this policy.
- B. The Virginia Freedom of Information Act limits all-virtual remote meetings to two meetings each calendar year, or 50 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. All-virtual public meetings may not be held consecutively. Va. Code § 2.2-3708.3(C)(9).
- C. Public access to the all-virtual public meeting will be provided via electronic communication means. The Committee will include the remote location of public access to the all-virtual public meeting in its notice of public meeting.
- D. For purposes of an all-virtual public meeting, no more than two members of Committee may be together in any one remote location unless that remote location is open to the public to physically access it.

E. If the Committee holds a meeting pursuant to this section, it will comply with all provisions of the Virginia Freedom of Information Act regarding all-virtual public meetings. *See* Va. Code § 2.2-3708.3(C)(1)-(10) and Va. Code § 2.2-3708.3(D).