

Prince William Sustainability Commission Policy Regarding the Remote Participation/ Attendance of Meetings Electronically Pursuant to § 2.2-3708.2 and § 2.2-3708.3, VA Code Ann.

The Prince William Sustainability Commission may, in accordance with the applicable provisions of the Virginia Code and this Policy, conduct any meeting wherein the public business is discussed or transacted through electronic communication means.

This Policy shall be applied strictly and uniformly, without exception, to the entire membership of the Sustainability Commission 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.

A quorum of the Sustainability Commission shall be physically assembled at one primary or central meeting location as dictated by the Meeting Calendar for a meeting to be conducted in accordance with Sections 1 and 2 of this policy.

In addition, the Sustainability Commission hereby requests the County Executive to make arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

This Policy's requirements are as follows:

1. Except in cases of an Ordinance of Continuity of Government due to an enemy attack or other disaster, or in cases of a state of emergency declared by the Governor or Prince William County as discussed in Section 3 of this policy, a Member of the Sustainability Commission may electronically and *remotely participate* in a commission or committee meeting, open or closed:
 - a. If, on or before the day of a meeting, the Member of the Sustainability Commission notifies the Chair that:
 - i. 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. For purposes of determining whether a quorum is physically assembled, an individual member of the Sustainability Commission who is a person with a disability as defined in § 51.5-40.1, VA Code Ann., and uses remote participation counts toward the quorum as if the individual was physically present; or
 - ii. A medical condition of a member of the member of the Commissioner'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. For purposes of determining whether a quorum is physically assembled, and individual member of the Sustainability Commission who is a caregiver for a person with a disability and uses remote participation counts toward the quorum as if the individual was physically present; or
 - iii. Such member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
 - iv. Such Member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter.

Participation by a Member pursuant to this subdivision is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater; and

- v. Request to electronically participate, and provide verifiable assurances and verification that participation in any closed session of the meeting shall remain confidential and not be disclosed to any unauthorized persons or entities;
- b. In response to the notice and request, the Sustainability Commission shall:
 - i. Cancel the meeting if the member(s) physically present will not constitute a quorum;
 - ii. Approve or disapprove the request uniformly and without exception pursuant to the following standard:
 - 1. Electronic participation from a remote location shall be approved unless participation violates this policy or any provisions of the Virginia Freedom of Information Act; and
 - 2. If electronic participation from a remote location is challenged for being in violation of this policy or any provisions of the Virginia Freedom of Information Act, the Members of the Sustainability Commission physically present at the subject meeting shall vote whether to allow such participation,
 - iii. If approved,
 - 1. record within the minutes
 - a. the fact that the Member participated through electronic means due to (1) a temporary or permanent disability or other medical condition that prevented the Member's physical attendance; (2) 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 (the specific disability or medical condition is not required to be identified); or (3) the member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
 - b. the specific nature of the personal matter given by the Member electronically participating, and
 - c. the general description of the remote location from which the member is electronically participating (the remote location need not be open to the public), and
 - 2. make arrangements for the voice of the remote participant to be heard by all persons physically present at the meeting,
 - iv. If a Member's participation from a remote location pursuant to a personal matter is disapproved because such participation would violate the policy, such disapproval shall be recorded in the minutes with specificity. (The Member may continue to monitor the meeting from the

remote location, but may not participate in the proceeding and may not be counted as present at the meeting.)

2. To electronically *monitor* a Commission or committee meeting, open or closed:
 - a. the Member shall NOT:
 - i. Be visible or audible to other Members of the Sustainability Commission, regardless of whether the other Members are physically present,
 - ii. Communicate by any means with other Members of the Sustainability Commission or their staff, until the meeting is adjourned,
 - iii. Be counted as present for any purpose, or
 - iv. Participate in any way.
 - b. the Member shall provide assurances and verification that monitoring any closed session of the meeting shall remain confidential and not be disclosed to any unauthorized persons or entities; and
 - c. the Sustainability Commission shall note within the meeting minutes each member electronically monitoring the meeting.

3. a. The Sustainability Commission , or any joint meeting thereof, may meet by electronic communication means without a quorum of the Sustainability Commission physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17, VA Code Ann. or Prince William County has declared a local state of emergency pursuant to § 44-146.21, VA Code Ann., 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.
- b. The Sustainability Commission, convening a meeting in accordance with this Section shall comply with the provisions of this Section and:
 - i. 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;
 - ii. Make arrangements for public access to such meeting through electronic communication means, including videoconferencing if already used by the public body;
 - iii. Provide the public with the opportunity to comment at those meetings of the public body when public comment is customarily received; and
 - iv. Otherwise comply with the provisions of the Virginia Freedom of Information Act.
- c. The Member(s) shall provide assurances and verification that participation in any closed session of the meeting shall remain confidential and not be disclosed to any unauthorized persons or entities;
- d. 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; and
- e. The provisions of this section shall be applicable only for the duration of the emergency declared pursuant to § 44-146.17, VA Code Ann. or § 44-146.21, VA Code Ann.

4. The Sustainability Commission shall at least annually adopt this policy, by recorded vote at a public meeting.

In case of conflicts between this remote participation policy and the bylaws of the Sustainability Commission, the bylaws will prevail.