

DRAFT

Pursuant to the Code of Virginia, § 2.2-3708.3, the Board of Veterans Services (BVS) has adopted the following policy concerning meetings held through electronic communication means; situations other than declared states of emergency.

MEMBER REMOTE PARTICIPATION

As defined in the Code of Virginia, § 2.2-3701, "remote participation" means "participation by an individual member of a public body by electronic communication means in a public meeting where a quorum of the public body is otherwise physically assembled. [Emphasis added.]

Electronic Member Participation Permission #1: Disability or Medical Condition

If notified on or before the day of the meeting, it shall be the policy of BVS to allow a member to participate electronically under § 2.2-3708.3.B.1 when:

- a. The member has a temporary or permanent disability or other medical condition that prevents physical attendance.
- b. At the beginning to the meeting, the Chair shall state the member's electronic participation and the general reason (specifics are not required).
- c. A quorum of BVS must be physically assembled at the primary or central meeting location,
- d. There must be arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.
- e. BVS shall record in its minutes the remote location from which the member participated and the fact that the member participated through electronic means due to a disability or medical condition.

Electronic Member Participation Permission #2: Caregiving

If notified on or before the day of the meeting, it shall be the policy of BVS to allow a member to participate electronically under § 2.2-3708.3.B.2 when:

- a. A medical condition of a member's family requires the member to provide care that prevents physical attendance.
- b. At the beginning to the meeting, the Chair shall state the member's electronic participation and the general reason (specifics are not required).
- c. A quorum of BVS must be physically assembled at the primary or central meeting location
- d. There must be arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.
- e. BVS shall record in its minutes the remote location from which the member participated and the fact that the member participated through electronic means due to caregiving.

Electronic Member Participation Permission #3: Principal Residence is More Than 60 Miles Distance from the Meeting Location

DRAFT

If notified on or before the day of the meeting, it shall be the policy of BVS to allow a member to participate electronically under § 2.2-3708.3.B.3 when:

- a. The member's principal residence is more than 60 miles from the meeting location identified in the meeting notice for such meeting.
- b. At the beginning of the meeting, the Chair shall state the member's electronic participation and the reason.
- c. A quorum of BVS must be physically assembled at the primary or central meeting location.
- d. There must be arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location,
- e. BVS shall record in its minutes the remote location from which the member participated and the fact that the member participated through electronic means due to the distance between the member's principal residence and the meeting location.

Electronic Member Participation Permission #4: Personal Matters

If notified on or before the day of the meeting, it shall be the policy of BVS to allow a member to participate electronically under § 2.2-3708.3.B.4 when:

- a. The member is unable to attend the meeting due to a personal matter.
- b. At the beginning of the meeting, the Chair shall state the member's electronic participation and the specific nature of the personal matter.
- c. Each BVS member may not use this permission more than 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.
- d. A quorum of BVS must be physically assembled at the primary or central meeting location,
- e. There must be arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.
- f. BVS shall record in its minutes the remote location from which the member participated and the specific nature of the personal matter cited by the member.

APPROVAL AND OBJECTIONS TO REMOTE PARTICIPATION

It shall be assumed that a member can participate under Permissions #1-4 unless another member objects once it is stated by the Chair at the beginning of the meeting.

At such time, if any other member objects, the Chair shall call for a vote on the matter.

- a. If a member's disapproval for electronic participation for Permissions #1-4 is due to a violation of BVS's electronic participation and meeting policy then it will be recorded with specificity.
- b. If the vote is such that the member will not be permitted to participate electronically, the member should be advised that they may only monitor/witness the meeting and the member not permitted to participate (e.g., vote, discuss).
- c. The outcome of any vote on the member's electronic participation under

DRAFT

Permissions #1-4 shall be documented in the minutes accordingly.

ELECTRONIC MEETINGS DURING A STATE OF EMERGENCY

As permitted by § 2.2-3708. 2, it shall be the policy of BVS to allow a meeting 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 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. This allowance is applicable only for the duration of the emergency declared pursuant to § 44-146.17 or 44-146.21.

When convening a meeting in accordance with this permission, BVS 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 BVS conducting the meeting;
2. Make arrangements for public access to such meeting through electronic communication means, including videoconferencing if already used by BVS;
3. Provide the public with the opportunity to comment at those meetings of the BVS when public comment is customarily received ; and Otherwise comply with the provisions of FOIA.

In addition, the minutes shall state the:

1. Nature of the emergency,
2. Fact that the meeting was held by electronic communication means, and
3. Type of electronic communication means by which the meeting was held shall be stated in the minutes.

ALL-VIRTUAL MEETINGS

As defined in the Code of Virginia, § 2.2-3701, an "all-virtual meeting" means "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."

It shall be the policy of BVS to allow for all-virtual meetings under § 2.2-3708.3.C provided that BVS does 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 meeting. For an all-virtual meeting, BVS shall:

1. Indicate that the meeting will be an all-virtual meeting in the required meeting notice along with a statement notifying the public that the method by which BVS

DRAFT

- chooses to meet shall not be changed unless BVS provides a new meeting notice in accordance with the provisions of § 2.2-3707;
2. Provide public access to the all-virtual meeting via electronic communication means, and the electronic communication means used allows the public to hear all members participating in the all-virtual meeting and, when audio-visual technology is available, to see the members as well;
 3. Provide a phone number or other live contact information is provided to alert BVS if the audio or video transmission of the all-virtual meeting provided fails, BVS monitors such designated means of communication during the meeting, and BVS takes a recess until public access is restored if the transmission fails for the public;
 4. Make available a copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to the members of BVS for the all-virtual meeting to the public in electronic format at the same time that such materials are provided to members;
 5. Afford the public the opportunity to comment through electronic means, including by way of written comments, at all-virtual meetings when public comment is customarily received;
 6. Ensure that no more than two members of BVS are together in any one remote location unless that remote location is open to the public to physically access it; and
 7. Ensure that minutes of all-virtual public meetings 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. If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such disapproval shall be recorded in the minutes with specificity.

POLICY EFFECTIVE DATE

The effective date of the policy, or policy revision, shall be the date the BVS Members ratify the policy.

Policy Adoption Date: September 22, 2022

Policy Effective Date: September 22, 2022