



## Tobacco Region Revitalization Commission Electronic Meeting Policies<sup>1</sup>

Adopted: October 5, 2022

### A. IN GENERAL

The Tobacco Region Revitalization Commission (the "Commission") has a two-part policy relating to electronic meetings. Part B, *Remote Participation of Members*, enumerates the policy and process for remote participation of Commission members in official Commission meetings. Part C, *All-Virtual Meetings*, enumerates the policy on official Commission meetings that occur virtually. Both Parts B and C follow Virginia Code § 2.2-3708.3.

1. It shall be the Commission's policy that in-person attendance at Commission meetings is strongly preferred for the three regularly scheduled Commission meetings a year held in winter, spring and fall - including the committee meetings scheduled the day before and the day of the regular full Commission meeting.

However, the Commission realizes that its membership covers a wide ranging distance from eastern to western Virginia and there are certain times when personal/ family commitments, illness, or inclement weather may not make travel possible. It is in these instances that the Commission's preference is to allow for members to utilize remote participation policy as described in Part B.

Additionally, there are certain times committee or full Commission meetings may be required to convene outside of the regular Commission meeting schedule. It is in these instances that the Commission's preference is to utilize the all-virtual meeting policy as described in Part C.

2. It shall also be the Commission's policy that the remote participation policy and all-virtual meeting policy listed in Parts B and C respectively, apply individually to each committee and the full Commission therefore allowing each committee and the full Commission to meet up to two times all-virtually per calendar year.

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<sup>1</sup> This policy was originally adopted by the Commission on May 22, 2018. This policy was revised to reflect changes in the law effective September 1, 2022 and was adopted by the TRRC at its meeting on October 5, 2022.

## **B. POLICY FOR THE REMOTE PARTICIPATION OF MEMBERS**

### **1. AUTHORITY AND SCOPE**

- a. This policy is adopted pursuant to the authorization of Va. Code § 2.2- 3708.3 and is to be strictly construed in conformance with the Virginia Freedom of Information Act (VFOIA), Va. Code §§ 2.2-3700—3715.
- b. This policy shall not govern an electronic meeting conducted to address a state of emergency declared by the Governor. Any meeting conducted by electronic communication means under such circumstances shall be governed by the provisions of Va. Code § 2.2-3708.2. This policy also does not apply to an all-virtual public meeting.

### **2. DEFINITIONS**

- a. **“Commission”** means the Tobacco Region Revitalization Commission or a committee of the Commission.
- b. **“Member”** means any member of the Commission.
- c. **“Remote participation”** means participation by an individual member of the Commission by electronic communication means in a public meeting where a quorum of the Commission is physically assembled, as defined by Va. Code § 2.2-3701.
- d. **“Meeting”** means a meeting as defined by Va. Code § 2.2-3701.
- e. **“Notify”** or **“notifies,”** for purposes of this policy, means written notice, such as email or letter. Notice does not include text messages or communications via social media.

### **3. MANDATORY REQUIREMENTS**

Regardless of the reasons why the member is participating in a meeting from a remote location by electronic communication means, the following conditions must be met for the member to participate remotely:

- a. A quorum of the Commission must be physically assembled at the primary or central meeting location; and
- b. Arrangements have been made for the voice of the remotely participating member to be heard by all persons at the primary or central meeting location. If at any point during the meeting the voice of the remotely participating member is no longer able to be heard by all persons at the meeting location, the remotely participating member shall no longer be permitted to participate remotely.

### **4. PROCESS TO REQUEST REMOTE PARTICIPATION**

- a. On or before the day of the meeting, and at any point before the meeting begins, the requesting member must notify the Commission Chair (or the Vice-Chair if the requesting member is the Chair) that they are unable to physically attend a meeting due to:
  - i. a temporary or permanent disability or other medical condition that prevents the member's physical attendance,

- ii. a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance,
  - iii. their principal residence location more than 60 miles from the meeting location, or
  - iv. a personal matter and identifies with specificity the nature of the personal matter.
- b. The requesting member shall also notify the Commission's Executive Director of their request, but their failure to do so shall not affect their ability to remotely participate.
- c. If the requesting member is unable to physically attend the meeting due to a personal matter, the requesting member must state with specificity the nature of the personal matter. Remote participation due to a personal matter 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. There is no limit to the number of times that a member may participate remotely for the other authorized purposes listed in (i)—(iii) above.
- d. The requesting member is not obligated to provide independent verification regarding the reason for their nonattendance, including the temporary or permanent disability or other medical condition or the family member's medical condition that prevents their physical attendance at the meeting.
- e. The Chair (or the Vice-Chair if the requesting member is the Chair) shall promptly notify the requesting member whether their request is in conformance with this policy, and therefore approved or disapproved.

## **5. PROCESS TO CONFIRM APPROVAL OR DISAPPROVAL OF PARTICIPATION FROM A REMOTE LOCATION**

When a quorum of the Commission has assembled for the meeting, the Commission shall vote to determine whether:

- a. The Chair's decision to approve or disapprove the requesting member's request to participate from a remote location was in conformance with this policy; and
- b. The voice of the remotely participating member can be heard by all persons at the primary or central meeting location.

## **6. RECORDING IN MINUTES:**

- a. If the member is allowed to participate remotely due to a temporary or permanent disability or other medical condition, a family member's medical condition that requires the member to provide care to the family member, or because their principal residence is located more than 60 miles from the meeting location the Commission shall record in its minutes (1) the Commission's approval of the member's remote participation; and (2) a general description of the remote location from which the member participated.
- b. If the member is allowed to participate remotely due to a personal matter, such matter shall be cited in the minutes with specificity, as well as how many times the member has attended remotely due to a personal matter, and a general description of the remote location from which the member participated.
- c. If a member's request to participate remotely is disapproved, the disapproval, including the grounds upon which the requested participation violates this policy or VFOIA, shall be recorded in the minutes with specificity.

## **7. CLOSED SESSION**

If the Commission goes into closed session, the member participating remotely shall ensure that no third party is able to hear or otherwise observe the closed meeting.

## **8. STRICT AND UNIFORM APPLICATION OF THIS POLICY**

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

The Chair (or Vice-Chair) shall maintain the member's written request to participate remotely and the written response for a period of one year, or other such time required by records retention laws, regulations, and policies.

# **C. POLICY FOR ALL-VIRTUAL PUBLIC MEETING**

## **1. AUTHORITY AND SCOPE**

- a. This policy is adopted pursuant to the authorization of Va. Code § 2.2- 3708.3 and is to be strictly construed in conformance with the Virginia Freedom of Information Act (VFOIA), Va. Code §§ 2.2-3700—3715.
- b. This policy shall not govern an electronic meeting conducted to address a state of emergency declared by the Governor. Any meeting conducted by electronic communication means under such circumstances shall be governed by the provisions of Va. Code § 2.2-3708.2.

## **2. DEFINITIONS**

- a. "**Commission**" means the Tobacco Region Revitalization Commission or a committee of the Commission.
- b. "**Member**" means any member of the Commission.
- c. "**All-virtual public meeting**", means a public meeting conducted by the Commission using electronic communication means during which all members of the public body who participate do so remotely rather than being assembled in one physical location, and to which public access is provided through electronic communication means, as defined by Va. Code § 2.2-3701.
- d. "**Meeting**" means a meeting as defined by Va. Code § 2.2-3701.
- e. "**Notify**" or "**notifies**," for purposes of this policy, means written notice, including, but not limited to, email or letter, but does not include text messages or messages exchanged on social media.

## **3. WHEN AN ALL-VIRTUAL PUBLIC MEETING MAY BE AUTHORIZED**

An all-virtual public meeting may be held under the following circumstances:

- a. It is impracticable or unsafe to assemble a quorum of the Commission in a single location, but a state of emergency has not been declared by the Governor; or
- b. Other circumstances warrant the holding of an all-virtual public meeting, including, but not limited to, the convenience of an all-virtual meeting; and
- c. The Commission has not had more than two all-virtual public meetings, or more than 25 percent

of its meetings rounded up to the next whole number, whichever is greater, during the calendar year; and

- d. The Commission's last meeting was not an all-virtual public meeting.

#### **4. PROCESS TO AUTHORIZE AN ALL-VIRTUAL PUBLIC MEETING**

- a. The Commission may schedule its all-virtual public meetings at the same time and using the same procedures used by the Commission to set its meetings calendar for the calendar year; or
- b. If the Commission wishes to have an all-virtual public meeting on a date not scheduled in advance on its meetings calendar, and an all-virtual public meeting is authorized under Section 3 above, the Commission Chair may schedule an all-virtual public meeting provided that any such meeting comports with VFOIA notice requirements.

#### **5. ALL-VIRTUAL PUBLIC MEETING REQUIREMENTS**

The following applies to any all-virtual public meeting of the Commission that is scheduled in conformance with this Policy:

- a. The meeting notice indicates that the public meeting will be all-virtual and the Commission will not change the method by which the Commission chooses to meet without providing a new meeting notice that comports with VFOIA;
- b. Public access is provided by electronic communication means that allows the public to hear all participating members of the Commission;
- c. Audio-visual technology, if available, is used to allow the public to see the members of the Commission;
- d. A phone number, email address, or other live contact information is provided to the public to alert the Commission if electronic transmission of the meeting fails for the public, and if such transmission fails, the Commission takes a recess until public access is restored;
- e. A copy of the proposed agenda and all agenda packets (unless exempt) are made available to the public electronically at the same time such materials are provided to the Commission;
- f. The public is afforded the opportunity to comment through electronic means, including written comments, at meetings where public comment is customarily received; and
- g. There are no more than two members of the Commission together in one physical location.

#### **6. RECORDING IN MINUTES:**

Minutes are taken as required by VFOIA and must include the fact that the meeting was held by electronic communication means and the type of electronic communication means used.

#### **7. CLOSED SESSION**

If the Commission goes into closed session, transmission of the meeting will be suspended until the public body resumes to certify the closed meeting in open session.

#### **8. STRICT AND UNIFORM APPLICATION OF THIS POLICY**

This Policy shall be applied strictly and uniformly, without exception, to the entire membership, and without regard to the matters that will be considered or voted on at the meeting.