



Policy and Procedure

Title:	Member Participation by Electronic Means Policy	Number:	OP 24-01
Effective Date:	February 15, 2024	Revised:	

Purpose

The Shenandoah Valley Workforce Development Board (SVWDB) issues this guide to Board and Committee member participation electronically instead of attending a public in-person meeting. It provides guidance for holding virtual public meetings.

Reference

Virginia Code §2.2-3708.3

Virginia Board of Workforce Development (VBWD) 100-04 Change 2 Participation by Electronic Means

Description

According to the **VWDB 100-04 Change 2 Policy** and the **Virginia Code §2.2-3708.3**, the SVWDB is implementing this policy, which describes the circumstances under which an all-virtual public meeting may be held and the circumstances that remote participation at an in-person public meeting will be allowed. This policy describes the process the board members will use to request remote participation, the process for approving or denying requests, and the process for documenting requests and decisions.

Procedure

It is the policy of the SVWDB that members may participate in meetings of the Board by electronic means as permitted by Virginia Code §2.2-3708.3. All persons virtually attending meetings shall be afforded the same opportunity to address the public body as persons attending the primary or central location. This policy shall apply 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. This policy also applies to all committees and subcommittees of the SVWDB.

The member requesting remote participation must notify in writing, prior to the meeting, the board's Executive Director and Chair of the need to participate remotely due to one of the following reasons;

- i. The member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance;
- ii. A medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance;
- iii. The member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
- iv. The member cannot attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. No member may use remote participation due to personal matters, more than two meetings per calendar year, or 25 percent of the meetings held per calendar year rounded up to the following whole number, whichever is greater.

All remote participation requests and the decision and justification to approve or disapprove remote participation shall be communicated in writing by the Board's Executive Director after consultation with the Board's Chair and shall be documented in the meeting minutes as described in §2.2-3708.3. Remote locations need not be open to the public and may be identified in the minutes by a general description.

The SVWDB may hold all virtual public meetings. The decision to have an all-virtual public meeting shall be made by the Board's Executive Committee. The basis for the decision to hold an all-virtual public meeting shall be documented in the Executive Committee's minutes.

An all-virtual public meeting must adhere to the guidance in §2.2-3708.3 C.

- i. The required meeting notice must identify that the meeting will be all-virtual and includes a statement that the meeting method will not change unless the public body provides a new meeting notice in accordance with the provision of §2.2-3707;
- ii. Public access to the all-virtual public meeting is provided via electronic communication means;
- iii. The electronic communication means used allows the public to hear all members of the public body participating in the all-virtual public meeting and when audio-visual technology is available to see the members of the public body as well;
- iv. A phone number or other live contact information is provided to alert the public body if the audio or video transmission of the meeting provided by the public body fails, the public body monitors such designated means of communication during the meeting, and the public body takes a recess until public access is restored if the transmission fails for the public;
- v. A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body 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 public body;
- vi. The public is allowed to comment through electronic means, including by way of written comments at those public meetings in which public comment is customarily received;
- vii. No more than two members of the public body are together in any one remote location unless that remote location is open to the public to access it physically;
- viii. If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public resumes before the public body votes to certify the closed meeting as required by subsection D of §2.2-3712;
- ix. The public body does not convene an all-virtual public meeting
 - (a) more than two times per calendar year or 25 percent of the meetings held per calendar year rounded up to the following whole number, whichever is greater, or
 - (b) consecutively with another all-virtual public meeting; and
- x. 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. If a member's participation from a remote location is disapproved, which shall be recorded in the minutes with specificity.

All SVWDB meetings, including all virtual meetings, will comply with §2.2-3707 to include:

- i. For in-person meetings, a quorum is physically assembled at one primary or central meeting location (2.2-3701); for all-virtual meetings, members do not need to be assembled at one primary or central location to establish a quorum.
- ii. Appropriate notice of the meeting has been provided at least three working days in advance of the date scheduled for the meeting, and the notice identifies the meeting as in-person or all-virtual.
- iii. A copy of the proposed agenda and agenda packets and, unless exempt, all materials that will be distributed to members of the public body and that have been made available to the staff of the public body in sufficient time for duplication and forwarding to all locations where public access will be provided shall be made available to the public at the time of the meeting.
- iv. Minutes of all meetings shall be recorded as required by §2.2-3707. Votes taken during any meeting conducted through electronic communication means shall be recorded by name in roll-call fashion and included in the minutes.

Revisions:

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