

Town of Vienna, Virginia

RESOLUTION and POLICY ON ELECTRONIC PARTICIPATION OF MEMBERS OF THE TOWN COUNCIL OF THE TOWN OF VIENNA

Electronic Remote Participation in Meetings in the Event of Emergency or Personal Matter

At a regularly scheduled meeting of the Town Council of the Town of Vienna held on February 7, 2022, on a motion by Councilmember _____, seconded by Councilmember _____, the following Resolution and Policy was adopted by a vote of ___ to ___:

Whereas, the Town of Vienna desires to ensure the active participation of the members of its elected public body; and

Whereas, the provisions of the Virginia Freedom of Information Act related to public meetings, specifically Virginia Code §2.2-3708.2, permits in limited circumstances participation in a meeting of the public body through electronic communication from a remote location that is not open to the public; and

Whereas, the occasional electronic participation of members of the Town Council will not detrimentally effect the collegial and deliberative process of the Town Council meetings; and

Whereas, the Town Council of the Town of Vienna wishes to re-adopt and update its policy pursuant to and consistent with Virginia Code §2.2-3708.2;

Now, Therefore, by recorded vote at a public meeting, the Town Council of the Town of Vienna approved this Resolution in accordance with Virginia Code §2.2-3708.2 and hereby adopts the following Policy and Procedures for participation of Town Council Members through electronic communication:

**Policy on Electronic Participation at Town Council Meetings
by Members of the Vienna Town Council**

This written Policy on Electronic Participation (“Policy”) shall be applied strictly and uniformly, without exception, to the entire membership of the Vienna Town Council 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. A member of the Vienna Town Council may participate in a Town Council meeting through electronic communication means from a remote location that is not open to the public only as follows and subject to the requirements of subsection B:
1. If by noon on the day of a meeting a Town Council member notifies the Mayor that such member is unable to attend the meeting due to an emergency or personal matter and identifies with specificity the nature of the emergency or personal matter, and the Town Council records in its minutes the specific nature of the emergency or personal matter and the remote location from which the member participated. If a Town Council member's participation from a remote location is disapproved because such participation would violate the policy adopted pursuant to subsection B, such disapproval shall be recorded in the minutes with specificity.

Such participation by the member shall be limited each calendar year to two meetings or 25 percent of the meetings held per calendar year of the public body, rounded up to the next whole number, whichever is greater; or
 2. If a Town Council member notifies the Mayor that such member is (i) unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance or (ii) a family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance. and the Town Council records this fact and the remote location from which the member participated in its minutes.
- B. Participation by a Town Council member of a public body as authorized under subsection A shall be only under the following additional conditions:
1. In the event of a notification and request to the Mayor of Town Council member to participate in a meeting of the Town Council through electronic communication, at the beginning of the public meeting where the Town Council member requests to participate electronically, the Town Council shall acknowledge the request and shall record in its minutes the specific nature of the emergency, personal matter, temporary or permanent disability or other medical condition that prevents the Town Council members attendance, and the remote location from which the Town Council member will participate. The Town Clerk shall then report as to whether the requesting Town Council member has participated electronically before in the calendar year and whether it was on the basis of Policy Section A.1 or A.2. If the requesting Town Council member has not participated electronically twice or at 25 percent of the Town Council meetings on the basis of Policy Section A.1, whichever is fewer, or the Town Council determines the requesting Town Council member has satisfied the notice provisions of Policy section A.2, the Town Council members in physical attendance at the meeting may vote to approve the

Town Council members request under the following additional conditions as noted in the minutes:

- a. A quorum of the Town Council is physically assembled at the primary or central meeting location; and
- b. The Town Council has made arrangements for the voice of the remote Town Council member by telephonic, audio/video, electronic or other communication where it can be heard by all persons at the primary or central meeting location. Such arrangements shall not be arbitrarily withheld.
- c. Include a copy of any agenda(s) for any electronic meeting(s) held with the annual report sent to the FOIA Council and Joint Commission on Technology and Science.
- d. Make available at the meeting and online a public comment form that has been prepared by the Virginia FOIA Council pursuant to Virginia Code §2.2-3708.

ADOPTED this ____ day of _____ 2022.

Signed and dated: _____

Linda J. Colbert, Mayor

A COPY ATTEST:

Melanie J. Clark, CMC
Town Clerk