

Town of Vienna, Virginia

**RESOLUTION and POLICY ON ELECTRONIC PARTICIPATION OF
COMMISSIONERS OF THE PLANNING COMMISSION 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 Planning Commission of the Town of Vienna ("Planning Commission") held on August 11, 2021, on a motion by Commissioner Miller, seconded by Commissioner Baum, the following Resolution and Policy was adopted by a vote of 7 to 0:

Whereas, the Town of Vienna desires to ensure the active participation of the Commissioners of its appointed public bodies, and

Whereas, the provisions of the Virginia Freedom of Information Act related to public meetings, specifically Virginia Code §2.2-3708.1, 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 Commissioners of the Planning Commission will not detrimentally effect the collegial and deliberative process of the Planning Commission meetings; and

Whereas, the Planning Commission of the Town of Vienna wishes to adopt a policy pursuant to and consistent with Virginia Code §2.2-3708.1.

Now, Therefore, by recorded vote at a public meeting, the Planning Commission of the Town of Vienna approved this Resolution in accordance with Virginia Code §2.2- 3708.1 and hereby adopts the following Policy and Procedures for participation of Planning Commissioners through electronic communication:

**Policy on Electronic Participation at Town Planning Commission Meetings
by Commissioners of the Planning Commission**

This written Policy on Electronic Participation ("Policy") shall be applied strictly and uniformly, without exception, to the entire commissionership of the Planning Commission and without regard to the identity of the Commissioner requesting remote participation or the matters that will be considered or voted on at the meeting.

A. A Commissioner(s) of the Planning Commission may participate in a Planning Commission 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 Planning Commissioner notifies the Chair of the Planning Commission that such commissioner 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 Planning Commission records in its minutes the specific nature of the emergency or personal matter and the remote location from which the Commissioner participated. If a Planning Commissioner'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 Commissioner shall be limited each calendar year to two meetings or 25 percent of the meetings of the public body, whichever is fewer; or

2. If a Planning Commissioner notifies the Chair that such Commissioner is (1) unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the Commissioner'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 Planning Commission records this fact and the remote location from which the Commissioner participated in its minutes.

B. Participation by a Town Planning Commissioner of a public body as authorized under subsection A shall be only under the following additional conditions:

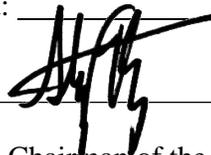
1. In the event of a notification and request to the Chair of the Planning Commission to participate in a meeting of the Planning Commission through electronic communication, at the beginning of the public meeting where the Planning Commissioner requests to participate electronically, the Planning Commission 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 Planning Commissioner's attendance, and the remote location from which the Planning Commissioner will participate. The Planning Commission Clerk shall then report as to whether the requesting Planning Commissioner 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 Planning Commissioner has not participated electronically twice or at 25 percent of the Planning Commission meetings on the basis of Policy Section A.1, whichever is fewer, or the

Planning Commission determines the requesting Planning Commissioner has satisfied the notice provisions of Policy section A.2, the Planning Commissioners in physical attendance at the meeting may vote to approve the Planning Commissioner's request under the following additional conditions as noted in the minutes:

- a) A quorum of the Planning Commission is physically assembled at the primary or central meeting location; and
- b) The Planning Commission has made arrangements for the voice of the remote Planning Commissioner 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 from that has been prepared by the Virginia FOIA Council pursuant to Virginia Code §2.2-3708.

ADOPTED this 11th day of August 2021.

Signed and dated: _____

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2-22-22

Stephen Kenney, Chairman of the Planning Commission

A COPY ATTEST:

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Jennifer M. Murphy
Clerk to the Planning Commission