

Town of Vienna, Virginia

**RESOLUTION AND POLICY ON ELECTRONIC PARTICIPATION OF
MEMBERS OF THE TOWN COUNCIL OF VIENNA**

**Electronic Remote Participation in Meetings in the
Non- Emergency or Personal Matter Situations**

At a regularly scheduled meeting of the Town Council of the Town of Vienna held on January 5, 2026, 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 §2.2-3708.3(D), 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 §2.2-3708.3 for meetings held through electronic communication in situations other than declared states of emergency;

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 §2.2-3708.3 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 – Non-Emergency Situations**

This written Policy on Electronic Participation (“Policy”) is adopted pursuant to Va. Code § 2.2-3708.3, and is to be strictly construed under the provisions of that enabling authority, as well as generally under the applicable provisions of the Virginia Freedom of Information Act. It 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.

The Town Council encourages provisions for public access, both in person and through electronic communication means, to public meetings and (ii) provide avenues for public comment at public meetings when public comment is customarily received, which may include public comments made in person or by electronic communication means or other methods.

A. Individual members of the Town Council (to include the Mayor) may use remote participation instead of attending a public meeting in person if, in advance of the public meeting, notice is provided to the Mayor, or Vice Mayor in the event it is the Mayor providing notice, in accordance with the provisions of this Resolution. Such notice shall include the following:

- i. The Council member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance. For purposes of determining whether a quorum is physically assembled, an individual member of the Council who is a person with a disability as defined in Virginia Code § 51.5-40.1 and uses remote participation counts toward the quorum as if the individual was physically present;
- ii. A medical condition of a Council member of the member's family requires the member to provide care that prevents the member's physical attendance or the member is a caregiver who must provide care for a person with a disability at the time the public meeting is being held thereby preventing the member's physical attendance. For purposes of determining whether a quorum is physically assembled, an individual member of a public body who is a caregiver for a person with a disability and uses remote participation counts toward the quorum as if the individual was physically present;
- iii. The member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. However, the member may not 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 next whole number, whichever is greater.

If participation by a Council member through electronic communication means is approved pursuant to this subsection, the public body holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public and may be identified in the minutes by a general description. If participation is approved pursuant to subdivision i or ii, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to a (i) temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance. If participation is approved pursuant to subdivision iii, the public

body shall also include in its minutes the specific nature of the personal matter cited by the member.

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 B, such disapproval shall be recorded in the minutes with specificity.

B. 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:

- i. 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 a personal matter and identifies with specificity the nature of the 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 per calendar year 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

- ii. 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.i, A. ii, or A. iii. 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.iii, whichever is greater, or the Town Council determines the requesting Town Council member has satisfied the notice provisions of Policy section A.i and A.ii, 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 _____ 2026.

Signed and dated: _____

Linda J. Colbert, Mayor

A COPY ATTEST:

Melanie J. Clark, CMC
Town Clerk