

WRITTEN POLICY FOR PARTICIPATION IN VML/VACO APCO STEERING COMMITTEE MEETINGS THROUGH ELECTRONIC COMMUNICATION

WHEREAS, Virginia Code § 2.2-3708.3 allows members of local governing bodies to participate in a meeting through electronic communication means from a remote location in certain situations; and

WHEREAS, a written policy must be established at least once annually for such participation.

The VML/VACo APCo Steering Committee establishes the following policy for Commission members' remote electronic participation in VML/VACo APCo Steering Committee meetings:

A. The VML/VACo APCo Steering Committee establishes the following policy for Steering Committee members' remote electronic participation in Steering Committee meetings:

1. On or before the day of a meeting, the member shall notify the Chairman that the member is unable to attend the meeting due to an emergency or a personal matter. The member must identify with specificity the nature of the emergency or personal matter. A member may also notify the Chairman that the member is unable to attend a meeting due to (i) 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 requires the member to provide care for such family member, thereby preventing the member's physical attendance. Participation by a member for 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.

2. A quorum of the Steering Committee must be physically assembled at the primary or central meeting location. The Steering Committee members present must approve the participation; however, the decision shall be based solely on the criteria in this policy, without regard to the identity of the member or matters that will be considered or voted on during the meeting. The Secretary shall record in the Steering Committee's minutes the specific nature of the emergency, personal matter or disability and the remote location from which the absent member participated. If the absent member's remote participation is disapproved because such participation would violate this policy, such disapproval shall be recorded in the Steering Committee's minutes.
3. The Steering Committee shall make arrangements for the voice of the absent member to be heard by all persons in attendance at the meeting location.

B. The VML/VACo APCo Steering Committee establishes the following policy for all-virtual public meetings:

1. An indication of whether the meeting will be an in-person or an all-virtual public meeting must be included in the required meeting notice along with a statement notifying the public that the method by which a Steering Committee chooses to meet shall not be changed unless the Steering Committee provides a new meeting notice in accordance with the provisions

of Virginia Code § 2.2-3707;

2. Public access to the all-virtual public meeting must be provided via electronic communication means.
3. The electronic communication means used must allow the Steering Committee members 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 Steering Committee as well.
4. A phone number or other live contact information must be provided to alert the Steering Committee if the audio or video transmission of the meeting provided by the Steering Committee fails, the Steering Committee must monitor such designated means of communication during the meeting, and the Steering Committee must take a recess until public access is restored if the transmission fails for the public.
5. 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 must be made available to the public in electronic format at the same time that such materials are provided to members of the Steering Committee.
6. The public must be afforded the opportunity to comment through electronic means, including by way of written comments, at those Steering Committee meetings when public comment is customarily received.
7. No more than two members of the Steering Committee may be together in any one remote location unless that remote location is open to the public.
8. If a closed session is held during an all-virtual public meeting, transmission

of the meeting to the public must resume before the Steering Committee votes to certify the closed meeting as required by Virginia Code § 2.2-3712(D);

9. The Steering Committee may not convene an all-virtual public meeting (i) more than two times per calendar year or 50 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, or (ii) consecutively with another all-virtual public meeting.
10. Minutes of all-virtual public meetings held by electronic communication means must be taken as required by Virginia Code § 2.2-3707 and must 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 Steering Committee member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.
11. All-virtual public meetings held by electronic communication means will be allowed at the discretion of the Steering Committee Chair.

Approved _____, 2025, at the regular meeting of the VML/VACo APCo Steering Committee.

VML/VACo APCo Steering Committee Chair