

Generally

Except as provided hereafter, or as otherwise permitted by law, the SRHA does not conduct any meeting wherein the public business is discussed or transacted through telephonic, video, electronic or other electronic communication means where the members are not physically assembled. This policy is applied strictly and uniformly, without exception, to the entire membership of the SRHA Board 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 minutes of meetings conducted in accordance with this policy include (i) the identity of the members of the SRHA Board who participated in the meeting through electronic communication means, (ii) the identity of the SRHA Board members who were physically assembled at one physical location, and (iii) the identity of the members of the SRHA Board who were not present at the location identified in (ii) but who monitored such meeting through electronic communication means.

If the SRHA Board creates committees, subcommittees, or other entities however designated to perform delegated functions of the Board or to advise the Board, it may adopt a policy on behalf of its committees, subcommittees, or other entities that applies to the committees', subcommittees', or other entities' use of individual remote participation and all-virtual public meetings.

Definitions

"All-virtual public meeting" means a public meeting (i) conducted by the SRHA Board using electronic communication means, (ii) during which all members of the Board who participate do so remotely rather than being assembled in one physical location, and (iii) to which public access is provided through electronic communication means.

"Caregiver" means an adult who provides care for a person with a disability as defined in Va. Code § 51.5-40.1. A caregiver must be either related by blood, marriage, or adoption to or the legally appointed guardian of the person with a disability for whom the caregiver is caring.

"Electronic communication" means the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

"Remote participation" means participation by an individual member of the SRHA Board by electronic communication means in a public meeting where a quorum of the SRHA Board is otherwise physically assembled.

Quorum Physically Assembled (Individual Remote Participation)

Members of the SRHA Board may use remote participation instead of attending a meeting in person if, in advance of the meeting, each member seeking to use remote participation notifies the chair that:

- the 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, a member of the SRHA Board who is a person with a disability as defined in Va. Code § 51.5-40.1 and uses remote participation counts toward the quorum as if the member was physically present;
- a medical condition of a 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 meeting is being held thereby preventing the member's physical attendance; for purposes of determining whether a quorum is physically assembled, a member of the SRHA Board who is a caregiver for a person with a disability and uses remote participation counts toward the quorum as if the member was physically present;
- the member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
- 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 twice per calendar year or 25 % of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

Individual participation from a remote location will be approved unless such participation would violate this policy or the Virginia Freedom of Information Act, Va. Code § 2.2-3700 et seq. If a member's participation from a remote location is challenged, the SRHA Board will vote whether to allow such participation. If the SRHA Board votes to disapprove of the member's participation because such participation would violate this policy, such disapproval will be recorded in the minutes with specificity.

If participation by a member through electronic communication means is approved, the SRHA Board records in its minutes the remote location from which the member participated. 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 based on a temporary or permanent disability or other medical condition of the member or a member of the member's family, the SRHA Board includes 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) a 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 because the member's principal residence is more than 60 miles from the meeting location, the SRHA Board includes in its minutes the fact that the member participated through electronic communication means due to the distance between the member's principal residence and the meeting location.

If participation is approved because of a personal matter, the SRHA Board includes in its minutes the specific nature of the personal matter cited by the member.

If a member's participation from a remote location is disapproved, such disapproval is recorded in the minutes with specificity.

Quorum Not Physically Assembled (All-Virtual Public Meetings in Non-Emergencies)

The SRHA Board may hold all-virtual public meetings provided:

1. The notice of the meeting indicated whether the meeting would be in-person or all-virtual, and informs the public that the method by which the SRHA Board will meet shall not be changed unless the SRHA Board issues a new notice;
2. Public access to an all-virtual public meeting is provided via electronic communication means;
3. The electronic communication means will allow the public to hear all members of the SRHA Board participating in the all-virtual meeting and when audio-visual technology is available, to see the SRHA Board members as well. A member shall be considered absent from any portion of the meeting during which visual communication with the member is voluntarily disconnected or otherwise file or during which audio communication involuntarily fails;
4. A phone number or other live contact information is provided to the public/audience for the purpose of alerting the SRHA Board if audio or visual transmission of the meeting fails; the SRHA Board shall monitor such designated means of communication; and the SRHA Board shall recess until public access is restored if transmission to the public fails;
5. A copy of the proposed agenda and all agenda packets and all material furnished to members of the SRHA Board (unless exempt) shall be made available to the public in electronic format at the same time such materials are provided to the members of the SRHA Board;
6. The public is afforded the opportunity to comment through electronic means, including through written comments, at public meetings during which public comment is customarily received;
7. No more than two (2) members of the SRHA Board are together in any one remote location unless the remote location is open to the public physically;
8. If a closed session is held during the all-virtual public meeting, transmission of the meeting to the public shall resume before the SRHA Board votes to certify the closed meeting;
9. The SRHA Board may not convene an all-virtual public meeting more than two (2) times per calendar year or 50% of the meetings held per calendar year rounded up to the next whole number, whichever is greater; or consecutively with another all-virtual public meeting; and
10. Minutes of an all-virtual meeting shall be taken and shall reflect that the meeting was held by electronic communication means and the type of such electronic communication. If any member's remote participation was disapproved because it would violate this policy, disapproval shall be recorded in the minutes with specificity.

Quorum Not Physically Assembled (All-Virtual Public Meetings in Emergencies)

The SRHA Board may meet by electronic communication means without a quorum physically assembled at one location when the Governor has declared a state of emergency in accordance with Va. Code § 44-146.17, or Staunton has declared a local state of emergency pursuant to Va. Code § 44-146.21, provided

- the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location, and
- the purpose of the meeting is to provide for the continuity of operations of the SRHA or the discharge of its lawful purposes, duties, and responsibilities.

If it holds a meeting pursuant to this section, the SRHA Board

- gives public notice using the best available method given the nature of the emergency contemporaneously with the notice provided members of the SRHA Board;
- makes arrangements for public access to the meeting through electronic communications means, including videoconferencing if already used by the SRHA Board;
- provides the public with the opportunity to comment at those meetings when public comment is customarily received; and
- otherwise complies with the provisions of the Virginia Freedom of Information Act.

For any meeting conducted pursuant to this section, the nature of the emergency, the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held are stated in the minutes of the meeting.

The provisions of this section are applicable only for the duration of the declared emergency.

Legal References: Virginia Code §2.2-3708.2; §2.2-3708.3.