

COMMISSION ADOPTED POLICY
Remote Participation



Adopted: July 28, 2015

Revised: August 23, 2022
Effective: September 1, 2022

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1.0 Purpose and Need

HRSD as a regional public body desires to adopt a policy as required by VA Code §2.2-3708.3(D), to provide for the use of all-virtual public meetings as permitted pursuant to VA Code §2.2-3708.3(C) and to afford a Commissioner the opportunity to participate remotely in an HRSD Commission, committee, subcommittee or other Commission established public meeting when a Commissioner may be unable to attend a meeting of the Commission or a Committee due to: (1) a physical disability or medical condition of the Commissioner, (2) a medical condition of a family member of the Commissioner for whom the Commissioner is required to provide care, (3) the Commissioner's principal residence is more than sixty (60) miles from the meeting location identified in the required notice for such meeting, or (4) a personal matter, all as permitted pursuant to VA Code §2.2-3708.3(B).

2.0 Definitions

Personal matter – Examples include but are not limited to personal, family or business matters that prevent attendance at the meeting location; severe weather conditions or unexpected traffic or travel conditions that prevent travel to the meeting location.

Physical disability or other medical condition of Commissioner – Examples include but are not limited to temporary hospitalization or confinement to home, contagious illness, or any temporary or permanent physical disability that prevents travel to the meeting location by the Commissioner.

Medical condition of a family member of a Commissioner – is limited to those situations in which the family member's medical condition requires the Commissioner to provide care for the family member and thus prevents the Commissioner from physically attending the meeting.

Quorum - Four members of the Commission physically assembled in one location shall constitute a quorum.

3.0 Guiding Principles for Commissioners to Participate Remotely in Commission or Committee Meetings

The HRSD Commission practices open and transparent governance in full compliance with the Virginia Freedom of Information Act ("FOIA") and other applicable laws and regulations. Commissioners shall make every effort to physically attend every meeting of the Commission. However, the HRSD Commission desires to adopt this policy to allow for Commissioners to participate

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remotely in those circumstances recognized under VA Code §2.2-3708(B) when physical attendance is not reasonably possible. The HRSD Commission further desires to adopt this policy on behalf of its Finance Committee and Operations & Nominations (O&N) Committee as well as any other committee, subcommittee, or other Commission established public meeting, the purpose of which is to perform delegated functions of the HRSD Commission or to advise the HRSD Commission (hereinafter referred to collectively as “the Committees” or individually “Committee”) as allowed pursuant to VA Code §2.2-3708.3(D) to provide Committee members the opportunity to participate remotely in meetings of the Committees in those circumstances recognized under VA Code §2.2-3708(B) when physical attendance is not reasonably possible.

When a Commissioner participates remotely in a meeting of the Commission or Committee, the Commissioner shall avoid using a mobile device while driving.

This policy shall apply to the entire membership of the 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 of the Commission or the Committees.

4.0 Procedures for a Commissioner to Participate Remotely in a Meeting of the Commission or the Committees

In order to permit a Commissioner to participate in a meeting by electronic means, a quorum of the HRSD Commission must be physically assembled at the noticed meeting location. Arrangements also must be made for the voice of the remote participant to be heard by all persons at the noticed meeting location.

In advance of a properly noticed meeting of the Commission or a Committee, a Commissioner who is unable to attend shall notify the Chair of the Commission or the Committee one of the following reasons the Commissioner cannot attend:

- (1) Commissioner has a physical disability or medical condition that prevents the Commissioner from physically attending the meeting;
- (2) a family member of the Commissioner has a /medical condition that requires the Commissioner to provide care for the family member and prevents the Commissioner from attending the meeting;
- (3) the Commissioner’s principal residence is located more than 60 miles from the meeting location identified in the required notice for the meeting and the Commissioner accordingly desires to participate remotely; or
- (4) the Commissioner has a personal matter which prevents the Commissioner from attending the meeting. The Commissioner shall identify with specificity the nature of the personal reason the

Commissioner cannot attend. Remote participation due to a personal matter is limited to three (3) meetings per Commissioner per calendar year out of the twelve (12) required meetings of the Commission held each calendar year. Remote participation in a Committee meeting for personal reasons is limited to two (2) meetings per calendar year.

The specific reason that the Commissioner is unable to attend the meeting and the remote location from which the Commissioner participates will be recorded in the meeting minutes. The remote location does not need to be open to the public and it may be identified in the minutes by a general description.

Individual participation from a remote location must be approved by majority vote of the Commissioners physically assembled at the noticed meeting location. If the HRSD Commission votes to disapprove of a Commissioner's participation from a remote location because such participation would violate this policy, such disapproval will be recorded in the minutes with specificity.

5.0 Guiding Principles for All-Virtual Commission or Committee Meetings

The Commission desires that whenever possible all Commission and Committee meetings should be conducted in person in accordance with FOIA and all laws and regulations governing open public meetings. However, the Commission recognizes that certain circumstances may arise where it is in the best interest of the Commission or a Committee that an all-virtual meeting be held. Thus, the HRSD Commission as a regional public body has determined that it would be in the best interest of HRSD to adopt this policy pursuant to VA Code §2.2-3708.3(D) to allow for all-virtual Commission or Committee meetings in accordance with VA Code §2.2-3708.3 (C). In accordance with the procedures delineated in VA Code §2.2-3708.3 (C) and below, all-virtual HRSD Commission meetings are limited to three (3) times per calendar year based on twelve (12) meeting per calendar year, and all-virtual HRSD Committee Meetings are limited to two (2) times per calendar year. Additionally, HRSD Commission or Committee Meetings cannot be held consecutively with another all-virtual public meeting of the HRSD Commission or Committee.

6.0 Procedures for All-Virtual Commission or Committee Meetings

In order to hold an all-virtual HRSD Commission or Committee Meeting, the following procedures must be followed:

- (1) The required meeting notice for the Commission or Committee Meeting will indicate that the meeting will be an all-virtual meeting and contain a statement notifying the public that this all-virtual meeting method shall not

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- be changed unless HRSD provides a new meeting notice in accordance with the provisions of § [2.2-3707](#);
- (2) Public access to the all-virtual public meeting is provided via electronic communication means;
 - (3) The electronic communication means used allows the public to hear respectively all Commissioners of HRSD or all HRSD Committee Members participating in the all-virtual public meeting and, when audio-visual technology is available, to see Commissioners or HRSD Committee Members as well;
 - (4) A phone number or other live contact information is provided to alert the HRSD Commission or Committee if the audio or video transmission of the meeting provided by HRSD fails. HRSD must monitor such designated means of communication during the meeting, and the HRSD Commission or Committee, as appropriate, shall 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 the Commissioners or the Committee Members of HRSD for the HRSD Commission or Committee meeting is made available to the public in electronic format at the same time that such materials are provided to members of the public body;
 - (6) The public is afforded the opportunity to comment through electronic means, including by way of written comments, at those public meetings when public comment is customarily received;
 - (7) No more than two members of the HRSD Commission or Committee are together in any one remote location unless that remote location is open to the public to physically access it;
 - (8) If a closed session is held during an all-virtual public HRSD Commission or Committee meeting, transmission of the meeting to the public resumes before the HRSD Commission or Committee votes to certify the closed meeting as required by subsection D of § 2.2-3712;
 - (9) Limitation on virtual HRSD Commission and Committee Meetings.
 - a. **HRSD Commission Meetings.** HRSD shall not convene an all-virtual public Commission meeting (i) more than three (3) times per calendar year or (ii) consecutively with another all-virtual public meeting.
 - b. **HRSD Committee Meetings.** HRSD shall not convene an all-virtual public Committee meeting (i) more than two (2) times per calendar year, or (ii) consecutively with another all-virtual public meeting; and
 - (10) Minutes of all-virtual public Commission or Committee meeting held by electronic communication means are taken as required by § 2.2-3707 and include the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the

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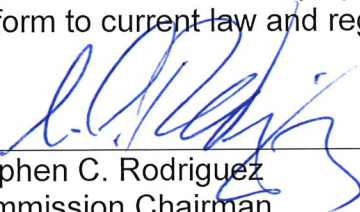
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meeting was held. If the participation of an HRSD Commissioner or Committee member from a remote location pursuant to this subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such disapproval shall be recorded in the minutes with specificity.

7.0 Responsibility and Authority

This policy shall be reviewed annually by the O&N Committee and revised as required to conform to current law and regulations.

Approved:

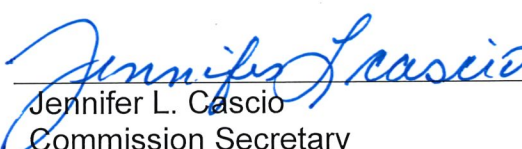


Stephen C. Rodriguez
Commission Chairman



Date

Attest:



Jennifer L. Cascio
Commission Secretary



Date