

THE CENTRAL VIRGINIA TRANSPORTATION AUTHORITY

POLICY AND GUIDANCE DOCUMENT

CONCERNING MEETINGS CONDUCTED BY ELECTRONIC COMMUNICATION

MEANS AND MEMBER PARTICIPATION

Approved:
August 27, 2020

All meetings of the Authority and its committees are to be conducted in compliance with the Virginia Freedom of Information Act and other applicable laws.

A. Member participation in meetings conducted by electronic communication means.

The Authority may authorize members to participate in a meeting conducted through electronic communication means if the following conditions are met:

1. On or before the day of a meeting, a member of the Authority notifies the Chair that:
 - a) Such member is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance, in which case such disability or condition shall be included in the meeting minutes as the basis for the remote participation; or,
 - b) Such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter, in which case the nature of the personal matter shall be included in the meeting minutes.
 - c) On the day of a meeting, a member of the Authority notifies the Chair that such member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting.
2. A quorum is physically assembled at one primary or central meeting location; and
3. A member's participation through electronic communication means must be approved by motion at the meeting at which such participation is conducted. If disapproved, such disapproval shall be recorded in the meeting minutes with specificity.
4. There must be arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location; however, the remote location need not be open to the public.
5. If participation by a member through electronic communication means is approved, the meeting minutes shall note the remote location from which the member participated.
6. Participation by a member pursuant to this subdivision is limited each calendar year to two meetings.
7. Requirements for member participation through electronic communications means

shall be applied strictly and uniformly, without exception, to the entire membership 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;

B. Authority meetings by electronic communication means pursuant to a declared state of emergency. The Authority may meet by electronic communication means without a quorum physically assembled at one location when the Governor has declared a state of emergency, pursuant to § 2.2-3708.2 of the Code of Virginia, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to address the emergency, provided that the Authority:

1. Issues public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the Authority;
2. Makes arrangements for public access to such meeting; and
3. 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 shall be stated in the minutes.

C. Authority meetings by electronic communication means pursuant to a declared state of emergency for general purposes. When authorized by law, the Authority may meet by electronic communication means without a physical quorum assembled together, during a Governor-declared state of emergency if the nature of the declared emergency makes it impracticable or unsafe for the Authority to assemble in a single location and the purpose of meeting is to (a) discharge its lawful purposes, duties, or responsibilities; (b) discuss or transact the business statutorily required; or, (c) continue necessary operations of the Authority, subject to the following conditions and requirements:

1. Notice to the public using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the Authority.
2. Arrangements for public access to the meeting through electronic means including, to the extent practicable, videoconferencing technology, and opportunity for public comment.
3. 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 shall be stated in the meeting minutes.
4. The Authority shall make available a recording or transcript of the meeting on its website, if required by applicable law.
5. The Authority must otherwise comply with the provisions of § 2.2-3708.2 of the Code of Virginia, as amended.