

RESOLUTION

ADOPTION OF A REVISED POLICY FOR REMOTE PARTICIPATION IN MEETINGS


BY BOARD MEMBERS

WHEREAS, the Board of Supervisors of the County of James City, Virginia (the "Board"), has a policy governing remote participation in Board meetings by Board members; and

WHEREAS, during the 2022 Session, the Virginia General Assembly amended the provisions of Virginia Code § 2.2-3708.2 and added Virginia Code § 2.2-3708.3 relating to remote participation in meetings of public bodies; and

WHEREAS, the Board desires to adopt a revised policy to conform to the new legislation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of James City, Virginia, does hereby adopt the Board of Supervisors' Remote Participation Policy presented as Exhibit A, which shall replace and supersede the prior policy governing remote participation.


John J. McGlennon
Chairman, Board of Supervisors

ATTEST:


Teresa J. Saeed
Deputy Clerk to the Board

	VOTES			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
ICENHOUR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of September, 2022.

RevBdMemRmtPlcy-res

BOARD OF SUPERVISORS'
REMOTE PARTICIPATION POLICY

In accordance with § 2.2-3708.3 of the Code of Virginia, the following policy is established for Supervisors' remote participation in meetings of the Board of Supervisors of James City County, Virginia (the "Board"). A Supervisor may participate in a meeting through electronic communication means from a remote location only as follows:

A. Permissible reasons for remote participation.

1. Disability or medical condition. The Supervisor has a temporary or permanent disability or other medical condition that prevents the Supervisor's physical attendance.
2. Medical condition of family member. A medical condition of a member of the Supervisor's family requires the Supervisor to provide care that prevents the Supervisor's physical attendance.
3. Residence more than 60 miles away. The Supervisor's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting.
4. Personal matter. The Supervisor is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter.
 - a. Limitation. The Supervisor may not use remote participation due to a personal matter 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.

B. Procedure.

1. A quorum of the Board must be physically assembled at the meeting location.
2. On or before the day of a meeting, the Supervisor shall notify the chair of the Board and the County Administrator, in writing via email or letter, that the Supervisor is unable to physically attend the meeting due to one of the four reasons listed in paragraph A.
3. The County Administrator shall maintain the Supervisor's written request to participate remotely for a period of one year, or other such time required by records retention laws, regulations, and policies.
4. The Supervisors physically present at the meeting must approve the remote participation by a majority vote, which shall be recorded in the Board's minutes.
5. If participation is approved pursuant to Paragraph A 1 or A 2, the Board shall include in its minutes the fact that the Supervisor participated through electronic communication means due to a (i) temporary or permanent disability or other medical condition that prevented the Supervisor's physical attendance or (ii) family member's medical condition

that required the Supervisor to provide care for such family member, thereby preventing the Supervisor's physical attendance.

6. If participation is approved pursuant to Paragraph A 3, the Board shall include in its minutes the fact that the Supervisor participated through electronic communication means due to the distance between the Supervisor's principal residence and the meeting location.
7. If participation is approved pursuant to Paragraph A 4, the Board shall include in its minutes the specific nature of the personal matter cited by the Supervisor.
8. If the Supervisor's remote participation is disapproved because such participation would violate this policy, such disapproval shall be recorded in the Board's minutes with specificity.
9. The location of the Supervisor's remote participation need not be open to the public and may be identified in the minutes by a general description.
10. For any remote participation by electronic communication means, the Secretary of the Board shall make arrangements for the voice of the Supervisor to be heard by all persons in attendance at the meeting location. If at any point during the meeting the voice of the Supervisor is no longer able to be heard by all persons at the meeting location, the Supervisor shall no longer be permitted to participate remotely. If the Board goes into closed session, the Supervisor shall ensure that no third party is able to hear or otherwise observe the closed meeting.

C. Application.

1. This policy shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the Supervisor requesting remote participation or the matters that will be considered or voted on at the meeting.
2. This policy is adopted by the James City County Board of Supervisors for itself and on behalf of its committees and subcommittees.
3. This policy shall not govern an electronic meeting conducted to address a state of emergency declared by the Governor or the Board of Supervisors. Any meeting conducted by electronic communication means under such circumstances shall be governed by the provisions of Va. Code § 2.2-3708.2. This policy also does not apply to an all-virtual public meeting.
4. This policy supersedes and replaces any prior remote participation policy adopted by the Board.