

**RESOLUTION NO. \_\_\_\_\_**

**WHEREAS**, the Virginia Freedom of Information Act (Va. Code §§ 2.2-3700, et seq.) (FOIA) generally provides that public bodies, including the Alexandria City Council and the City's boards, commissions, and advisory groups, cannot conduct meetings through telephonic, video, electronic, or other electronic communication means where the members of the public body are not physically assembled to discuss or transact public business; and

**WHEREAS**, Section 2.2-3708.3 of FOIA provides that individual members of public bodies may fully participate in meetings electronically if any such member meets the criteria of the code and the City Council has adopted an Electronic Participation Policy; and

**WHEREAS**, on June 22, 2021 the City Council adopted an Electronic Participation Policy which has been in effect since that time; and

**WHEREAS**, the General Assembly adopted an update to Section 2.2-3708.3 that amends the authority for electronic meetings; and

**WHEREAS**, the City Council would now like to update its policy to reflect these changes and clarify some of the language in the current policy.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ALEXANDRIA, VIRGINIA**

1. That the attached City of Alexandria Electronic Participation Policy is hereby adopted pursuant to Va. Code § 2.2-3708.3.
2. That this resolution shall become effective on July 1, 2024.
3. This policy is adopted by the City Council for itself and on behalf of any committee, subcommittee, or other entity, however designated, to perform delegated functions of the City Council or to advise the City Council.
4. This policy supersedes and replaces any prior Electronic Participation Policy adopted by the City Council, and any committee, subcommittee, or other entity, however designated, to perform delegated functions of the City Council or to advise the City Council.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
**JUSTIN WILSON    MAYOR**

ATTEST:

\_\_\_\_\_  
Gloria A. Sitton, CMC                      City Clerk

**City of Alexandria**  
**Electronic Participation Policy for Public Meetings**

Authority

- It is the policy of the City of Alexandria that members of City Council or any Public Body, as defined herein, may participate in meetings of the of their respective Public Body by electronic communication means as permitted by § 2.2-3708.3 of the Code of Virginia.
- This policy shall not govern an electronic meeting conducted to address a state of emergency declared by the Governor or the City Council. Any meeting conducted by electronic communication means under such circumstances shall be governed by the provisions of § 2.2-3708.2 of the Code of Virginia.

Definitions

- “**All-virtual public meeting**” means a public meeting conducted using electronic communication means during which all members of the Public Body who participate do so remotely rather than being assembled in one physical location, and to which public access is provided through electronic communication means, as defined by § 2.2-3701 of the Code of Virginia.
- “**Chair**”, for the purposes of this policy, means the presiding officer of the Public Body.
- “**Meeting**” means a meeting as defined by § 2.2-3701 of the Code of Virginia.
- “**Member**” means any member of the relevant Public Body.
- “**Notify**”, for purposes of this policy, means written notice, such as email or letter. Notice does not include text messages or communications via social media.
- “**Public Body**” is as defined by § 2.2-3701 of the Code of Virginia and, for the purposes of this policy, includes City Council or any committee, subcommittee, or other entity, however designated, to perform delegated functions of City Council or to advise the City Council.
- “**Remote participation**” means participation by an individual member of the Public Body by electronic communication means in a public meeting where a quorum of the Public Body is physically assembled, as defined by § 2.2-3701 of the Code of Virginia.

Remote Participation by Individual Members

Remote participation by individual members is allowed under the following circumstances:

1. A personal matter:
  - a. On or before the day of a meeting, the member shall notify the Chair that the member is unable to attend the meeting due to a personal matter. The member must identify with specificity the nature of the personal matter.
  - b. A quorum of the Public Body must be physically assembled at the primary or central meeting location.

- c. The Public Body shall record the specific nature of the personal matter and the remote location from which the absent member participated in the Public Body's minutes.
    - d. Participation by a remote member due to a personal matter shall be limited in each calendar year to: (1) two meetings or (2) 25% of the meetings held rounded up to the next whole number, whichever is greater, of the Public Body.
  2. A member's temporary or permanent disability or other medical condition or a family member's medical condition that requires the member to provide care for such family members, thereby preventing the member's physical attendance:
    - a. On or before the day of a meeting, the member shall notify the Chair that the member is unable to attend the meeting due to the member's temporary or permanent disability or other medical condition that prevents his or her physical attendance or a family member's medical condition that requires the member to provide care for such family members, thereby preventing the member's physical attendance.
    - b. A quorum of the Public Body must be physically assembled at the primary or central meeting location.
    - c. For the purposes of determining whether a quorum is physically assembled, an individual member of the Public Body who is a person with a disability as defined in Code of Virginia § 51.5-40.1, or a caregiver who must care for a person with a disability, and uses remote participation counts toward the quorum as if the individual was physically present.
    - d. The Public Body shall record the fact of the member's disability or other medical condition or a family member's medical condition that requires the member to provide care for such family members, thereby preventing the member's physical attendance, and the remote location from which the absent member participated in the Public Body minutes.
3. A member whose principal residence is more than 60 miles from the meeting location identified in the meeting notice.
4. For any remote participation, the Public Body shall make arrangements for the voice of the remote member or members to be heard by all persons in attendance at the meeting location.
5. The Chair may approve or disapprove the request for remote participation. If a member's request for remote participation is disapproved because such participation would violate this policy, the basis for the disapproval shall be recorded in the Public Body's minutes. If the request for remote participation is disapproved by the Chair, the remote member may request a vote on the matter by the Public Body.
6. This policy shall be applied strictly and uniformly, without exception, to the entire membership of a Public Body without regard to the identity of the member requesting remote participation or the matters that will be considered or voted upon at the meeting.

### All-Virtual Public Meetings

All-virtual public meetings are permitted, except for meetings of the City Council, Planning Commission, the Board of Architectural Review, the Board of Zoning Appeals, and any boards with the authority to deny, revoke, or suspend a professional or occupational license as prohibited by Code of Virginia § 2.2-3708.3, when conducted in conformance with the following requirements:

1. The meeting notice shall indicate that the meeting will be all-virtual and a statement that the method by which the Public Body meets shall not be changed unless a new meeting notice is properly advertised in accordance with the provisions of Code of Virginia § 2.2-3707.
2. Public access to all-virtual public meetings shall be provided via electronic communication means.
3. The electronic communication means used must allow the public 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 Public Body as well. When audio-visual technology is available, a member of a Public Body shall, for purposes of a quorum, be considered absent from any portion of the meeting during which visual communication with the member is voluntarily disconnected or otherwise fails or during which audio communication involuntarily fails.
4. A phone number or other live contact information must be provided to alert the Public Body if the audio or video transmission of the meeting fails. The Public Body shall monitor the means of communication during the meeting and recess until public access is restored if the transmission of the meeting fails.
5. A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of the Public Body for a meeting shall be 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 shall be afforded the opportunity to comment through electronic means, including by way of written comments at those public meetings where public comment is customarily received.
7. No more than two (2) members of the Public Body may be together in any one remote location unless that remote location is open to the public and they have the ability to physically access it.
8. If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public shall resume before the Public Body votes to certify the closed meeting as required by Code of Virginia § 2.2-3712(D).
9. The Public Body shall not convene an all-virtual public meeting more than (i) two (2) times or (ii) 50% of the meetings held per calendar year rounded up to the next whole number, or whichever is greater. The Public Body shall not hold consecutive all-virtual meetings.

10. Minutes of all-virtual public meetings held by electronic communication means shall be taken as required by Code of Virginia § 2.2-3707 and include the fact that the meeting was held by electronic communication means and the type of electronic communication means which were used. If a member's participation from a remote location is disapproved because such participation would violate this policy, the disapproval shall be recorded in the minutes with specificity.
11. This policy shall be applied strictly and uniformly, without exception, to the entire membership, without regard to the matters that will be considered or voted on at the meeting.