



Remote electronic participation in a public body meeting - Model Policy

Introduction

Localities are permitted, but not required, to allow individual council members to participate in a public meeting remotely. Interested public bodies must develop a remote participation policy prior to allowing remote electronic participation. This policy will be applied uniformly to all members and all requests. Below is a model policy. Public bodies that wish to implement a policy do not need to adopt all of the subsections in the model policy. The body can choose which of these situations warrant remote participation by its members. However, the body may not add additional circumstances that would allow for remote participation. This topic is governed by Code of Virginia § [2.2-3708.1](#).

Model policy

The following policy is established for members' remote electronic participation in Town Council¹ meetings due to²:

1. An emergency or personal matter
 - a. On or before the day of a meeting, the member shall notify the chair of the public body that the member is unable to attend the meeting due to an emergency or a personal matter. The member must identify with specificity the nature of the emergency or personal matter. A member may also notify the Mayor that the member is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance.
 - b. A quorum of the Council must be physically assembled at the primary or central meeting

¹ Town Council or whatever type of public body that will be governed by the policy.

² Remember, a public body does not need to allow remote participation at all. The body may choose to allow participation for some or all of these reasons. A state or local public body may allow remote participation for the reasons described in subsection 1 or subsection 2. Regional public bodies may adopt all three subsections, if they wish.

location. The Council members present must approve the participation by a majority vote.³ The decision shall be based solely on the criteria in this resolution, without regard to the identity of the member or matters that will be considered or voted on during the meeting. The Clerk shall record in the Council's minutes the specific nature of the emergency or personal matter and the remote location from which the absent member participated. If the absent member's remote participation is disapproved because such participation would violate this policy, such disapproval shall be recorded in the Council's minutes.

- c. Participation by the absent member due to an emergency or a personal matter shall be limited in each calendar year to two (2) meetings or 25 percent (25%) of the meetings of the Council, whichever is fewer.
2. A temporary or permanent disability
 - a. On or before the day of a meeting, the member shall notify the chair of the public body that the member is unable to attend the meeting due to a temporary or permanent disability or medical condition that prevents his or her physical presence.
 - b. A quorum of the Council must be physically assembled at the primary or central meeting location. The Clerk shall record in the Council's minutes the fact of the disability or other condition and the remote location from which the absent member participated.
 3. For any remote participation, the Town Council shall make arrangements for the voice of the absent member or members to be heard by all persons in attendance at the meeting location.⁴

³ The Code requires an approval process. However, it allows the public body to decide what type of approval process it wishes to use. A majority vote is suggested above; however, the body has flexibility in what this process it chooses to adopt.

⁴ If any of the other subsections are adopted, this language must also be included.

Regional public bodies

The following subsection may only be implemented by regional public bodies. A “regional public body” is a “unit of government...whose members are appointed by the participating local governing bodies, and such unit includes two or more counties or cities.” § 2.2-3708. Regional public bodies may enact either of the previous subsections in addition to the following one relating to distance. However, individual localities may not allow remote participation due to distance.

4. A distance of 60 miles or more
 - a. On or before the day of a meeting, the member shall notify the chair of the public body that the member’s principle residence is more than 60 miles from the meeting location.
 - b. A quorum of the Council must be physically assembled at the primary or central meeting location. The Council members present must approve the participation by a majority vote.⁵ The decision shall be based solely on the criteria in this resolution, without regard to the identity of the member or matters that will be considered or voted on during the meeting. The Clerk shall record in the Council’s minutes the remote location from which the absent member participated. If the absent member’s remote participation is disapproved because such participation would violate this policy, such disapproval shall be recorded in the Council’s minutes.
 - c. The regional public body shall make arrangements for the voice of the absent member or members to be heard by all persons in attendance at the meeting location.

⁵ See Note 3.