



Contingency Planning

Step 1 – Have a written electronic participation in meetings policy that has been approved by Council.

One relatively easy option is to have an electronic meetings policy in place. Generally speaking, meetings are not permitted to be conducted electronically. But provided that a quorum is physically assembled at the meeting location, other members of the Council may participate electronically. This permits members who are ill or who perhaps do not want to attend a public meeting for fear of illness, to participate fully in the meeting.

Here are the steps:

1. Develop a written electronic meetings policy and formally vote to approve it. (No public hearing required.)
2. On or before the day of a meeting, the member wishing to participate electronically must notify the Mayor or Clerk that:
 - He/she is unable to attend the meeting because of a temporary or permanent disability or other medical condition that prevents the member's physical attendance at the meeting; or
 - He/she is unable to attend the meeting due to a "personal matter." State law does not define "personal matter," but the term is broad enough to include almost any type of circumstance. It should be noted that the nature of the "personal matter" must be specifically identified. (A member who participates by electronic means for a "personal matter" can only do this twice per year.)
3. Once a quorum is physically assembled and the meeting has been convened, the Mayor/Clerk presents the request by the Council member(s) to participate electronically. The Council then votes whether or not to permit the member(s) to participate electronically, which can only be done 2 times per year per member. If the request to participate through electronic communication is approved, then the minutes must reflect the remote location from which the member participated. (The remote location of the member does not need to be open to the public.) The minutes must also include that the member participated through electronic communication means due to a temporary or permanent disability or other medical condition that prevented the member's physical attendance. (The nature of the disability or medical condition does not need to be disclosed.) In contrast, if the member participates electronically because of a personal matter, the specific nature of the "personal matter" cited by the member must be disclosed and recorded in the minutes.

4. The voice of the member participating electronically must be able to be heard by everyone at the meeting where the quorum is physically assembled.

Note – A member who participates through electronic means is permitted to vote and participate as though he/she were physically present at the meeting.

Step 2 – Have a plan for how notice would be provided if the Governor declares an emergency and an emergency meeting is needed to address the emergency.

In the event that the Governor declares a state of emergency, the Council may meet by electronic communication without a quorum of the physically assembled at one location provided that:

1. the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location; and
2. the purpose of the meeting is to address the emergency.

Step 3 – Have a plan for the arrangements that would be made to allow public access to the meeting.

In the event of an emergency and the need for an electronic meeting to address the emergency, public notice must be issued using the best available method given the nature of the emergency, at the same time that notice is provided to the members of Council. In addition, arrangements must be made for public access to the meeting.

[Virginia Code § 2.2-3708.2, 1950](#), as amended, authorizes electronic participation in meetings.