



City of Alexandria, Virginia
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Virginia FOIA Council
Pocahontas Building, 10th Floor
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Dear Esteemed FOIA Council Members:

I write today regarding § 2.2-3708.2 of the Code of Virginia regarding electronic participation for meetings of public bodies. This section allows a member of a public body to participate in a meeting electronically with advance notice to the Chair and subject to the following conditions:

- the public body has adopted a written policy allowing for and governing participation of its members by electronic communication means, including an approval process for such participation;
- a quorum of the public body is physically assembled at one primary or central meeting location; and
- the public body makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

If a 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, then there is no restriction placed on the number of times the member may participate electronically.

However, electronic participation is limited to two meetings each calendar year for any reason other than the member's own medical condition.

This policy not only applies to members of elected bodies, but also to our residents whom we appoint to local Boards and Commissions (as well as those residents who serve on regional or state Boards).

Most elective offices in Virginia are considered "part-time" and our Boards are voluntary. Members of public bodies who travel for work and/or who have children or aging parents stand to be adversely affected by this current policy and may choose not to seek membership because of these commitments.

As public servants of the Commonwealth of Virginia, I know that we want to remove barriers to civic engagement and encourage as wide a range of citizens as possible to participate. In fact, Section E of 2.2-3708.2 states: "Nothing in this section shall be construed to prohibit the use of interactive audio or

video means to expand public participation." To remove these barriers, I would urge the Council to support the following changes:

1. The clause about medical conditions should also include an exception for the medical conditions of immediate family members.
2. The limit to the number of times a member can participate electronically for personal matters should be eliminated or left to the determination of the public body itself.

The Code already requires the body to have an approval process for allowing or denying the request to participate electronically. Additionally, if a member's electronic participation is approved, the public body is required to include in its minutes the specific nature of the personal matter cited by the member. These requirements serve to hamper any potential excessive use or misuse of this policy.

Furthermore, the current restriction ignores the fact that different public bodies have varying numbers of meetings. (For example, the Alexandria City Council will meet more than 40 times this year whereas some of our Boards and Commissions will meet four times this year.) Eliminating the restriction on use would negate the need for the first suggestion above, but it is otherwise an important modification.

Technology has improved since the electronic participation policy was first adopted and it continues to improve. The Commonwealth should take advantage of these advancements and use them to help remove barriers to civic engagement.

While the incremental changes outlined above would immediately improve the policy for residents across the Commonwealth, it seems likely that there are also other aspects of the Code related to electronic participation that could be improved. For example, our local boards are not able to vote on items that arise in between monthly or quarterly meetings on a phone call or by email. Technology is available that would allow this to happen in a manner that makes this process and information publicly available. Similarly, if a board or commission were allowed to hold an electronic meeting via an online video platform like Zoom or Google Hangout, it could encourage participation by more residents.

Thus, I would encourage the Council to support a study of other ways in which this policy could be modified to support and increase civic engagement in a changing world with advancing technology.

The City of Alexandria is considering support of the changes outlined above as part of its legislative package. Based on conversations with elected officials from other jurisdictions at a recent conference, I believe there would be widespread support of these measures. Because I learned of the opportunity to provide comments approximately 24 hours before your meeting, I was not able to create a sign-on letter. Please let me know if I can provide additional information or answer any questions. I can be reached at elizabeth.bennettparker@alexandriava.gov or 703-746-4500.

Warmly,



Elizabeth Bennett-Parker
Vice Mayor