

1 **§ 2.2-3701. Definitions**

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3 ...

adds a preference for in-person meetings to the definition section

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5 "Open meeting" or "public meeting" means a meeting at which the public may be
6 present. Except as provided in 2.2-3708.2, **open meetings or public meetings are**
7 **presumed to be in person and physically accessible by members of the public.**

ordinary, non-emergency meetings for ALL public bodies, including advisory and regional bodies

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10 **§ 2.2-3708.2. Public meetings held by any public body through electronic**
11 **communication means**

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13 A. For purposes of this section:

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15 1. "Remote participation" means when an individual member of a public
16 body uses electronic communication means to participate in a public meeting.

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18 2. "All-virtual public meeting" means when a public body uses electronic
19 communication means to conduct a public meeting and all members are
20 participating from remote locations.

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22 3. "Hybrid public meeting" means a public meeting that is accessible by the
23 public both in person and through electronic communication means, including
24 remote participation by one or more members of the public body.

three types of electronic meetings

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26 B. Nothing in this section shall be construed to prohibit the holding of hybrid public
27 meetings, to limit the use of interactive audio or video to expand public observation
28 of meetings or to restrict any avenue for public comment at public meetings where
29 public comment is customarily received.

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31 C. Individual members of a public body may use remote participation instead of
32 attending a public meeting in person, if, in advance of the public meeting, the public
33 body has adopted a policy as described in subsection E and the member notifies the
34 public body chair:

This is the call-in section we adjusted last year. Not much change here.

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36 1. That the member has a temporary or permanent disability or other
37 medical condition that prevents the member's physical attendance,

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39 2. That the medical condition of the member's family requires the member to
40 provide care that prevents the member's physical attendance; or

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42 3. That the member is unable to attend the meeting due to a personal matter
43 and identifies with specificity the nature of the personal matter. However, the
44 member may not rely on this section more than two meetings or 25 percent of the
45 meetings held per calendar year rounded up to the next whole number, whichever is
46 greater.

anyone can have an all-virtual meeting, but here are the hoops you have to jump through to do it.

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D. Any public body and the entities it creates may hold all-virtual public meetings, provided that the public body follows the same requirements for meetings as adopted a policy as described in subsection E and:

1. Has followed the requirements for meeting notice, including the fact that the meeting will be an all-virtual public meeting, in 2.2-3707.

2. The all-virtual public meeting is simultaneously broadcast on the internet.

3. All members of the public body participating in the all-virtual public meeting can be seen on video and can be heard on audio.

4. A phone number is provided to alert the public body if the video feed fails. The public meeting should recess until the public access is restored.

5. Agendas, agenda materials, handouts and presentations are made available to the public in electronic format for use in the meeting.

6. The public is afforded the opportunity to comment through electronic means at those public meetings when public comment is customarily received. An opportunity to submit written comment shall be created for all all-virtual public meetings.

7. No more than two members of the public body are together in any one remote location unless that remote location is open for the public to physically access it.

8. Any closed session held pursuant to 2.2-3712 provides a means for the public to rejoin the all-virtual public meeting before the body votes to certify the closed session under 2.2-3712(D).

9. The public body does not convene an all-virtual public meeting more than two times or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

E. Any public body that uses all-virtual public meetings as described in subsection D or allows members to use remote participation in subsection C, must first adopt a policy by ordinance or resolution that shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. The policy shall:

1. Describe the circumstances under which remote participation will be allowed and the process the public body will use for requesting, approving or denying requests to use remote participation;

a policy is required for both individual participation and all-virtual meetings

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94 2. Fix the number of times remote participation for personal matters or all-
95 virtual public meetings can be used per calendar year; and

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97 3. Specify whether and how it applies to entities created by the public body
98 and if so, which ones.

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100 **2.2-3708.3. Meetings held through electronic communication means during**
101 **declared emergencies. (*note: this is existing language that I've moved into its***
102 ***own section to separate it from e-meetings during NON-emergency times*)**

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104 A. Any public body, or any joint meetings thereof, may meet by electronic
105 communication means without a quorum of the public body physically assembled at
106 one location when the Governor has declared a state of emergency in accordance
107 with § [44-146.17](#) or the locality in which the public body is located has declared a
108 local state of emergency pursuant to § [44-146.21](#), provided that (i) the catastrophic
109 nature of the declared emergency makes it impracticable or unsafe to assemble a
110 quorum in a single location and (ii) the purpose of the meeting is to provide for the
111 continuity of operations of the public body or the discharge of its lawful purposes,
112 duties, and responsibilities. The public body convening a meeting in accordance
113 with this subdivision shall:

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115 1. Give public notice using the best available method given the nature of the
116 emergency, which notice shall be given contemporaneously with the notice
117 provided to members of the public body conducting the meeting;

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119 2. Make arrangements for public access to such meeting through electronic
120 communication means, including videoconferencing if already used by the public
121 body;

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123 3. Provide the public with the opportunity to comment at those meetings of the
124 public body when public comment is customarily received; and

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126 4. Otherwise comply with the provisions of this chapter.

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128 B. The nature of the emergency, the fact that the meeting was held by electronic
129 communication means, and the type of electronic communication means by which
130 the meeting was held shall be stated in the minutes.

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132 5. The provisions of this subdivision 3 shall be applicable only for the duration of the
133 emergency declared pursuant to § [44-146.17](#) or [44-146.21](#).