

MEMO

To: MPO Policy Board
From: David Blount, Deputy Director
Date: September 21, 2022
Re: All-Virtual Meeting and Remote Electronic Participation Policy

Purpose:

To consider adoption of an MPO policy allowing members to participate in meetings by electronic communication means and for the MPO to hold all-virtual meetings.

Background:

The MPO previously adopted a Remote Meeting Policy, consistent with *Code of Virginia* provisions, to govern its meetings that were being held under the statewide COVID state of emergency. Subsequently, the MPO continued to meet by electronic communication means due to the ongoing state of emergency declared by the City of Charlottesville. The MPO also previously adopted a Remote Electronic Participation Policy, which is required to be in place in order for individual members to participate in MPO meetings from a remote location when a quorum is physically assembled.

The 2022 General Assembly approved, and the governor signed, HB 444, which makes various changes to the existing Freedom of Information Act (FOIA) law, effective September 1. The *Code of Virginia* at § 2.2-3708.3 (D) requires that public bodies adopt a participation policy before using the provisions for remote participation or all-virtual public meetings. No policy is required for meetings conducted under § 2.2-3708.2, which permits public bodies to meet virtually without a quorum physically assembled when the Governor has declared a state of emergency or the locality in which the public body is located has declared a local state of emergency.

Purpose:

A public body must adopt the aforementioned policy by recorded vote at a public meeting and the policy must "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 must describe the circumstances under which remote participation and an all-virtual public meeting will be allowed, as well as the process the public body will use for addressing requests to use remote participation, approving or denying such requests, and creating a record of such requests. It also must fix the number of times remote participation for personal matters or all-virtual public meetings can be used per calendar year.

Recommendation: Staff recommends that the MPO Policy Board adopt the attached policy, titled Remote Electronic Participation and All-Virtual Meeting Policy, as authorized by § 2.2-3708.3 of the *Code of Virginia*, for the MPO Policy Board and for any committee created by or under the authority of the Commission. With adoption, this policy would replace the aforementioned policies.