

# **Library Board Remote Participation Policy**

## **Jefferson-Madison Regional Library**

### **1. Applicability of Policy.**

A. **Purposes.** Pursuant to *Virginia Code § 2.2-3708.3*, the following policy:

1. describes the circumstances under which an all-virtual public meeting and/or remote participation will be allowed and the process the Jefferson-Madison Regional Library Board of Trustees (hereinafter “JMRL”) will use for making requests to use remote participation, approving or denying such requests, and creating a record of such requests; and
2. fixes the number of times remote participation for personal matters or all-virtual public meetings can be used per calendar year, not to exceed the limitations set forth in *Virginia Code § 2.2-3708.3(B)(4)* and (C)(9).

B. **Application.** This policy will be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member(s) requesting remote participation or the matters that will be considered or voted on at the meeting.

**2. Non-Emergency Individual Participation.** Except as provided elsewhere in this policy, individual members may use remote participation instead of attending a public meeting in person only pursuant to and in compliance with the following rules:

A. **Grounds for Remote Participation; Advance Notice of the Chair.** Individual members may use remote participation instead of attending a public meeting in person if, in advance of the public meeting, the member notifies the Chair that:

1. **Personal Medical Condition.** The member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance;
2. **Family Member's Medical Condition.** A medical condition of a member of the trustee's family requires the member to provide care that prevents the member's physical attendance;
3. **Distant Meeting Location.** The member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or

4. **Identified Personal Matter; Limitation on Use.** The member is unable to attend the meeting due to a personal matter (such as a family event or business commitment) and identifies with specificity the nature of the personal matter. However, the member may not use remote participation due to personal matters more than two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

B. **Minutes.** If participation by a member through electronic communication means is approved by a quorum of the Library Board physically assembled pursuant to Paragraph 2, the JMRL shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public and may be identified in the minutes by a general description.

1. **Medical Condition.** If participation is approved pursuant to Paragraphs 2(A)(1) or 2(A)(2), the JMRL shall also include in its minutes the fact that the member participated through electronic communication means due to a (i) temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance.

2. **Distant Meeting Location.** If participation is approved pursuant to Paragraph 2(A)(3), the JMRL shall also include in its minutes the fact that the member participated through electronic communication means due to the distance between the member's principal residence and the meeting location.

3. **Identified Personal Matter.** If participation is approved pursuant to Paragraph 2(A)(4), the JMRL shall also include in its minutes the specific nature of the personal matter cited by the member.

4. **Disapproval.** If a member's participation from a remote location pursuant to Paragraph 2 is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

C. **When Chair Requests to Participate Electronically.** In the event the Chair seeks to participate through electronic communication means from a remote location, the Chair must notify the Vice-Chair or other presiding officer and should notify the Library Director on or before the day of the meeting.

D. **Audibility of Absent Member.** The Library Director will arrange for the voice of the absent member to be heard by all persons in attendance at the meeting location. If, for any reason, the voice of the absent member cannot reasonably be heard, the meeting may continue without the participation of the absent member.

E. **Remote participation in JMRL Committees.** Any committee of the JMRL may allow for remote participation. The requirements for remote participation in JMRL Committees are set forth in Section 2.A above.

**3. All-Virtual Public Meetings [NOT for use by Board of Supervisors, School Board, Planning Commissions, Architectural Review Board, or Board of Zoning Appeals].** Except as provided in Paragraph 4 below, the JMRL may hold all-virtual public meetings only (i) for regular and special meetings deemed appropriate to be done virtually by the chair of the JMRL and (ii) pursuant to and in compliance with the following rules:

A. **Meeting Notice.** An indication of whether the meeting will be an in-person or all-virtual public meeting must be included in the required meeting notice along with a statement notifying the public that the method by which the JMRL chooses to meet shall not be changed unless the JMRL provides a new meeting notice in accordance with the provisions of *Virginia Code* § 2.2-3707;

B. **Public Access.** Public access to the all-virtual public meeting must be provided via electronic communication means;

C. **Member Audibility/Visibility.** The electronic communication means used must allow the public to hear all members of the JMRL participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the JMRL as well;

D. **Contact for Transmission Failure.** A phone number or other live contact information must be provided to alert the JMRL if the audio or video transmission of the meeting provided by the JMRL fails, the JMRL must monitor such designated means of communication during the meeting, and the JMRL must take a recess until public access is restored if the transmission fails for the public;

E. **Meeting Materials.** A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of the JMRL for a meeting must be made available to the public in electronic format at the same time that such materials are provided to members of the JMRL;

F. **Public Comment.** The public must be afforded the opportunity to comment through electronic means, including by way of written comments, at those public meetings when public comment is customarily received;

G. **Multiple Members in a Single Location.** No more than two members of the JMRL may be together in any one remote location unless that remote location is open to the public to physically access it;

H. **Closed Sessions.** If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public must resume before the JMRL votes to certify the closed meeting as required by *Virginia Code* § 2.2-3712(D);

I. **Number and Frequency of All-Virtual Meetings.** The JMRL may not convene an all-virtual public meeting (i) more than two times per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, or (ii) consecutively with another all-virtual public meeting; and

J. **Minutes.** Minutes of all-virtual public meetings held by electronic communication means must be taken as required by *Virginia Code* § 2.2-3707 and must include the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held. If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

4. **All virtual meetings of JMRL Committees.** Any committee of the JMRL may hold an all-virtual public-meeting. The requirements for committee all virtual meetings are set forth in Section 3.A-J above.

5. **During a Declared Emergency or When a Continuity of Government Ordinance is in Effect.** The JMRL may meet by electronic communication means without a quorum of the JMRL physically assembled at one location when a state of emergency is declared pursuant to *Virginia Code* § 44-146.17 or a local emergency is declared pursuant to *Virginia Code* § 44-246.21, subject to the provisions and requirements of *Virginia Code* § 2.2-3708.2. The JMRL also may meet by electronic communication means when an ordinance adopted pursuant to *Virginia Code* § 15.2-1413 to ensure the continuity of County government is in effect.

(*Virginia Code* § 2.2-3708.2 and § 2.2-3708.3)