

SCHEV Policies for All Virtual Meetings and Electronic Meetings Conducted During State of Emergency Declarations

Approved October 25, 2022

I. All Virtual Meetings

The following practice and procedures apply when a meeting is held in which all members participate electronically:

1. Upon the decision by the Chair or Majority of the Council membership that a Council meeting will be held in an all-virtual format, the Council will issue a required meeting notice and include a statement notifying the public that the all-virtual meeting format will be used. This notice should include a statement that should the meeting format change, that subsequent notice will be issued and in accordance with Virginia Code 2.2-3707.
2. The Council will provide for the general public to observe the all virtual meeting via electronic communications which allow the public to hear the Council members' deliberations, other than for any portion of the meeting that is closed pursuant to Virginia Code § 2.2-3711.
 - a. If audio-visual technology is used, the electronic communication means should allow the public to also see the public body.
 - b. The Council will provide the public access to observe all-virtual meetings.
 - c. The Council will state in the notice for the meeting whether public comment will be taken at the meeting or provide a means for submitting written comments.
3. A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to the members of the Council for a meeting shall be made available to the public in electronic format at the same time that the materials are provide to the members of the Council.

4. No more than two members of the Council can be together or present in any one of the remote locations used during the all-virtual meeting unless that remote location is open to the public and physically accessible to the public.
5. The Council is limited in convening meetings in the all-virtual format to two meetings or 25 percent of the meetings held each calendar year rounded up to the next whole number, whichever is greater.
6. The Council may not hold meetings in the all-virtual format consecutively with another all-virtual public meeting.
7. The Council will provide a phone number or other live contact information so the public can alert the Council of the audio or video transmission issues that interfere with their access, participation or viewing of the public bodies meeting.
 - a. The Council will monitor such designated means of communication during the meeting.
 - b. Should access fail, the Council shall take a recess until public access is restored (subject to reasonable time limitations).
8. In the event the Council convenes a closed session during the all-virtual public meeting, transmission of the meeting to the public must resume before the public body votes to certify the closed meeting as required by subsection D of Virginia Code § [2.2-3712](#).
9. Minutes of all-virtual public meetings held by electronic communication means are taken as required by Virginia Code § [2.2-3707](#) and 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.

II. Electronic Meetings Conducted During State of Emergency Declarations

When an emergency has been declared, pursuant to Virginia Code § 44-146.17 or where the locality in which the body is located has declared a local state of emergency pursuant to Virginia Code § 44-146.21, the Council must affirm that (i) the catastrophic nature of

the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to provide for the continuity of operations of the Council or the discharge of its lawful purposes, duties, and responsibilities.

In such cases, a physical quorum is not required for the conduct of public business.

In cases of emergency, the Council will:

1. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the Council conducting the meeting;
2. Make arrangements for public access to such meeting through electronic communication means;
3. Provide the public with the opportunity to comment if public comment is customarily received at such meeting; and
4. Follow other mandates of this policy and law.