

EFFECTIVE SEPTEMBER 1, 2022

Policy on Remote Participation of Criminal Justice Services Board Members in Meetings by Electronic Means and the Conduct of All-Virtual Public Meetings by Subcommittees of the Board

Remote Participation of Board Members in Meetings by Electronic Means

It is the policy of the Criminal Justice Services Board (CJSB) that individual members may participate in CJSB meetings by electronic communication means as permitted by Va. Code § 2.2-3708.3. This policy shall apply 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.

Whenever an individual member wishes to participate from a remote location, the law requires a quorum of the CJSB to be physically assembled at the primary meeting location, except in the case of an all-virtual public meeting permitted by Va, Code § 2.2-3708.3, and arrangements will be made for the voice of the remote participant to be heard by all persons at the primary meeting location.

To participate through electronic communication means pursuant to Va. Code § 2.2-3708.3, the member must notify the Chair of the CJSB that (i) such member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance; (ii) a family member's medical condition requires the member to provide care that prevents the member's physical attendance; (iii) such member's principal residence is more than 60 miles from the primary meeting location, or (iv) such member is unable to attend due to a personal matter and identifies with specificity the nature of the personal matter.

The reason that the member is unable to attend the meeting and the remote location from which the member participates will be recorded in the meeting minutes. When such individual participation is due to a personal matter, such participation is limited by law to two meetings or 25 percent of the meetings of the public body per member each calendar year rounded up to the nearest whole number, whichever is greater.

Individual participation from a remote location shall be approved unless such participation would violate this policy or the provisions of the Virginia Freedom of Information Act (Va. Code § 2.2-3700 et seq.). If a member's participation from a remote location is challenged, then the CJSB shall vote whether to allow such participation. If the CJSB votes to disapprove of the member's participation because such participation would violate this policy, such disapproval will be recorded in the minutes with specificity.

This policy applies to all subcommittees of the CJSB.

Conduct of All-Virtual Public Meetings by Subcommittees of the CJSB

With the exception of the Executive Committee, any subcommittee of the CJSB may hold all-virtual public meetings, provided the following requirements are met:

- The meeting notice indicates whether the meeting will be an in-person or all-virtual public meeting and include a statement notifying the public that the method by which the subcommittee chooses to meet shall not be changed unless a new meeting notice is provided in accordance with the provisions of Va. Code § 2.2-3707.
- The subcommittee provides public access to the all-virtual public meeting via electronic communication means and such means allow the public to hear all members of the subcommittee participating in meeting and, when audio-visual technology is available, to see the members of the subcommittee.
- The subcommittee provides a phone number or other live contact information to be used to alert the public body if the audio or video transmission of the meeting fails. The subcommittee shall monitor such designated means of communication during the meeting and shall take a recess until public access is restored if the transmission fails.
- The subcommittee makes available to the public in electronic format a copy of the proposed agenda, all agenda packets, and, unless exempt, all materials furnished to members of the subcommittee at the same time that such materials are provided to members of the subcommittee.
- At a meeting where public comment is customarily received, the subcommittee shall afford the public the opportunity to comment through electronic means, including by way of written comments.
- No more than two members of the subcommittee are together in any one remote location unless that remote location is open to the public to physically access it.
- If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public resumes before the public body votes to certify the closed meeting as required by Va. Code § 2.2-3712(D).

The subcommittee 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.

The fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held will be recorded in the minutes. If a member's participation from a remote location is challenged, then the subcommittee shall vote whether to allow such participation. If the subcommittee votes to disapprove of the member's participation because such participation would violate this policy, such disapproval will be recorded in the minutes with specificity.