

# Issue Analysis Form



**Date:** April 14, 2020  
Resolution - Board of Supervisors Meeting Through Electronic Communication

**Item:**

**Lead Department(s):** County Attorney

**Contact Person(s):** Dan Whitten

## Description and Current Status

The Prince George County Attorney's Office recommends adopting a Resolution that would allow the Board to conduct public business through electronic communication means as provided in Code of Virginia Section 2.2-3708.2. This policy was adopted at a work session on March 12, 2020 by the Board, but our office recommends passing a resolution at a regular meeting that authorizes such policy.

The attached policy allows participation of Board members through electronic communications means. A member can participate electronically after giving notice to the Chairman that he/she is unable to attend either due to (i) a temporary or permanent disability or other medical condition; or (ii) a personal matter which must be identified. A quorum of the Board must be physically assembled in one location. The Board must make arrangements for the remote member to be heard. The Clerk shall record in the minutes the location of the remote member but the location does not have to be open to the public. The Clerk shall record in the minutes the reason why the member could not attend the meeting.

The policy also allows for an electronic meeting without a quorum physically present when the Governor has declared a state of emergency provided that the catastrophic nature of the emergency makes it impracticable or unsafe to meet in one location. The purpose of such meeting must be to address the emergency. The Board must still give notice of the meeting using the best available method at the same time the members get notice. The Board must also make arrangements for public access such as a conference call in number. The minutes must state the nature of the emergency, the fact the meeting was held electronically and the type of electronic communications means.

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Sample Motion: I move that the Board adopt a Resolution which authorizes a policy regarding conducting meetings where the public business is discussed or transacted through electronic communication means as provided in Code of Virginia Section 2.2-3708.2.

## Government Path

**Does this require IDA action?**

Yes  No

**Does this require BZA action?**

Yes  No

**Does This require Planning Commission Action?**

Yes  No

**Does this require Board of Supervisors action?**

Yes  No

**Does this require a public hearing?**

Yes  No

**If so, before what date?**

Yes  No

### **Fiscal Impact Statement**

### **County Impact**

### **Notes**

Board of Supervisors  
County of Prince George, Virginia

Resolution

At a regular meeting of the Board of Supervisors of the County of Prince George held in the Boardroom, Third Floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia, this 14<sup>th</sup> day of April, 2020:

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Present:

Donald Hunter, Chairman  
Alan R. Carmichael, Vice-Chair  
Floyd M. Brown, Jr.  
Marlene J. Waymack  
T. J. Webb

Vote:

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C-5

On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, which carried unanimously, the following Resolution was adopted:

RESOLUTION: ALLOWING FOR AND GOVERNING  
PARTICIPATION OF BOARD MEMBERS BY ELECTRONIC  
COMMUNICATION MEANS

WHEREAS, the Code of Virginia Section 2.2-3708.2 allows Boards to conduct public business through electronic communication means.

WHEREAS, the policy will allow participation of Board members through electronic communication means. A member can participate electronically after giving notice to the Chairman that he/she is unable to attend either due to (i) a temporary or permanent disability or other medical condition; or (ii) a personal matter which must be identified.

WHEREAS, a quorum of the Board must be physically assembled in one location; make arrangements for the remote member to be heard; and the location and reason why the member could not attend the meeting will be recorded in the minutes by the Clerk.

WHEREAS, the policy will allow for an electronic meeting without a quorum physically present when the Governor has declared a state of emergency provided that the catastrophic nature of the emergency makes it impracticable or unsafe to meet in one location.

WHEREAS, the purpose of the meeting must be to address the emergency; notice of the meeting must be given using the best available method at the same time members get notice; arrangements must be made for public access; and the minutes must state the

nature of the emergency, fact that the meeting was held electronically and type of electronic communications means.

NOW, THEREFORE, BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 14<sup>th</sup> day of April, 2020, does hereby adopt a Resolution allowing for a policy governing participation of board members by electronic communication means as authorized under Virginia Code Section 2.2-3708.2.

A Copy Teste:

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Percy C. Ashcraft  
County Administrator

**POLICY ALLOWING FOR AND GOVERNING PARTICIPATION OF BOARD  
MEMBERS BY ELECTRONIC COMMUNICATION MEANS**

The Board of Supervisors may conduct any meeting where in the public business is discussed or transacted through electronic communication means as provided in Code of Virginia Section 2.2-3708.2 subject to the following requirements:

1. A member of the Board must notify the Chairman that the member is unable to attend the meeting due to either (a) a temporary or permanent disability or other medical condition that prevents the member's physical attendance; or (b) a personal matter and the member identifies with the specificity the nature of the personal matter. Participation by a member due to a personal matter is limited to two meetings per calendar year.
2. A quorum of the Board must be physically assembled at one primary or central meeting location.
3. The Board must make arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.
4. The Board shall record in its minutes the remote location from which the member participated but the location does not have to be open to the public.
5. The Board shall record in its minutes that the member participated through electronic communications due to either (a) a temporary or permanent disability or other medical condition; or (b) a personal matter and the minutes shall include the specific nature of the personal matter.
6. If a member's participation from a remote location is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.
7. The policy 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.
8. The Board may meet by electronic communication means without a quorum of the Board physically assembled at one location when the Governor has declared a state of emergency pursuant to Virginia Code Section 44-146.17 provided that (a) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location; and (b) the purpose of the meeting is to address the emergency. The Board convening such a meeting shall (a) 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 Board; (b) make arrangements for public access to the meeting; and (c) otherwise comply with the provisions of Virginia Code Section 2.2-3708.2. The nature of the emergency, the fact the meeting was held by electronic communication means, and the type of electronic communications means by which the meeting was held shall be stated in the minutes.