

**Policy Concerning Electronic Participation in Public Meetings of the Technical Advisory Committee, created under EO 71, November 16<sup>th</sup>, 2020.**

**The Technical Advisory Committee is a State Public Body as defined under Appendix E of the FOIA 2020 guide and Virginia code 2.2-3708.2**

This policy is for consideration to be adopted as a means to allow members of the Technical Advisory Committee to electronically participate in in-person public meetings of the Technical Advisory Committee and any of its Subcommittees and Sub-Subcommittees in accordance with § 2.2-3708.2 of the Code of Virginia.

Pursuant to § 2.2-3708.2 of the Code of Virginia, public bodies are required to adopt a policy regarding individual participation by electronic means, as well as an approval process for such participation.

**Electronic Participation Policy Language**

It is the policy of the Technical Advisory Committee/and Subcommittees and any additional Sub-Subcommittees that individual Technical Advisory Committee/Subcommittee members may participate in meetings of the Technical Advisory Committee/Subcommittees by electronic means as permitted by § 2.2-3708.2 of the Code of Virginia. 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 Technical Advisory Committee/Subcommittees to be physically assembled at the primary or central meeting location, and there must be arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

When such individual participation is due to disability or other medical condition, a personal emergency or other personal matter, such participation is limited by law to two meetings of the public body per member each calendar year, or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. The 25 percent rule was set forth by Chapter 33 of the Acts of Assembly (HB 1931), which amended § 2.2-3708.2 of the Code of Virginia during the 2021 General Assembly Special Session I. It was subsequently signed off by the Governor. It is effective July 1, 2021.

**Electronic Participation Approval Process Language**

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 (§ 2.2-3700 et seq.) of the Code of Virginia. If a member's participation from a remote location is challenged, then the Technical Advisory Committee/Subcommittees shall vote whether to allow such participation. If the Technical Advisory Committee/Subcommittees votes to disapprove of the member's participation because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.