

Policy Number: 1600  
Policy Title: CSB Board  
Virtual Meetings and Board  
Member Electronic  
Participation Meetings  
Date Adopted: February 22, 2023

### Purpose

The purpose of this policy is to provide guidance for the members of the CSB Board who request electronic attendance at a meeting of the CSB Board or a Standing or Ad Hoc Committee.

### Policy

This policy is adopted pursuant to the authorization of [Va. Code § 2.2-3708.2](#) and is to be strictly construed in conformance with the Virginia Freedom of Information Act (VFOIA), [Va. Code §§ 2.2-3700—3715](#). This includes provisions on allowing all-virtual meetings, circumstances under which an all-virtual meeting will be allowed, and requests for remote participation by individual members of the Board. This policy shall also apply uniformly and with equal force to smaller entities or subcommittees created by the CSB Board to perform designated functions or advise the public body. Such entities are not permitted to adopt an additional all-virtual and remote participation meeting policy. (§ [2.2-3708.3\(D\)](#))

### Definitions

1. **“CSB Board”** means the Fairfax – Falls Church Community Services Board and its standing and Ad Hoc committees.
2. **“Member”** means any member of the CSB Board.
3. **“Remote participation”, “remotely participate,” or “participate remotely”** means participation by a member of the CSB Board via telephonic, video, or other audio or combined audio and video electronic communication method where the member is not physically assembled with the other members of the CSB Board.
4. **“Meeting”** means a meeting as defined by Va. Code [§ 2.2-3701](#).
5. **“Notify” or “notifies,”** for purposes of this policy, means actual notice, including, but not limited to, email, text, telephone, or in-person notice.
6. **“State of Emergency Electronic Meeting”** is a meeting where all members attend electronically because it has been declared unsafe to meet in person due to a state of emergency as declared by the Governor or the Board of Supervisors.
7. **“All Virtual Meeting”** is a setting where all members attend electronically.
8. **“Remote Participation Meetings”** allow some members to participate remotely via

telephone or video conferencing services when a quorum is physically assembled.

9. **“Subcommittees”** are committees composed of some board members, and this policy includes any entity created by the public body to perform designated functions or advise the public body.

#### General Virtual Meetings Standards

The following requirements must be met for all virtual meetings, remote access meetings, and state-of-emergency meetings uniformly:

1. Meeting Notice

The Notice for the meeting must indicate whether the meeting is all-virtual or in-person and must be provided at least three (3) business days in advance. (The only exception to three (3) days’ notice is that of a State of Emergency, in which case the notice must be provided as soon as reasonably possible according to [§ 2.2-3708.2](#) and [§ 2.2-3707\(D\)](#))

2. The public must be provided access via electronic communication means. The Meeting Notice must also include details as to how the public will electronically access the meeting. ([§ 2.2-3707\(C\)](#) and [2.2-3708.3\(C\)](#))

3. Once the meeting has been posted to the public, the method shall not be changed, whether in-person or all-virtual. ([§ 2.2-3708.3\(C\)](#))

4. The public will be allowed to comment during electronic meetings, including written comments.

5. No more than two members of the CSB Board may be together in one location unless that location is open to the public.

6. The CSB Board must resume the transmission of the public meeting to certify a closed session.

7. Duty to Maintain Public Access to Virtual Meetings

To maintain public access, all board members present must be audible, and when video technology is utilized, they must be visible. Additionally, live contact information for the Board Clerk or some other member of the Board in attendance, including the phone number and email, must be provided to alert the Board if the electronic transmission fails for the public in attendance. If the transmission fails, the Board Meeting must recess until public access is restored. ([2.2-3708.3\(C\)\(4\)](#))

8. Virtual Meeting Agenda & Minutes

Agenda and minutes are always required to be made available for public inspection for virtual meetings; Agenda should be made available for public inspection at the time it is

provided to the CSB Board. ([§ 2.2-3707\(F\)](#)) Within seven days of approval, meeting minutes should be posted to the public body's webpage, in a prominent location, or at the office of the clerk or chief administrator of the public body. Minutes for virtual meetings must include the following:

- A) The fact that the meeting was held electronically.
- B) The type of electronic communication means.
- C) Requested exceptions, if applicable, as defined below under each virtual meeting type, whether permitted or denied, which include:
  - i. The nature of the emergency makes it unsafe to assemble in person.
  - ii. The names and reasons for individual members requesting to participate remotely when a quorum is scheduled to assemble physically, including whether or not their request is permitted or denied.
  - iii. The nature of the emergency making it unsafe for an in-person quorum to assemble

#### State of Emergency Electronic Meetings

As a written policy is not required to mandate this type of virtual meeting, this policy is not intended to govern or limit the circumstances under which a State of Emergency Electronic Meeting is held. There is no limit to the number of times that the CSB Board may meet virtually where the entire quorum is present electronically due to a state of emergency when at least one of the two conditions below is met:

- A) An emergency which makes it impracticable or unsafe to assemble a quorum of the public body in person has transpired.
- B) Or a State of Emergency has been declared by either the Governor or the Board of Supervisors.

#### Remote Participation in State of Emergency Electronic Meetings

Individual members of the board do not need to request to participate remotely under these circumstances. However, during a state of emergency, when a quorum of the public body is physically assembled, individual members will need to request permission to participate electronically in accordance with the Remote Participation Policy below.

#### All Virtual Meetings

A maximum of 2 or 25% (whichever is greater, rounded to the nearest whole number) of the meetings per year may be scheduled to be held virtually, and these may not be consecutive. ([§ 2.2-3708.3\(C\)\(9\)](#)) The quorum must assemble virtually, and no more than two members may be together in any remote location unless that location is open to the public. ([§ 2.2-3708.3\(C\)\(7\)](#)) Individual members do not need to request to attend an all-virtual meeting electronically.

All-Virtual Meetings for Subcommittees and Ad-HOC Committees: The meeting limit above applies to each subcommittee uniformly. Thus, if a committee meets every other month, six (6) times per year, they are permitted to schedule two (2) All-Virtual Meetings per annum. Whereas, if the Full Board meets ten (10) times annually, they will be allowed three (3) virtual meetings annually.

#### Remote Participation Meetings

When a quorum of the CSB Board is physically assembled, a member of the CSB Board may request to attend and participate in the meeting electronically. The request must be made in writing and fall under one of the following four reasons:

- (I) 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, thereby preventing the member's physical attendance.
- (III) a personal matter and identifies with specificity the nature of the personal matter; or
- (IV) the member's residence is more than 60 miles from the meeting location.

The following conditions must be met for a member of the CSB Board to participate in a CSB Board meeting remotely:

1. A quorum of the CSB Board must be physically assembled at the primary or central meeting location; and
2. Arrangements have been made for the voice of the remotely participating member to be heard by all persons at the primary or central meeting location. If at any point during the meeting, the voice of the remotely participating member is no longer able to be heard by all persons at the meeting location, the following procedures are to be followed:
  - a) The meeting should recess until the audibility is restored.
  - b) If audibility cannot be restored, the remotely participating member shall no longer be permitted to participate remotely.

#### Remote Participation Excuse Requirements and Limits

**Personal Matter Excuse:** If the requesting member is unable to physically attend the meeting due to a personal matter, the requesting member must state with specificity the nature of the personal matter to be recorded in the board meeting minutes. Remote participation due to a personal matter is limited to two meetings per calendar year.

**Temporary or Permanent Disability Excuse:** The requesting member is not obligated to provide independent verification regarding the temporary or permanent disability or other medical condition that prevents their attendance at the meeting. There is no limit to the number of

times a member may participate remotely due to a temporary or permanent disability or other medical condition.

**Temporary or Permanent Disability of a Family Member:** If a family member has a medical condition, temporary or permanent disability, that requires the board member to provide care, the requesting member is not obligated to provide independent verification regarding the condition that prevents their physical attendance at the meeting. There is no limit to the number of meetings per year that one may request to attend virtually due to the medical condition, or temporary or permanent disability of a family member that requires the member to provide care.

#### Process to Request Remote Participation

1. On or before the day of the meeting, and at any point before the meeting begins, the requesting member must notify the CSB Board Chair (or the Vice-Chair if the requesting member is the Chair) and the Committee Chair, as appropriate, that they are unable to physically attend a meeting due to: (I) a temporary or permanent disability or other medical condition that prevents the member's physical attendance; (II) a family member's medical condition that requires the member to provide care, thereby preventing the member's physical attendance; (III) a personal matter and identifies with specificity the nature of the personal matter; or (IV) the members residence is more than 60 miles from the meeting location.
2. The requesting member shall also notify the Executive Director or designee of the CSB providing staff service to the CSB Board of their request, but their failure to do so shall not affect their ability to participate remotely. The Board will maintain a record of such requests.
3. The Chair (or the Vice-Chair if the requesting member is the Chair) shall promptly notify the requesting member whether their request complies with this policy and therefore approved or disapproved.

#### Process to Confirm Approval or Disapproval of Participation from a Remote Location

When a quorum of the CSB Board has assembled for the meeting, the Board shall vote to determine whether:

- A. The Chair's decision to approve or disapprove the requesting member's request to participate from a remote location was in conformance with this policy; and
- B. The voice of the remotely participating member can be heard by all persons at the primary or central meeting location.

#### Recording Remote Participation in Minutes

If the member is approved to participate remotely, the CSB Board shall record the member(s) requesting to participate, the reason for remote participation, and a general description of the

member's location. However, in the case of a personal matter, the member shall record the nature of the matter with specificity.

Any disapproval of remote participation must also be recorded, including the specific grounds upon which the requested participation violates this policy or VFOIA.

Closed Sessions with Remote Participants

If the CSB Board goes into closed session, the member participating remotely shall ensure that no third party is able to hear or otherwise observe the closed meeting.

Strict and Uniform Application of This Policy

This 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.

Approved:  E359E4B8CE444A2  
CSB Board Secretary 02/27/2023 | 15:22:47 EST  
Date

References:

[Va. Code § 2.2-3708.2](#)

Virginia Freedom of Information Act (VFOIA), [Va. Code §§ 2.2-3700](#)—3715

[Va. Code § 2.2-3708.2\(A\)\(3\)](#)

Policy Adopted: