9/5/2024

Proposed CCFAC Bylaws Amendment to Policy for the Remote Participation of Members (by Marlene Blum)

Remove:
Section VII. Remote Participation in Meetings Due to Emergency, Personal Matter, Disability, and/or Distance from Meeting Location.
(See Attached)

Replace With:
Attachment 2- The Consolidated Community Funding Committee Policy for the Remote Participation of Members
(See Attached)

Section VII. Remote Participation in Meetings Due to Emergency, Personal Matter, Disability, and/or Distance from Meeting Location

A. A member of the CCFAC may participate in a scheduled monthly meeting governed by these by-laws through electronic communication from a remote location that is not open to the public only as follows and subject to the requirements of this policy:

1. If, on or before the day of a meeting, a member of the CCFAC notifies the CCFAC Chairman and/or the CCFAC staff coordinator that such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter, and the CCFAC records in its minutes the specific nature of the personal matter and the remote location from which the member participated. If a member's participation from a remote location is disapproved because such participation would violate the conditions outlined in subsection B, such disapproval shall be recorded in the minutes with specificity.

   Remote participation by individual CCFAC members shall be limited each calendar year to two meetings.

   2. If a member of the CCFAC notifies the Chairman of the CCFAC and/or the CCFAC staff coordinator that such member is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance and the CCFAC records this fact and the remote location from which the member participated in its minutes; or

   3. If, on the day of a meeting, a member of the CCFAC notifies the CCFAC Chairman and/or the CCFAC staff coordinator that such member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting and the CCFAC records in its minutes the remote location from which the member participated. If a member's participation from a remote location is disapproved because such participation would violate the conditions outlined in subsection B, such disapproval shall be recorded in the minutes with specificity; and

B. Participation by a member of the CCFAC, as authorized by subsection A, shall be only under the following conditions:

   1. A quorum of the CCFAC is physically assembled at the primary or central meeting location; and

   2. The CCFAC is able to make arrangements for the voice of the remote member to be heard by all persons at the primary or central meeting location.

C. This policy shall be applied strictly and uniformly, without exception, to the entire membership of the CCFAC 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.

THE CONSOLIDATED COMMUNITY FUNDING COMMITTEE POLICY FOR THE REMOTE PARTICIPATION OF MEMBERS

1. AUTHORITY AND SCOPE

a. This policy is adopted pursuant to the authorization of Va. Code § 2.2-3708.3 and is to be strictly construed in conformance with the Virginia Freedom of Information Act (VFOIA), Va. Code §§ 2.2-3700—3715.

b. This policy shall not govern an electronic meeting conducted to address a state of emergency declared by the Governor or the Fairfax County Board of Supervisors. Any meeting conducted by electronic communication means under such circumstances shall be governed by the provisions of Va. Code § 2.2-3708.2. This policy also does not apply to an all-virtual public meeting.

c. This policy must be reviewed and readopted annually. Va. Code § 2.2-3708.3(D).

d. This policy does not prohibit or restrict any individual member of a public body who is lawfully either participating in an all-virtual meeting or who is using remote participation from voting on matters before the public body. See Va. Code § 2.2-3708.3(D).

2. DEFINITIONS

a. **CCFAC** means the Fairfax County Consolidated Community Advisory Funding Committee or any committee, subcommittee, or other entity of the CCFAC.

b. "**Member**" means any member of the CCFAC

c. "**Remote participation**" means participation by an individual member of the CCFAC by electronic communication means in a public meeting where a quorum of the CCFAC is physically assembled, as defined by Va. Code § 2.2-3701.

d. "**Meeting**" means a meeting as defined by Va. Code § 2.2-3701.

e. "**Notify**" or "**notifies**" for purposes of this policy, means written notice, such as email or letter. Notice does not include text messages or communications via social media.

f. **"Person with a disability"** means a person who has a physical or mental impairment that substantially limits one or more of his major life activities or who has a record of such impairment.;

g. **"Caregiver"** means an adult related by blood, marriage, or adoption or the legally appointed guardian of the person with a disability for whom he is caring.

3. MANDATORY REQUIREMENTS

Regardless of the reasons why the member is participating in a meeting from a remote location by electronic communication means, the following conditions must be met for the member to participate remotely:

a) A quorum of the CCFAC must be physically assembled at the primary or central meeting location;

b) For purposes of determining whether a quorum is physically assembled, an individual member of a public body who is either a person with a disability or who must act as a caregiver at the time of the meeting for a person with a disability, and is thus prevented from physically attending the meeting and who thus uses remote participation, will count toward the quorum as if the individual was physically present;

c) 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 remotely participating member shall no longer be permitted to participate remotely; and

d) A statutorily conforming policy must be adopted by this CCFAC at least once annually.

4. PROCESS TO REQUEST REMOTE PARTICIPATION

a. On or before the day of the meeting, and at any point before the meeting begins, the requesting member must notify the CCFAC Chair (or the Vice-Chair if the requesting member is the Chair) 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 for such family member, thereby preventing the member's physical attendance, (iii) their principal residence location more than 60 miles from the meeting location, or (iv) a personal matter and identifies with specificity the nature of the personal matter.

b. The requesting member shall also notify the CCFAC staff liaison of their request, but their failure to do so shall not affect their ability to remotely participate.

c. 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. Remote participation due to a personal matter is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. There is no limit to the number of times that a member may participate remotely for the other authorized purposes listed in 4(a)(i)—(iii) above.

d. The requesting member is not obligated to provide independent verification regarding the reason for their nonattendance, including the temporary or permanent disability or other medical condition or the family member's disability or medical condition that prevents their physical attendance at the meeting.

e. For purposes of establishing a quorum of the CCFAC, the requesting member shall verify whether the requesting member is requesting remote participation due to his disability or need to act as caregiver for a person with a disability, pursuant to 3(b) above; and

f. The Chair (or the Vice-Chair if the requesting member is the Chair) shall promptly notify the requesting member whether their request is in conformance with this policy, and therefore approved or disapproved.

5. PROCESS TO CONFIRM APPROVAL OR DISAPPROVAL OF PARTICIPATION FROM A REMOTE LOCATION

When a quorum of the CCFAC has assembled for the meeting, the CCFAC 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.

6. RECORDING IN MINUTES:

a. If the member is allowed to participate remotely due to a temporary or permanent disability or other medical condition, a family member's medical condition that requires the member to provide care to the family member, or because their principal residence is located more than 60 miles from the meeting location the CCFAC shall record in its minutes (1) the CCFAC's approval of the member's remote participation; and (2) a general description of the remote location from which the member participated.

b. If the member is allowed to participate remotely due to a personal matter, such matter shall be cited in the minutes with specificity, as well as how many times the member has attended remotely due to a personal matter, and a general description of the remote location from which the member participated.

c. If a member's request to participate remotely is disapproved, the disapproval, including the grounds upon which the requested participation violates this policy or VFOIA, shall be recorded in the minutes with specificity.

7. CLOSED SESSION

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

8. 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.

The Chair (or Vice-Chair) shall maintain the member's written request to participate remotely and the written response for a period of one year, or other such time required by records retention laws, regulations, and policies.