

FAIRFAX COUNTY TREE COMMISSION
POLICY FOR PARTICIPATION IN MEETINGS BY ELECTRONIC
COMMUNICATION

Adopted July 21, 2022

1. **AUTHORITY AND SCOPE.**

a. 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.

b. This policy shall not govern an electronic meeting conducted to address a state of emergency declared by the Governor. Any meeting conducted by electronic communication means under such circumstances shall be governed by the provisions of Va. Code § 2.2-3708.2(A)(3).

2. **DEFINITIONS.**

a. “**Commission**” means the Fairfax County Tree Commission.

b. “**Member**” means any member of the Tree Commission.

c. “**Remote participation**”, “**remotely participate**”, or “**participate remotely**” mean participation by a member of the Commission 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 Commission.

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

e. “**Notify**” or “**notifies**,” for purposes of this policy, means actual notice, including, but not limited to, email, text, telephone, or in-person notice.

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 Commission must be physically assembled at the primary or central meeting location; and

b. 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.

4. **PROCESS TO REQUEST REMOTE PARTICPATION**

a. On or before the day of the meeting, and at any point before the meeting begins, the requesting member must notify the Commission Chair (or the Vice-Chair if the requesting member is the Chair) that they are unable to physically attend a meeting due to a personal matter or a temporary or permanent disability or other medical condition that prevents their physical attendance at the meeting.

b. The requesting member shall also notify the County 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 to two times per calendar year. There is no limit to the number of times that a member may participate remotely due to a temporary or permanent disability or other medical condition.

d. The requesting member is not obligated to provide independent verification regarding the reason that they are not able to physically attend the meeting.

e. The Chair (or the Vice-Chair or other designee) 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 Commission has assembled for the meeting, the Commision shall vote to determine whether:

a. The Chair's (or their designee'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, the Commission shall record in its minutes (1) the Commission's approval of the member's remote participation; and (2) 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 whether this is the first or second meeting of the calendar year in which the member has participated remotely due to a personal matter, and 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 Commission 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.