



## **Economic Development Authority of Albemarle County, Virginia**

### **REMOTE PARTICIPATION POLICY**

- 1) **Remote Electronic Participation for Individual Directors.** Except as provided elsewhere in this policy, individual directors may use remote participation instead of attending a public meeting in person only pursuant to and in compliance with *Virginia Code* § 2.2-3708.3(B). Future amendments to the statutory provisions related to participation in public meetings by remote electronic means are hereby incorporated *mutatis mutandis* without requiring formal action by this Authority, unless otherwise required by Virginia law.
  - a) **Situations Permitting Individual Director's Remote Participation.** An individual director of this Authority may use remote participation instead of attending a public meeting in person only if the director can participate without endangering person or property (i.e., while driving) and notifies the Chair before the meeting that
    - i) the director has a temporary or permanent disability or other medical condition that prevents the director's physical attendance;
    - ii) a medical condition of a director or of a director's family member requires the director to provide care that prevents the director's physical attendance;
    - iii) the director's principal residence is more than 60 miles from the meeting location identified in the notice for such meeting; or
    - iv) the director is unable to attend due to a personal matter, such as a family event or business commitment, and identifies with specificity the nature of the personal matter.
  - b) **Limitation on Remote Participation Due to Personal Matters.** No director may use remote participation due to personal matters more than two meetings per calendar year or 25 percent of the EDA's meetings held per calendar year rounded up to the next whole number, whichever is greater. There is no limit to the number of times a director may participate remotely for any other authorized purpose under this policy or the All-Virtual Meeting policy.
  - c) **When the Chair Requests to Participate Electronically.** If the Chair is unable to attend a meeting and seeks to participate through electronic communication means from a remote location, the Chair must notify the Vice-Chair or other presiding officer and should notify the Assistant Secretary before the meeting.

- d) **Quorum Must Be Physically Assembled; Approval of Director's Remote Participation; Disapproval.** A quorum of the EDA must be physically assembled at the location included in the meeting notice. EDA directors present must approve the remote participation by majority vote. The decision must be based solely on the criteria in Section 1 above without regard to the director's identity or matters that will be considered or voted on during the meeting. If the EDA approves a director's participation through electronic communication, the Secretary must record in the minutes the remote location from which the director participated. However, the remote location need not be open to the public and may be identified in the minutes by a general description. If the EDA approves a director's remote participation, the minutes must identify the subsection of Section 1 under which the director participated. If participation is approved for a Personal Matter, the minutes must identify the specific nature of the personal matter cited by the director. If the EDA disapproves a director's remote participation because such participation would violate this policy, such disapproval must be recorded in the minutes with specificity.
- e) **Audibility of Absent Director.** The Chair, designee, or other presiding officer shall arrange for the voice of the remote director to be heard by all persons in attendance at the meeting location. If, for any reason, the voice of the absent director cannot reasonably be heard, the meeting may continue without the participation of the absent director.
- f) **Remote Participation Not an Absence.** A director's remote participation, if approved, is not considered an absence.
- g) **Independent Verification.** The reason for a director's remote participation and consideration of approval thereof is not subject to independent verification.
- h) **Remote Participation in Closed Session.** A director participating remotely in a closed session must do so under circumstances that assure the privacy and confidentiality of the closed session.
- i) **Annual Adoption.** Before the EDA allows any director to use remote participation under this policy, the EDA must at least annually readopt this policy or adopt an amended version thereof, by recorded vote at a public meeting.

(Virginia Code § 2.2-3708.2 and § 2.2-3708.3)

[Adopted September 20, 2022; Amended and Readopted \_\_\_\_, 2024]