



Economic Development Authority of Albemarle County, Virginia

ALL VIRTUAL MEETING POLICY

- 1) **All-Virtual Public Meetings.** Except during a declared emergency or under a local continuity of government ordinance the EDA may hold all-virtual public meetings only pursuant to and in compliance with *Virginia Code* § 2.2-3708.3(C), which requirements are incorporated herein by reference. Future amendments to the statutory provisions related to the holding of all-virtual public meetings pursuant to this policy are hereby incorporated *mutatis mutandis* without requiring formal action by the EDA, unless otherwise required by Virginia law.
 - a) **Limitation on All-Virtual Public Meetings.** The EDA may not convene an all-virtual public meeting (i) more than two times per calendar year or 50 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, or (ii) consecutively with another all-virtual public meeting.
 - b) **Reasons for All-Virtual Public Meetings.** The EDA may only convene an all-virtual public meeting for a Special Meeting of the EDA or under emergency or dire circumstances, such as extreme weather, not occurring under a state or locally declared state of emergency or disaster or when a continuity of government ordinance is in effect.
 - c) **Procedures for Conducting All-Virtual Public Meetings.** The EDA may only conduct an all-virtual public meeting if it complies with the following:
 - i) the meeting notice required by *Virginia Code* § 2.2-3707 includes a statement that the method by which the meeting will be held will not be changed unless the EDA provides a new meeting notice in accordance with *Virginia Code* § 2.2-3707;
 - ii) public access to the all-virtual public meeting is provided by way of electronic communication means;
 - iii) the electronic communications means used allows the public to hear all directors participating in the all-virtual public meeting, and, when audio-visual technology is available, to see the directors as well;
 - iv) when audio-visual technology is available, a director shall, for purposes of a quorum, be considered absent from any portion of the meeting during which visual communication with the director is voluntarily disconnected or otherwise fails or during which audio communication involuntarily fails;
 - v) a phone number or other live contact information is provided to alert the EDA if its audio or video transmission fails, the EDA monitors such designated means of communication during the meeting, and the EDA recesses the meeting until public

- access is restored if the transmission fails for the public;
- vi) a copy of the proposed agenda and all agenda packets and, unless exempt, all material furnished to the EDA directors for a meeting is made available to the public in electronic format at the same time that such materials are provided to the EDA directors;
 - vii) the public is afforded the opportunity to comment through electronic means, including by way of written comments, at those public meetings when public comment is customarily received;
 - viii) no more than two EDA directors are together in any one remote location unless that remote location is open to and physically accessible by the public;
 - ix) if a closed session occurs during an all-virtual public meeting, the directors participate under circumstances that assure the privacy and confidentiality of the session;
 - x) if a closed session occurs during an all-virtual public meeting, the EDA resumes transmission to the public before it votes to certify the closed meeting;
 - xi) The EDA does not convene an all-virtual public meeting (i) more than twice per calendar year or 50 percent of the meetings held per calendar year rounded to the next whole number, whichever is greater, or (ii) consecutively with another all-virtual public meeting; and
 - xii) minutes of all-virtual public meetings held by electronic communication must be taken according to law and must include the fact that the meeting was held by electronic communication means and must describe the type of electronic communication means used to hold the meeting. If a director's participation from a remote location is disapproved because such participation would violate the remote participation policy, such disapproval must be recorded in the minutes with specificity.

- 2) **During a Declared Emergency or When a Continuity of Government Ordinance is in Effect.** The EDA may meet by electronic communication means without a quorum physically assembled at one location when a state of emergency is declared pursuant to *Virginia Code* § 44-146.17 or a local emergency is declared pursuant to *Virginia Code* § 44-246.21, subject to the provisions and requirements of *Virginia Code* § 2.2-3708.2. The EDA also may meet by electronic communication means when an ordinance adopted pursuant to *Virginia Code* § 15.2-1413 to ensure the continuity of County government is in effect.
- 3) Before the EDA uses all-virtual public meetings as described in this policy, it 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]