

Town of Louisa, Virginia
Town Council Policy Governing Remote (Electronic) Meeting Participation and
Meetings Held Solely Through Electronic Means

Virginia Code §§ 2.2-3708.2 and 2.2-3708.3 allow Council members to participate in a Council meeting electronically provided certain conditions are met. State law requires that the Council adopt a written policy before members can do so and requires such policy to be adopted at least once annually. This policy also applies to any committee created by the Council to advise it. Policy Governing Remote (Electronic) Meeting Participation and Meetings Held Solely Through Electronic Means of the Louisa Town Council ("Council") shall be as follows:

A. Remote Participation by Council Members When Quorum Physically Assembled

1. Personal Matter. A member of the Council may participate in a meeting through electronic communication from a remote location that is not open the public due to a personal matter if:

- a. On or before the day of the meeting, the member notifies the Mayor that such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter.
- b. A quorum of the Council is physically present at the location of the meeting, and a majority of the quorum votes by motion to approve the electronic participation. The motion to approve the participation shall include the specific nature of the personal matter and the remote location from which the member is participating. The motion and the vote shall be included in the minutes of the meeting.
- c. If the motion is denied because it would otherwise violate this policy, the motion and vote shall also be included in the minutes of the meeting.
- d. Such participation by any member shall be 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.

2. Disability or Medical Condition. A member may participate in a meeting through electronic communication due to (i) a temporary or permanent disability or other medical condition that prevents the member from attending the meeting or (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's attendance, or the member is a caregiver who must provide care for a person with a disability at the time the public meeting is being held thereby preventing the member's physical attendance. if:

- a. The member notifies the Mayor prior to the meeting that the member is unable to attend the meeting due to a temporary or permanent disability or other medical condition that

prevents the member's physical attendance. The specific nature of the disability or medical condition does not have to be disclosed.

- b. A quorum of the Council is physically present at the location of the meeting, and a majority of the quorum votes by motion to approve the electronic participation. However, for purposes of determining whether a quorum is physically assembled, an individual member of the Council who is a person with a disability as defined in Virginia Code § 51.5-40.1 and uses remote participation, and an individual member of the Council who is a caregiver for a person with a disability and uses remote participation, count toward the quorum as if the individual was physically present. The motion to approve the participation shall include the fact that there is a temporary or permanent physical or other medical condition or a family member's medical condition requiring the member's care that prevents the member from attending and the remote location from which the member is participating. The motion and vote shall be recorded in the minutes of the meeting.
- c. If the motion is denied because it would otherwise violate this policy, the motion and vote shall also be recorded in the minutes of the meeting.
- d. Participation under this provision is not limited to a certain number of times per year.
- e. "Caregiver" means an adult who provides care for a person with a disability as defined in Virginia Code § 51.5-40.1. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the person with a disability for whom he is caring.

B. State of Emergency Declared: Meetings Without Quorum Physically Assembled

Pursuant to Virginia Code § 2.2-3708.2, the Council may meet by electronic communication means without a quorum physically assembled at one location when the Governor has declared a state of emergency pursuant to Virginia Code § 44-146.17 or the Town has declared a local state of emergency pursuant to Virginia Code § 44-146.21, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is provide for the continuity of operations of the Council or the discharge of the Council's lawful purposes, duties, and responsibilities. In so convening a public meeting, the Council shall:

- 1. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to Council members;
- 2. Make arrangements for public access to such meeting through electronic communication means, including videoconferencing; and
- 3. Provide the public with the opportunity to comment at such meeting when public comment is customarily received by the Council. In such instance, the Council shall make

arrangements for the voice of the remote participant to be heard by all persons present at the meeting location.

4. The nature of the emergency, the fact that the meeting was held by electronic means, and the type of electronic communications means by which the meeting was held shall be stated in the minutes.

Strict Application. This policy governing Louisa Town Council meetings held through electronic communications and member remote participation by electronic means 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.

This policy was adopted by the Louisa Town Council at its regular meeting on _____, 2025 and became effective immediately upon adoption.

By:

Vice-Mayor (Acting Mayor) Vicky Harte

Attest:

Craig Buckley, Clerk to Town Council