



## NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

### MEMORANDUM

**TO:** Chairman Martin E. Nohe and Members  
Northern Virginia Transportation Authority

**FROM:** Monica Backmon, Executive Director

**SUBJECT:** Policy on Electronic Participation in NVTa Meetings

**DATE:** June 2, 2016

---

1. **Purpose.** To seek Northern Virginia Transportation Authority (NVTa) adoption of the policy on electronic participation in NVTa meetings.
2. **Suggested Motion:** *I move adoption of the Policy Governing Electronic Participation in NVTa meetings.*
3. **Background.**
  - a. Under certain circumstances, § 2.2-3708.1 Va. Code Ann. allows for the provision of electronic participation in the meetings of state governing bodies under the Freedom of Information Act. The Authority has three members of the General Assembly that are usually unable to attend NVTa meetings from January through March due to the General Assembly being in session. Also, there may be extenuating circumstances in which an Authority member may not be able to physically attend an Authority meeting, but would like to call in to be abreast of issues on the agenda.
  - b. The NVTa Bylaws state that “ in the event the Authority adopts a written policy permitting a member to participate in meetings through electronic means in accordance with § 2.2-3708.1 Va. Code Ann., members may be allowed to participate in meetings through electronic means from remote locations in accordance with the Authority’s policy and all applicable laws.”
  - c. The Governance and Personnel Committee provided guidance on the development of the policy and recommended adoption by the Authority.

**Attachment:** NVTa Policy Governing Electronic Participation in Meetings

## **NORTHERN VIRGINIA TRANSPORTATION AUTHORITY**

### **Policy Number 18 – Electronic Participation in Meetings**

- I. Purpose.** The purpose of this policy is to provide governance for member electronic participation in Northern Virginia Transportation Authority (NVTa) meetings.
- II. General.** Occasions may arise when a member of the Authority is unable to be physically present at the meeting. Under certain circumstances, Virginia law permits members to participate in meetings through electronic means such as telephone and video conferencing. The law limits the instances in which this may occur, prescribes procedures that must be followed when a member participates in a meeting through electronic means, and requires that a written policy governing such participation be adopted. This Policy, as hereafter set forth, sets forth the instances when a member may participate in a meeting electronically and the procedures that apply.
- III. Circumstances When Electronic Participation Is Permitted**
- A.** An NVTa member may participate in a meeting through electronic means from a remote location not open to the public under the following circumstances:
1. A member shall notify the chair on or before the day of the meeting that such member is unable to attend the meeting due to an emergency or personal matter, and shall identify with specificity the nature of the emergency or personal matter.
    - a. The Authority shall record in its minutes the specific nature of the emergency or personal matter and the remote location from which the member participated. If the member's participation from a remote location is disapproved because such participation would violate the provisions of this Policy, such disapproval shall be recorded in the minutes.
    - b. Such participation by the member shall be limited each calendar year to two meetings or 25 percent of the meetings of the Authority, whichever is fewer.
  2. A member may notify the chair 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. The Authority shall record this fact and the remote location from which the member participated in its minutes.

### **IV. Procedural Requirements**

- A.** Participation by a member of the Authority as authorized above shall be only under the following conditions:
1. A quorum of the Authority is physically assembled at the primary or central meeting location.
  2. The Authority makes arrangements for the voice of the member who is participating remotely to be heard by all persons at the primary or central meeting location.

3. This Policy shall be applied strictly and uniformly, without exception, to all members and without regard to the identity of the member requesting to participate remotely or the matters that will be considered or voted on at the meeting.

DRAFT