

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

MEMORANDUM

TO: Chair Phyllis J. Randall and Members
Northern Virginia Transportation Authority

FROM: Michael Longhi, CFO

DATE: June 3, 2021

SUBJECT: Update to Policy 26 – Electronic Participation in Meetings

1. **Purpose:** The Northern Virginia Transportation Authority (NVTA) policy related to electronic participation in meetings requires updating due to changes to the Code of Virginia approved by the 2021 General Assembly.
2. **Suggested Motion:** *I move Authority adoption of the changes to Policy 26 – Electronic Participation in Meetings, as delineated in the attached draft, to be effective July 1, 2021.*
3. **Background:** The 2021 General Assembly approved changes to the Code of Virginia related to electronic participation in meetings. The following is a recap of the attached draft policy:
 - a. A physically assembled quorum is required, at the advertised location, for action to be taken at any Authority or Committee meeting.
 - b. The policy applies to participation at Authority and Committee meetings with each meeting type tracked separately.
 - c. Requests to attend electronically must be made by notifying the Authority or Committee Chair on or before the day of the meeting, and;
 - i. Provide the reason for the request, either III. A. 1 or 2.
 - ii. Provide the remote location from which the Member will attend electronically.
 - d. The Member(s) attending virtually will be noted at the Roll Call, with the reason for electronic participation and the location from which the Member is participating.
 - e. If a request for electronic participation is denied, the disapproval will be noted in the meeting minutes.
 - f. Member electronic participation under III. A. 1. Emergency or Personal Matter, is limited to 2 meetings or 25% of the total meetings in a calendar year, with Authority and each Committee meeting counted separately.

Coordination: Council of Counsels

Attachment: Draft: Policy 26 – Electronic Participation in Meetings

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

Policy Number 26 – Electronic Participation in Meetings

- I. Purpose.** The purpose of this policy is to provide governance for Authority Member electronic participation in Northern Virginia Transportation Authority (NVRTA) meetings and meetings of Authority Committee²s (meeting).
- II. General.** Occasions may arise when an Authority Member (member) is unable to be physically present at a 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 NVRTA member may participate in a meeting through electronic means from a remote location not open to the public under the following circumstances:
1. **In event of an emergency or personal matter:** 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 and committee meetings [held per calendar year rounded up to the next whole number, whichever is greater, whichever is fewer.](#)
 - c. The electronic participation at Authority meetings and meetings of each committee (since a member may serve on more than one committee) during the calendar year, shall be counted separately.
 2. **In event of a temporary or permanent disability or other medical condition:** A member shall notify the chair that such member is unable to attend a meeting due to [\(a\) a temporary or permanent disability or other medical condition that prevents the member's physical attendance or \(b\) a family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance.](#) The Authority shall record this fact and the remote location from which the member participated in its minutes.

2.3. The chair noted above is the Authority Chair for meetings of the Authority or committee chair for a meeting of an Authority committee.

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 ~~P~~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.

Approved by Northern Virginia Transportation Authority: June 9, 2016

Amended: January 12, 2017

Amended: June 14, 2021; Effective July 1, 2021