RESOLUTION No. 12-2020

A RESOLUTION TO AMEND THE FLUVANNA COUNTY BOARD OF SUPERVISORS BYLAWS AND RULES OF PRACTICE AND PROCEDURES TO ADD SECTION XXVIII MEETINGS CONDUCTED THROUGH TELEPHONIC, VIDEO, ELECTRONIC OR OTHER ELECTRONIC COMMUNICATION

At a regular meeting of the Board of Supervisors of Fluvanna County held in the Fluvanna County Courts Building at 7:00 PM on Wednesday, March 18, 2020, at which the following members were present, the following resolution was adopted by a majority of all members of the Board of Supervisors, the vote being recorded in the minutes of the meeting as shown below:

WHEREAS, the Fluvanna County Board of Supervisors previously adopted those “Fluvanna County Board of Supervisors Bylaws and Rules of Practices and Procedures” on January 8, 2020 (the “Bylaws”);

WHEREAS, the Fluvanna County Board of Supervisors wishes to add Section XXVIII entitled “Meetings Conducted Through Telephonic, Video, Electronic or Other Electronic Communication”, the language of which is attached hereto, as permitted by the Code of Virginia Sections 15.2-1415, 2.2-3707 and 2.2-3708.2;

NOW, THEREFORE BE IT RESOLVED that the Fluvanna County Board of Supervisors hereby adopts as an addition to the Bylaws that Section XXVIII entitled “Meetings Conducted Through Telephonic, Video, Electronic or Other Electronic Communication” the language of which is attached hereto.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Board of Supervisors at a regular meeting of the Board held on the 18th day of March, 2020, by the following vote:

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<td>Mozell H. Booker, Fork Union District</td>
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<td>Patricia B. Eager, Palmyra District</td>
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<td>Anthony P. O’Brien, Rivanna District</td>
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<td>John M. Sheridan, Columbia District</td>
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<td>Donald W. Weaver, Cunningham District</td>
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Attest:

John M. Sheridan, Chair
Fluvanna County Board of Supervisors
SECTION XXVIII. MEETINGS CONDUCTED THROUGH TELEPHONIC, VIDEO, ELECTRONIC OR OTHER ELECTRONIC COMMUNICATION

A. No meeting shall be conducted through telephonic, video, electronic or other electronic communication means where the members are not physically assembled to discuss or transact public business, except as provided in the Code of Virginia Section 2.2-3708.2 or otherwise specifically allowed by the Code of Virginia.

B. Meetings may be conducted through telephonic, video, electronic or other electronic communication means where the members are not physically assembled to discuss or transact public business as provided in the Code of Virginia Section 2.2-3708.2, as such section may be amended, modified or replaced.

C. Subject to the requirements of subsection F below, the Board of Supervisors may conduct any meeting wherein the public business is discussed or transacted through electronic communication means if, on or before the day of a meeting, a member of the Board of Supervisors notifies the Chair that:

   i. Such 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; or

   ii. Such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. Participation by a member pursuant to this subdivision (ii) is limited each calendar year to two meetings.

D. If participation by a member through electronic communication means is approved pursuant to subsection C above, the Clerk of the Board of Supervisors shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public. If participation is approved pursuant to subdivision C(i) a, the Clerk of the Board of Supervisors shall also include in its minutes the fact that the member participated through electronic communication means due to a temporary or permanent disability or other medical condition that prevented the member's physical attendance. If participation is approved pursuant to subdivision C(ii), the Clerk of the Board of Supervisors shall also include in its minutes the specific nature of the personal matter cited by the member.

E. If a member's participation from a remote location pursuant to subdivision C(ii) is disapproved because such participation would violate the policy adopted pursuant to subsection F below, such disapproval shall be recorded in the minutes with specificity.

F. Participation by a member of the Board of Supervisors in a meeting through electronic communication means pursuant to subdivisions C(i) and (ii) and shall be authorized only if the following conditions are met:

   i. The Board of Supervisors has adopted a written policy allowing for and governing participation of its members by electronic communication means, including an approval process for such participation, subject to the express limitations imposed by Code of Virginia 2.2-3708(C). This Section XXVIII is the written policy of the
Board of Supervisors required by Code of Virginia 2.2-3708(C). This Section XXVIII 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;

ii. A quorum of the Board of Supervisors is physically assembled at one primary or central meeting location; and

iii. The Board of Supervisors makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

G. In addition to the foregoing, pursuant to the Code of Virginia Section 2.2-3708.2(A)(3) the Board of Supervisors may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with the Code of Virginia Section 44-146.17, 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 to address the emergency. The Board of Supervisors when convening a meeting in accordance with this subdivision (G) shall:

i. 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 members of the Board of Supervisors conducting the meeting;

ii. Make arrangements for public access to such meeting;

iii. Otherwise comply with the provisions of the Code of Virginia Section 2.2-3708;

and

iv. State in its minutes the nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held.

H. Nothing in this Section XXVIII shall be construed to prohibit the use of interactive audio or video means to expand public participation.