

RESOLUTION #2021-01 AUTHORIZING ELECTRONIC PARTICIPATION IN MEETINGS OF THE BATH-HIGHLAND NETWORK AUTHORITY

October 25, 2021 (Enacted)
July 10, 2023 (Amended)

WHEREAS, the General Assembly authorized public bodies to meet via electronic means without a physical quorum during the COVID-19 global pandemic; and

WHEREAS, absent a declared state of emergency, the Virginia Freedom of Information Act authorizes certain limited electronic participation, provided that the public body has first adopted a written policy providing for electronic participation in meetings, and subject to certain other restrictions and requirements; and

WHEREAS, the Bath- Highland Network Authority (“BHNA”) desires to adopt a policy to enable its members to participate remotely in meetings of BHNA, and its committees, under certain circumstances.

WHEREAS, the BHNA desires to adopt a policy to hold a limited number of all-virtual meetings each year.

NOW, THEREFORE, BE IT RESOLVED, BHNA resolves and adopts the following policy:

1. Members are hereby approved to participate in a meeting of BHNA or its committees through electronic communications, such as telephone or video participation, from a remote location as provided in Code of Virginia § 2.2-3708.3 subject to the following requirements:
 - A. A member wishing to participate from a remote location in a meeting shall notify the Chairperson, or other presiding officer, on or before the date of a meeting that the member is unable to attend the meeting due to: (i) a personal matter, provided that the member identifies with specificity the nature of the personal matter; (ii) a temporary or permanent disability or other medical condition that prevents the member’s physical attendance; (iii) a temporary or permanent disability or condition of a family member that requires the member to provide care that prevents the members attendance, or (iv) because the member’s principal residence is more than 60 miles from the meeting location.
 - B. The minutes for the meeting shall record the remote location from which the absent member participated, as well as the specific nature of the personal matter, that the member participated in the meeting electronically due to a medical condition or disability, or that the member participated in the meeting electronically due to their principal residence being more than 60 miles away from the meeting location.
 - C. If the absent member’s remote participation would violate this policy, such remote participation is disapproved, and the absent member shall not be allowed to participate. The reason for such disapproval shall be recorded in the minutes.
 - D. Participation in a meeting through electronic communication due to a personal matter shall be limited, for each member and in each calendar year, to two meetings of the public body.
 - E. A quorum must be physically assembled at the primary or central meeting location, unless



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otherwise provided by law.

- F. Arrangements shall be made, to the maximum extent practicable, for the voice of the absent member to be heard by all persons in attendance at the primary or central meeting location.
2. Further, it is the policy of the BHNA that it may hold all-virtual public meetings pursuant to subsection C of 2.2-3708.3, subject to the following requirements:
 - A. Such all-virtual public meetings are limited to one meeting per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. Additionally, an all-virtual public meeting may not be held consecutively with another all-virtual meeting.
 - B. There shall be no limit on the number of all-virtual public meetings for the purposes of gathering and sharing information, and for receiving public comment. However, the BHNA cannot take formal action or make formal recommendations without the meeting then counting toward the limitations set forth herein.
3. Nothing herein shall be construed to restrict the ability of BHNA or its committees to meet without a quorum physically assembled at one location during a state of emergency as may be authorized by law, including without limitation Virginia Code § 2.2.3708.2.


Signed this 10 day of July 2023.

SIGNED:



Ronald Wimer, Chair
Bath-Highland Network Authority

ATTEST:



Bonnie S. Riedesel, Secretary/Treasurer
Bath-Highland Network Authority