Board Policy #2

TITLE: Electronic Participation in Virginia Growth and Opportunity Board Meetings

EFFECTIVE DATE: 9/15/2026

AUTHORITY: § 2.2-3708.2 of the Code of Virginia

POLICY STATEMENT:

Individual Requests for Remote Participation:

It is the policy of the Virginia Growth and Opportunity Board that individual Board members may participate in meetings of the Board by electronic communication means as permitted by Virginia Code § 2.2-3708.3 of the Code of Virginia. This policy shall apply 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.

Whenever an individual member wishes to participate from a remote location, the law requires a quorum of the Board to be physically assembled at the primary or central meeting location.

When such individual participation is due to a personal matter, such participation is limited by law to two meetings per calendar year or 50 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

When audio-visual technology is available, a member of the body shall, for purposes of quorum, be considered absent from any portion of the meeting during which visual communication with the member is voluntarily disconnected or otherwise fails or during which audio communication involuntarily fails.

Requests for Individual Remote Participation; Automatic Approval Process:

Requests for remote participation by a member of the Board shall be conveyed to the Chair of the Board.

Individual participation from a remote location shall be approved unless such participation would violate this policy or provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) of the Code of Virginia. If a member's participation from a remote location is challenged, then the Board shall vote whether to allow such participation.

The request for remote participation shall be recorded in the minutes of the meeting. If the Board votes to disapprove of the member's participation because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity. The minutes shall include other information as required by §§ 2.2-3707 and 2.2-3708.3.

Eligible Reasons for Individual Remote Participation:

A member of the Board may request remote participation for one of four reasons. These reasons fall into two different categories: personal matters and non-personal matters.

Requesting remote participation due to personal matters:

a) The member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. However, the member may not use remote participation due to personal matters more than two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

Requesting remote participation due to non-personal matters:

b) The member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance. For the purposes of determining whether a quorum is physically assembled, an individual member of the body who is a person with a disability as defined in §51.-40.1 and uses remote participation counts toward the quorum as if the individual was physically present.
c) A medical condition of a member of the member's family requires the member to provide care that prevents the member's physical 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. For the purposes of determining whether a quorum is physically assembled, an individual member of the body who is a caregiver for a person with a disability and uses remote participation counts toward the quorum as if the individual was physically present.
d) The member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting

The limitation to two meetings per calendar year or 25 percent of the meetings held per calendar year does not apply to non-personal matters as stated above and only applies when the member participates remotely due to a personal matter.

Minutes Requirements

a) If an individual member remotely participates in a meeting, a general description of the remote location must be included in the minutes. The minutes should be described in a similar matter as the following: ["Member" participated from their home in [locality]" or that "[Member] participated from their office in [locality]." The remote location does not need to be open to the public.
b) If a member remotely participates due to a (i) temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) family

member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance, that fact must be included in the minutes. While the fact that a disability or medical condition prevents the member's physical attendance must be recorded in the minutes, it is not required to identify the specific disability or medical condition.

c) If a member remotely participates because the member's principal residence is more than 60 miles from the meeting location, the minutes must reflect that fact.
d) If a member remotely participates due to a personal matter, the minutes must include the specific nature of the personal matter cited by the member.
e) As stated above, if remote participation by a member is disapproved because it would violate the participation policy adopted by the Board, such disapproval must be recorded in the minutes with specificity.

All Virtual Public Meetings:

It is the policy of the Virginia Growth and Opportunity Board that the Board may hold all-virtual public meetings pursuant to subsection C of §2.2-3708.3. Such all virtual public meetings are limited by law to two meetings 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 public meeting.

Statutory Requirements for Conducting an All-Virtual Public Meeting:

a) An indication of whether the meeting will be an in-person or all-virtual public meeting must be included in the required meeting notice along with a statement notifying the public that the method by which the Board chooses to meet shall not be changed unless the Board provides a new meeting notice in accordance with the provisions of §2.2-3707.
b) Public access to the all-virtual public meeting must be provided via electronic communication means.
c) The electronic communication means used must allow the public to hear all members of the public body participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the Board as well.
d) A phone number or other live contact information must be provided to alert the Board if the audio or video transmission of the meeting provided by the Board fails, staff must monitor such designated means of communication during the meeting, and the Board must recess until public access is restored if the transmission fails for the public.
e) A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of the Board for a meeting must be made available to the public in electronic format at the same time as such materials are provided to members of the Board.

f) No more than two members of the Board are together in any one remote location unless that remote location is open to the public to physically access it.

g) If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public must resume before the public body votes to certify the closed meeting as required by subsection D of §2.2-3712.

h) The Board shall not convene an all virtual public meeting (i) more than two times per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, or (ii) consecutively with another all-virtual public meeting.

i) Minutes of all-virtual public meetings held by electronic communication means are taken as required by §2.2-3707 and include the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held. If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such disapproval shall be recorded in the minutes with specificity.

APPROVAL AND REVIEW: This Board policy was reviewed and approved on September 10, 2024 and readopted by the Board on December 9, 2025 and on September 15, 2026.

SUPERSESSION: None.

DHCD DIRECTOR: Dr. Tamarah Holmes Ph.D