

Electronic Meeting Policies and FOIA

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Hybrid Meetings

For Commissioners to participate remotely, the following parameters must be met:

- A **physical quorum** must be available to meet in-person
- An **Electronic Meeting Policy** must be in place and adopted at least once annually
- A Commission/Advisory Group Member requesting to participate remotely must **notify the Chair and/or Staff Liaison** in advance of the meeting
- **Meeting minutes** must reflect the Member's reason for virtual participation

Hybrid Meetings

If parameters are met, members may be hybrid if:



The member has a **temporary or permanent disability** or **other medical condition** that prevents the member's physical attendance.



The member has a **personal matter and identifies with specificity** the nature of the personal matter.

- May not use for more than **2 meetings or 25%** of the meetings held per calendar year.



A medical condition of a **member of the Commissioner's family requires the member to provide care** that prevents the member's physical attendance.



The member's principal residence is **more than 60 miles** from the meeting location identified in the required notice for such meeting – *not commonly applicable in Arlington County.*

Caregivers

Definition of Caregiver:

- Adult who provides care for a person with a disability (*defined in 51.5-40.1*).
- A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the person with a disability for whom they are caring.

Members who meet the definition of caregiver and need to meet remotely to care for a person with a disability will count toward the quorum as if the member was physically present.



Virtual Meetings

- With some exceptions, Commission and Advisory Boards appointed by the County Board can conduct **2 meetings or 50% of meetings** (whichever is greater) virtually.
- A commission's virtual meetings **cannot be held consecutively** (e.g., if January meeting is all-virtual, the February meeting must be hybrid)
- All members must participate with their **cameras on during the entire meeting.**

*Updated from
25% of meetings*

Overview of Changes

- Meeting bodies must **adopt an electronic participation policy at least once annually** by a recorded vote in a public meeting.
 - Meeting bodies (with exceptions) may hold all **virtual meetings 2 times per calendar year or 50% of the meetings**, whichever is greater. There can be no consecutive all-virtual meetings.
 - The public **must be able to hear and see all members**. For purposes of a quorum, all members must participate with their cameras on during the entire meeting. If a member is not visible for any reason (turns camera off, leaves camera view, technical issue) or their audio communication fails due to a technical issue, the member will be marked absent during that portion of the meeting.
- Caregiver defined as “Adult who provides care for a person with a disability as defined in 51.5-40.1. A caregiver shall be either **related by blood, marriage, or adoption to or the legally appointed guardian** of the person with a disability for whom he is caring.”
 - Members that meet the definition of caregiver and need to meet remotely to care for a person with a disability **will count toward the quorum** as if the member was physically present.

FOIA - Meetings

- What constitutes a meeting?
- 3 or more members meeting, formally or informally, in person or electronically, where public business is discussed or transacted, whether minutes and/or votes are taken or not
- Public notice must be given at least 3 working days prior and open to the public
- Emails may constitute a “meeting” under FOIA if there is a simultaneous email communication between 3 or more members. If it looks like a conversation, it is. As a general rule, avoid “reply all”

FOIA - Emails

- Emails related to public business are public records, regardless of whether it is your personal email account or phone
- Do not commingle personal with business when conducting commission business
- Best practice to email Stacy or Emily with any materials or information you want circulated to the advisory commission
- Copy Stacy, Emily, and Aji on all communications related to commission business so there is a record of the correspondence

Questions?

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