

Electronic Meetings Policy FAQs
Updated June 2024
New Questions in Blue

ELECTRONIC MEETING POLICY

1. When did the [electronic meetings policy](#) go into effect?

The original electronic meetings policy went into effect September 1, 2022. The updates go into effect July 1, 2024.

2. What types of public bodies must follow the electronics meeting policy?

All public bodies who are eligible to host all virtual meetings or will have at least one member participating virtually, per the electronics meetings bill, must follow the electronics meeting policy.

3. Which public bodies can convene ALL virtual meetings under the electronics meeting policy?

The electronic meetings policy does not allow the County Board, School Board, Planning Commission, the Board of Zoning Appeals, and the Historical Affairs and Landmark Review Board to host all-virtual meetings.

Other commissions appointed by the County Board can host all-virtual meetings no more than 2 times per calendar year or 50% of the meetings (rounded up to the next whole number), whichever is greater. *NOTE: the electronic meetings policy does not apply to County Manager-appointed commissions or advisory groups.*

4. What is the electronic meetings policy that each commission should adopt?

All Commissions and Advisory Boards that have any member participating virtually must adopt an electronic meeting policy. The County Attorney Office has approved an updated electronic meetings policy template for use by all Commissions and Advisory Committees. The electronic meeting policy must be adopted at least once annually.

NOTE: Any substantive changes to the template must be approved by the County Attorney Office.

a. Do Commissions need to vote to adopt the Electronics Meeting Policy and are they required to post the agreement on their webpage?

Yes, Commissions must vote to adopt the Electronics Meeting Policy at least once annually. There is no legal requirement to post the agreement on the Commission's webpage.

b. Do Commission subcommittees need to follow the electronic meetings policy?

Yes, if a commission is subject to the electronic meetings policy, its subcommittees must also follow the same rules. For subcommittees that have a unique set of bylaws, they will need to adopt a separate electronic meetings policy at least once annually.

c. When does the updated electronic meeting policy need to be adopted?

The updated electronic meeting policy needs to be adopted yearly. It's suggested doing so in July to incorporate any changes that take place during the General Assembly session.

5. If a commission has no plans to meet virtually, do they still need to have a public meeting to adopt an electronic meetings policy?

No, but this means if they unexpectedly want to meet virtually, they cannot.

6. Do the Commissions' charters need to reflect/reference the electronic meeting policy, the same way they refer to abiding by open meeting laws, etc. and/or do mentions of participants and participation in a charter assume they cover remote/hybrid meeting participation.

The electronic policy needs to be adopted each year so doing it through the charter isn't practical.

VIRTUAL & HYBRID MEETINGS

7. How many all-virtual meetings can a commission have each calendar year?

Eligible Commissions and Advisory Groups can host all-virtual meetings no more than 2 times per calendar year or 50% of the meetings (rounded up to the next whole number), whichever is greater.

- If a commission meets 4 times a year, 2 meetings can be held virtually.
- If a commission meets 11 times a year, 6 meetings can be held virtually.

8. Can individual commission/advisory group members participate virtually?

Individual members can submit a request to the Chair (copy the Staff Liaison) to request permission to participate virtually for one of the following reasons:

- a. due to a temporary or permanent disability or other medical condition that prevents their physical in-person attendance;
- b. a family member's medical condition that requires the member to provide care and prevents their physical in-person attendance;
- c. for any personal matter --no more than 25% or 2 meetings per year.

For members requesting virtual participation for a personal matter, the specific nature of the request must be reflected in the meeting minutes. And, if any request is denied, that reason also must be included in the minutes.

Notes:

- The updated electronic meeting policy includes a definition of caregiver, as an "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. See the "CAREGIVERS" section for additional information.

9. Does the requirement for no consecutive virtual meetings carry over to the next calendar year or does the schedule start again in the new year? For example, if a commission holds a virtual meeting in December 2023, can they also meet virtually in January 2024?

There can be no consecutive virtual meetings and the clock does not start again in the new year. For example, if a group meets virtually in December 2023, they cannot meet virtually in January 2024.

CAREGIVERS

10. Does this definition include caregiving for a child?

It refers to a “medical condition” which could include a child’s illness, but would not be broad enough to include the fact that the child is too young to care for itself.

11. Do domestic partners count for the caregiver policy?

Yes.

QUORUM

12. How is a quorum defined?

A quorum is a simple majority of the public body’s membership unless it has been defined in the bylaws. For example, a committee of 17 members would need a physical quorum of 9 people unless otherwise stated in the bylaws. Note, vacancies in membership would not count toward the quorum.

a. **If the meeting starts with a physical quorum in-person but some members have to leave early—meaning there is no longer a physical quorum:**

i. **can they continue the meeting since some members might be participating remotely?**

Without a physical quorum, the Commission has also lost the ability to have virtual participation by Commission/Advisory Board members. Members participating electronically MUST ‘leave’ the meeting.

ii. **can they still vote, even when the committee has members participating remotely?**

No, if there is no physical quorum, there can be no electronic participation by members. The public body cannot vote.

b. **Do commission subcommittees need to have a physical quorum for electronic meetings?**

Yes, a commission’s subcommittee needs a physical quorum in order to convene an electronic meeting, where individual members have been approved to participate virtually. If a subcommittee’s membership is not clear, the group can work directly with CAO to revise bylaws to establish and define a quorum.

13. Can members participating electronically vote?

Members participating electronically can vote only when there is a physical quorum in the room. If there is no physical quorum, there can be no electronic participation by members. The public body cannot vote.

14. Is it required to schedule the public comment session both in-person and virtually?

If the public body holds a hybrid meeting, it must allow for public access virtually and in person. Arlington County is continuing to include virtual public comment for all Board and Commission meetings (in addition to in-person). It is strongly recommended that public comment is offered at the start of commission meetings for non-public hearing items.

Notes:

- Time limits for public comments should be established and followed.
- Commissions are encouraged to establish a speaker registration form ([see an example here](#)). It is required if a meeting will:
 - Have mics and cameras proactively disabled for attendees.
 - Allow attendees to present during public comment.

15. Under individual remote participation rules during hybrid meetings, can on-camera remote participants count toward the quorum?

No

16. How many members can meet and work on projects outside of the actual meetings?

2.

Note: A phone call is considered a meeting. Emails are acceptable unless they are constant (i.e., email responses are every minute or so).

17. If a member has a disability and needs to participate remotely, will their on-camera remote participation count toward the quorum?

Yes. If a member has a disability as defined by [51.5-40.1](#) and they use remote participation, or if they are remotely participating because they are caregiver for someone with a disability, they will count toward the quorum as if they were physically present.

ON CAMERA RULE

18. Can commission/advisory group members remain off camera during presentations if there are bandwidth issues and turn cameras back on after the presentation?

Commission/advisory group members would be considered absent from any portion of the meeting in which they are off camera.

19. Does the camera-on rule apply only during a vote?

No, it applies to the whole meeting. You will be considered absent from the meeting for any portion of the meeting in which you are off camera.

20. Currently, attendance is taken only for the full meeting, not during portions of the meeting. Is there a new expectation for how attendance is taken? If people show up late, is it necessary to mark when they arrive? Or if a member goes off camera, does that need to be documented?

There's no legal requirement as to how to take attendance. However, the actual rules as to attendance still apply (i.e., need a physical quorum present for hybrid, need a regular quorum to vote).

21. Are staff required to keep a minute-by-minute record of who has their cameras on and off?

Staff are not required to keep minutes to this level of detail except to note if there is no longer a quorum and therefore a vote cannot be taken.

22. Can commission members call in and be counted for attendance if they do not use a video camera?

No. The statute requires that the public be able to see the members of the public body “when audio-visual technology is available.” The County has the audio-visual technology available.

23. Does virtual participation count if a member is dialing in by phone?

No. The statute requires that the public be able to see the members of the public body “when audio-visual technology is available.” The County has the audio-visual technology available.

MEETING MINUTES

24. Are minutes required for electronic meetings?

Yes, the electronic meetings policy requires that for all meetings that include virtual participation by any member, meeting minutes must reflect the remote location from which virtual members participated.

- The minutes must also state the reason they are participating remotely (a) due to a temporary or permanent disability or other medical condition that prevented their physical attendance; (b) a family member’s medical condition that required the member to provide care; (c) If virtual participation is approved for a personal matter, the specific nature of the matter should be included in the meeting minutes. And, if any member is denied access, that reason also must be included in the minutes.
- Under State law, meeting minutes must include motions and votes taken during the meeting.
- Per County guidance, meeting minutes must also include a summary of presentations and discussions (3-4 sentences), with a link to presentation slides and/or handouts. If available, an optional link to the Teams recording and/or transcript can also be included. View sample [meeting minutes template](#).

a. Do electronic meetings have to be recorded?

No, electronic meetings do not have to be recorded, however, the public must have electronic access (e.g., a Teams link).

If the electronic meeting is recorded, the recording must be posted in the meeting minutes. Recordings of meetings cannot serve as meeting minutes.

b. If the meeting is recorded only to assist with final summary notes, must the recording be posted online?

There is no legal requirement to post the recording, but the recording is subject to release under FOIA.

LOGISTICS

25. Do commission liaisons need to join in-person during a hybrid meeting?

While a commission liaison does not need to join in-person during a hybrid meeting, a staff member must be available in-person to access the room, technology, and assist Commissioners and members of the public as needed.

26. Where can I find in-person room capacity for each of the conference rooms?

Staff can access room capacity for conference rooms on [AC Commons](#).