

FAMILY AND CHILDREN’S TRUST FUND OF VIRGINIA
POLICY FOR ALL-VIRTUAL MEETINGS

1. AUTHORITY AND SCOPE

- a. This policy is adopted pursuant to the authorization of Virginia Code § 2.2-3708.3 and is to be strictly construed in conformance with the Virginia Freedom of Information Act (VFOIA), Virginia Code §§ 2.2-3700 through 2.2-3715.
- b. This policy shall not govern an electronic meeting conducted to address a state of emergency declared by the Governor. Any meeting conducted by electronic communication means under such circumstances shall be governed by the provisions of Virginia Code § 2.2-3708.2.

2. DEFINITIONS

- a. “Board” means the Commonwealth of Virginia Family and Children’s Trust Fund Board of Trustees or any committee or subcommittee of the Family and Children’s Trust Fund Board of Trustees.
- b. “Member” means any member of the Commonwealth of Virginia Family and Children’s Trust Fund Board of Trustees.
- c. “All-virtual public meeting” means a public meeting conducted by the Board using electronic communication means during which all members of the public body who participate do so remotely rather than being assembled in one physical location, and to which public access is provided through electronic communication means, as defined by Virginia Code § 2.2-3701.
- d. “Meeting” means a meeting as defined by Virginia Code § 2.2-3701.
- e. “Notify” or “notifies,” for purposes of this policy, means written notice, including but not limited to, email or letter. Notice does not include text messages or communications via social media, messaging applications, or other instant messaging applications or systems.

3. WHEN AN ALL-VIRTUAL MEETING MAY BE AUTHORIZED

An all-virtual public meeting may be held under the following circumstances:

- a. It is impracticable or unsafe to assemble a quorum of the Board in a single location, but a state of emergency has not been declared by the Governor; or
- b. Other circumstances warrant the holding of an all-virtual public meeting, including, but not limited to, the convenience of an all-virtual meeting; and
 - i. The Board has not had more than two all-virtual public meetings, or more than 50 percent of its meetings rounded up to the next whole number, whichever is greater, during the calendar year; and
 - ii. The Board’s last meeting was not an all-virtual public meeting.

4. PROCESS TO AUTHORIZE AN ALL-VIRTUAL PUBLIC MEETING

- a. The Board may schedule its all-virtual public meetings at the same time and using

the same procedures used by the Board to set its meetings calendar for the calendar year; or

- b. If the Board wishes to have an all-virtual public meeting on a date not scheduled in advance on its meetings calendar, and an all-virtual public meeting is authorized under Section 3 above, the Board Chair may schedule an all-virtual public meeting provided that any such meeting comports with VFOIA notice requirements.

5. ALL-VIRTUAL PUBLIC MEETING REQUIREMENTS

The following applies to any all-virtual public meeting of the Board that is scheduled in conformance with this Policy:

- a. The meeting notice indicates that the public meeting will be all-virtual and the Board will not change the method by which the Board chooses to meet without providing a new meeting notice that comports with VFOIA;
- b. Public access is provided by electronic communication means that allows the public to hear all participating members of the Board;
- c. Audio-visual technology, if available, is used to allow the public to see the Members of the Board;
- d. A phone number, email address, or other live contact information is provided to the public to alert the Board if electronic transmission of the meeting fails for the public, and if such transmission fails, the Board takes a recess until public access is restored;
- e. A copy of the proposed agenda and all agenda packets (unless exempt from VFOIA disclosure requirements) are made available to the public electronically at the same time such materials are provided to the Board;
- f. The public is afforded the opportunity to comment through electronic means, including written comments, at meetings where public comment is customarily received;
- g. There are not more than two Members of the Board together in one physical location; and,
- h. When audio-visual technology is available, a Member shall, for purposes of a 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.

6. RECORDING IN MINUTES

Minutes are taken as required by VFOIA and must include the fact that the meeting was held by electronic communication means and the type of electronic communication means used.

7. CLOSED SESSION

If the Board goes into closed session, transmission of the meeting will be suspended until the public body resumes to certify the closed meeting in open session.