

The current bylaw "K" is found on pg. 3 of the Library Board section of the Library Board of Trustees Manual. These proposed updates are based on sample policies from the Virginia Freedom of Information Advisory Council and the Library of Virginia Board and have been reviewed by an attorney.

Proposed policy:

K. Individual Board members may participate in meetings of the Library Board by electronic communication as permitted by § 2.2-3708.3 This policy shall apply strictly and uniformly, without exception, to all members 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 Library Board to be physically assembled at the primary or central meeting location, and there must be arrangements for the voice of the remote participant to be heard by all persons at the meeting location.
- A member who is unable to attend the meeting and wishes to participate in the meeting electronically must notify the Chair and the Secretary of the Library Board on or before the day of the meeting and include one of the following reasons:
 1. The member has a temporary or permanent disability or other medical condition that prevents the members physical attendance;
 2. A medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance;
 3. The member's principal residence is more than 60 miles from the meeting location identified in the required notice of such meeting; or
 4. 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.
- Unless a member of the Library Board objects to the remote participation at the beginning of the meeting, it shall be deemed approved without action by the Board. If a member's participation from a remote location is challenged, then the Library Board shall vote whether to allow such participation. The Board may disapprove the remote participation, but only if it would violate FOIA or this

policy. If the Board votes to disapprove the request, the disapproval must be recorded in the minutes with specificity.

- For any approved requests, the reason that the member is unable to attend the meeting (numbers 1 through 4 above) and a general description of the remote location from which the member participates shall be recorded in the meeting minutes. If the reason for the electronic participation is due to a personal matter, the nature of the personal matter must be identified with specificity in the minutes.

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

- Definitions:
 - “Board” means the Central Rappahannock Regional Library Board of Trustees or any committee, subcommittee, or other entity of the Library Board of Trustees.
 - “Member” means any member of the [BOARD].
 - “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 Va. Code § 2.2-3701.
 - “Meeting” means a meeting as defined by Va. Code § 2.2-3701.
 - “Notify” or “notifies,” for purposes of this policy, means written notice, including, but not limited to, email or letter, but does not include text messages or messages exchanged on social media.
- An all-virtual public meeting may be held under the following circumstances:
 - It is impracticable or unsafe to assemble a quorum of the Library Board in a single location, but a state of emergency has not been declared by the Governor or Board of Supervisors; or
 - Other circumstances warrant the holding of an all-virtual public meeting, including, but not limited to, the convenience of an all-virtual meeting; and
 - The Library Board has not had more than two all-virtual public meetings, or more than 25 percent of its meetings rounded up

to the next whole number, whichever is greater, during the calendar year; and

- The Library Board's last meeting was not an all-virtual public meeting.
- The Library Board may schedule its all-virtual public meetings at the same time and using the same procedures used by the Library Board to set its meetings calendar for the calendar year; or if the Library 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 Library Board Chair may schedule an all-virtual public meeting provided that any such meeting comports with VFOIA notice requirements.
- The following applies to any all-virtual public meeting of the Library Board that is scheduled in conformance with this Policy:
 - The meeting notice indicates that the public meeting will be all-virtual and the Library Board will not change the method by which the Library Board chooses to meet without providing a new meeting notice that comports with VFOIA;
 - Public access is provided by electronic communication means that allows the public to hear all participating members of the Library Board;
 - Audio-visual technology, if available, is used to allow the public to see the members of the Library Board;
 - A phone number, email address, or other live contact information is provided to the public to alert the Library Board if electronic transmission of the meeting fails for the public, and if such transmission fails, the Library Board takes a recess until public access is restored;
 - A copy of the proposed agenda and all agenda packets (unless exempt) are made available to the public electronically at the same time such materials are provided to the Library Board;
 - The public is afforded the opportunity to comment through electronic means, including written comments, at meetings where public comment is customarily received; and
 - There are no more than two members of the Library Board together in one physical location.
- 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.
- 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.

- This Policy shall be applied strictly and uniformly, without exception, to the entire membership, and without regard to the matters that will be considered or voted on at the meeting.

Proposed policy with edits:

K. Individual Board members may participate in meetings of the Library Board by electronic [communication as permitted by § 2.2-3708.3](#) ~~means as permitted by Virginia Code § 2.2-3708.2~~. This policy shall apply [strictly and uniformly, without exception](#), to all members 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 Library Board to be physically assembled at the primary or central meeting location](#), ~~The law requires a quorum of the Library Board to be physically assembled at the meeting location,~~ and there must be arrangements for the voice of the remote participant to be heard by all persons at the meeting location.
- A member who is unable to attend the meeting ~~due to (1) a temporary or permanent disability or other medical condition or (2) due to a personal matter~~ and wishes to participate in the meeting electronically must notify the Chair [and the Secretary](#) of the Library Board on or before the day of the meeting [and include one of the following reasons:](#)
 1. [The member has a temporary or permanent disability or other medical condition that prevents the members physical attendance;](#)
 2. [A medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance;](#)
 3. [The member's principal residence is more than 60 miles from the meeting location identified in the required notice of such meeting; or](#)
 4. [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.

- Unless a member of the Library Board objects to the remote participation at the beginning of the meeting, it shall be deemed approved without action by the Board. If a member's participation from a remote location is challenged, then the Library Board shall vote whether to allow such participation. The Board may disapprove the remote participation, but only if it would violate FOIA or this policy. ~~The disapproval must be recorded in the meeting minutes with specificity.~~ If the Board votes to disapprove the request, the disapproval must be recorded in the minutes with specificity.
- For any approved requests, the reason that the member is unable to attend the meeting (numbers 1 through 4 above) and a general description of the remote location from which the member participates shall be recorded in the meeting minutes. If the reason for the electronic participation is due to a personal matter ~~(not a temporary or permanent disability or other medical condition), the remote location from which the member participates and the nature of the personal matter must be identified with specificity in the minutes.~~
- ~~Such participation by a member due to a personal matter shall be limited to two meetings each calendar year.~~

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

- Definitions:
 - "Board" means the Central Rappahannock Regional Library Board of Trustees or any committee, subcommittee, or other entity of the Library Board of Trustees.
 - "Member" means any member of the [BOARD].
 - "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 Va. Code § 2.2-3701.
 - "Meeting" means a meeting as defined by Va. Code § 2.2-3701.

- “Notify” or “notifies,” for purposes of this policy, means written notice, including, but not limited to, email or letter, but does not include text messages or messages exchanged on social media.
- An all-virtual public meeting may be held under the following circumstances:
 - It is impracticable or unsafe to assemble a quorum of the Library Board in a single location, but a state of emergency has not been declared by the Governor or Board of Supervisors; or
 - Other circumstances warrant the holding of an all-virtual public meeting, including, but not limited to, the convenience of an all-virtual meeting; and
 - The Library Board has not had more than two all-virtual public meetings, or more than 25 percent of its meetings rounded up to the next whole number, whichever is greater, during the calendar year; and
 - The Library Board’s last meeting was not an all-virtual public meeting.
- The Library Board may schedule its all-virtual public meetings at the same time and using the same procedures used by the Library Board to set its meetings calendar for the calendar year; or if the Library 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 Library Board Chair may schedule an all-virtual public meeting provided that any such meeting comports with VFOIA notice requirements.
- The following applies to any all-virtual public meeting of the Library Board that is scheduled in conformance with this Policy:
 - The meeting notice indicates that the public meeting will be all-virtual and the Library Board will not change the method by which the Library Board chooses to meet without providing a new meeting notice that comports with VFOIA;
 - Public access is provided by electronic communication means that allows the public to hear all participating members of the Library Board;
 - Audio-visual technology, if available, is used to allow the public to see the members of the Library Board;
 - A phone number, email address, or other live contact information is provided to the public to alert the Library Board if electronic transmission of the meeting fails for the public, and if such transmission fails, the Library Board takes a recess until public access is restored;
 - A copy of the proposed agenda and all agenda packets (unless

- exempt) are made available to the public electronically at the same time such materials are provided to the Library Board;
- The public is afforded the opportunity to comment through electronic means, including written comments, at meetings where public comment is customarily received; and
- There are no more than two members of the Library Board together in one physical location.
- 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.
- 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.
- This Policy shall be applied strictly and uniformly, without exception, to the entire membership, and without regard to the matters that will be considered or voted on at the meeting.

Current:

K. Individual Board members may participate in meetings of the Library Board by electronic means as permitted by Virginia Code § 2.2-3708.2. This policy shall apply to all members 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.

- The law requires a quorum of the Library Board to be physically assembled at the meeting location, and there must be arrangements for the voice of the remote participant to be heard by all persons at the meeting location.
- A member who is unable to attend the meeting due to (1) a temporary or permanent disability or other medical condition or (2) due to a personal matter and wishes to participate in the meeting electronically must notify the Chair of the Library Board on or before the day of the meeting.
- The Library Board must take action to approve or disapprove each such request for participation through electronic means to ensure compliance with this policy. Individual participation from a remote location shall be approved unless it would violate this policy or the provisions of the Virginia Freedom of Information Act. The disapproval must be recorded in the meeting minutes with specificity.

- For any approved requests the reason that the member is unable to attend the meeting shall be recorded in the meeting minutes. If the reason for the electronic participation is due to a personal matter (not a temporary or permanent disability or other medical condition), the remote location from which the member participates and the nature of the personal matter must be identified with specificity in the minutes.
- Such participation by a member due to a personal matter shall be limited to two meetings each calendar year.