



## TOWN COUNCIL SPECIAL MEETING

21 Main Street

Monday, November 07, 2022 at 11:00 AM

### AGENDA

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Possible additions to the agenda and related materials are not set forth herein.

Times set forth are approximate and may be adjusted as necessary.

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#### **I. Special Meeting - 11:00 AM**

##### **A. NEW BUSINESS.**

1. Electronic Meeting Policy

##### **B. ADJOURN.**



Office of the Town Manager

Christopher E. Martino

# STAFF REPORT

## Warrenton Town Council

Carter Nevill, Mayor

Heather Sutphin, Ward 1

William Semple, Ward 2

Brett Hamby, Ward 3

James Hartman, Ward 4 Vice Mayor

Jay Heroux, Ward 5

Sean Polster, At Large

Renard Carlos, At Large

Item 1.

<b>Council Meeting Date:</b>	<b>November 7, 2022</b>
<b>Agenda Title:</b>	<b>Electronic Meeting Policy Update</b>
<b>Requested Action:</b>	<b>Adoption of Resolution for an updated Electronic Meeting Policy</b>
<b>Department / Agency Lead:</b>	<b>Town Manager</b>
<b>Staff Lead:</b>	<b>Stephen Clough, Town Clerk</b>

### **EXECUTIVE SUMMARY**

This resolution establishes a new policy for electronic meetings and their use for the Governing agencies within the Town of Warrenton.

This would impact the entirety of the Warrenton 2040 Plan as it would help facilitate strong Government by allowing flexibility in meetings and embracing advances in technology.

### **BACKGROUND**

Town Staff developed and implemented an Electronic Meeting Policy during the COVID-19 Pandemic to assist the Council and Public in Government participation and response to the Governor's restrictions on public meetings and emergency order. ORDINANCE 2020-01 AMENDED established the electronic meeting policy with a set timeline for the end of the clause. It was requested of the Previous Town Attorney to bring a change back to Council of the electronic meeting policy before he resigned. under Virginia State Code § 2.2-3708.3 sets forth new parameters that electronic meetings may be used by members of Local Government. This resolution would bring the Town Council into compliance to facilitate electronic meetings and establish guidelines for the request of use of an electronic means of meeting participation.

### **STAFF RECOMMENDATION**

Adopt or amend the Resolution establishing an electronic meeting policy under Virginia State Code § 2.2-3708.3. for electronic meeting participation.

### **Service Level / Policy Impact**

Establish a new electronic meeting policy under changes to the State Code that took effect September 1<sup>st</sup>, 2022.

### **Fiscal Impact**

None

### **Legal Impact**

Allowance of Electronic meeting participation after the end of the temporary actions taken during the COVID-19 Pandemic.

### **ATTACHMENTS**

1. A RESOLUTION ESTABLISHING AN ELECTRONIC MEETING POLICY UNDER VIRGINIA STATE CODES 2.2-3708.3. FOR ELECTRONIC MEETING PARTICIPATION

November 7, 2022  
Town Council  
Regular Meeting

**A RESOLUTION ESTABLISHING A TOWN OF WARRENTON POLICY FOR ELECTRONIC MEETING PARTICIPATION UNDER VIRGINIA STATE CODE § 2.2-3708.3.**

**WHEREAS**, The Town Council of the Town of Warrenton has identified a need for electronic meeting ability for the Town Council, the boards and committees that serve the Town, and the public, even after the end of the COVID-19 emergency; and

**WHEREAS**, pursuant to Virginia State Code § 2.2-3708.3 individual members of a public body may use remote participation instead of attending a public meeting in person if, in advance of the public meeting, the public body has adopted a policy consistent with § 2.2-3708.3;

**NOW, THEREFORE, BE IT RESOLVED** that the Warrenton Town Council hereby establishes a policy under Virginia code § 2.2-3708.3 for electronic meeting participation by the Town Council and all other bodies covered by this policy as follows:

A. Subject to the process provided below, one or more individual members of a public body subject to this policy may use remote participation instead of attending a public meeting in person if, in advance of the public meeting, that member notifies the public body's presiding officer that:

1. The member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance, or
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; or
3. The member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. The member may not use remote participation due to personal matters more than two (2) meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

B. Whenever a member of the public body wishes to participate from a remote location, a quorum of the public body shall be physically assembled at the primary or central public meeting location and arrangements shall be made for the voice of the member attending remotely to be heard by all persons at the primary or central public body meeting location. The public body holding the meeting shall record in its minutes the member's remote participation was due to one of the above reasons as well as including in the minutes the remote location from which the member participated; however, the remote location need not be open to the public and may be identified in the minutes by a general description. If the voice of the member attending remotely cannot be heard, the member may continue to listen to the meeting remotely but may not participate in discussion or voting.

C. A member's participation from a remote location shall be approved unless such participation would violate this ordinance or other applicable provision of the Virginia Freedom of Information Act. If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

D. The mayor or other presiding officer of the public body shall initially rule on whether a member meets the requirements of this policy to participate in the meeting remotely, subject to being overruled by a majority vote of the body.

**BE IT FURTHER RESOLVED** that this policy applies to all committees, subcommittees, or other entities however designated created by the Town Council to perform delegated functions of the Town

Council or to advise the Town Council, including any multi-jurisdiction bodies performing such functions for the Town if similar policies have been adopted by the governing body or bodies of those jurisdictions.

**BE IT FINALLY RESOLVED** that this policy shall be applied strictly and without exception, 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.

**Votes:**

**Ayes:**

**Nays:**

**Absent from Vote:**

**Absent from Meeting:**

**For Information:**

Town Clerk

**ATTEST:** \_\_\_\_\_

Town Recorder

November 9, 2022  
Town Council  
Regular Meeting