

## APPENDIX C

### **TOWN OF CAPE CHARLES POLICY FOR ELECTRONIC PARTICIPATION IN BOARD OF ZONING APPEALS MEETINGS Adopted January 9, 2024**

Pursuant to the Code of Virginia Section 2.2-3708.2 and 2.2-3708.3, the Cape Charles Board of Zoning Appeals adopts the following to allow for remote participation or electronic participation in meetings of the Board of Zoning Appeals:

The following provisions qualify for an individual member of a public body to use remote participation in meetings:

- i) a temporary or permanent disability or other medical condition that prevents the member's physical attendance;
  - ii) a family member's medical condition that requires the member to provide care for such family member that prevents the member's physical attendance;
  - iii) the member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
  - iv) a personal matter.
1. On or before the day of a meeting, the Board of Zoning Appeals Member shall notify the Chairman that he/she is unable to attend the meeting due to:
    - a. A temporary or permanent disability or other medical condition. The minutes of the meeting shall include the fact that the member participated through electronic communication means due to a temporary or permanent disability or other medical condition that prevented the member's physical attendance, along with the remote location from which the absent member participated.
    - b. A family member's medical condition. The minutes of the meeting shall include the fact that the member participated through electronic communication means due to a family member's medical condition that required the member to provide care for such family member, preventing the member's physical attendance, along with the remote location from which the absent member participated.
    - c. Principal residence is more than 60 miles from the meeting location. The minutes of the meeting shall include the fact that the member participated through electronic communication means due to the distance between the member's principal residence and the meeting location.
    - d. A personal matter. The member must specifically identify the nature of the personal matter which shall be recorded in the minutes of the meeting, along with the remote location from which the absent member participated.

Participation by a member pursuant to this subdivision is limited to two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

2. A quorum of the Board of Zoning Appeals must be physically assembled at the primary meeting location.
3. The Board of Zoning Appeals members present at the physical location must approve the electronic participation by a majority vote.
  - a. If the absent member's remote participation is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes of the meeting.
4. Arrangements must be made for the voice of the remote participant to be heard by all persons at the primary meeting location.