

TOWN OF WARRENTON BOARD OF ZONING APPEALS
POLICY ON REMOTE PARTICIPATION OF MEMBERS

AUTHORITY AND SCOPE:

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.

1. Members of the Town of Warrenton Board of Zoning Appeals (“BZA”) may participate from remote locations in meetings where a quorum is physically assembled at a single meeting place when consistent with Virginia law and this policy. (The BZA may hold a virtual meeting, where members of the BZA participate from remote locations without a quorum physically assembled at a single meeting place, only when authorized under Virginia law; this policy applies to such virtual meetings to the extent its provisions are consistent with such law.)
2. This policy must be reviewed and readopted annually. (Va. Code § 2.2-3708.3(D).)
3. The Chair of the BZA is responsible for implementing this policy on remote participation meetings.
4. This policy must be applied strictly and uniformly, 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.
5. This policy does not prohibit or restrict any individual member of a public body who is lawfully either participating in an all-virtual meeting or who is using remote participation from voting on matters before the public body. See Va. Code § 2.2-3708.3(D).
6. Remote participation is subject to the approval of the Chair, appealable to the body as a whole in accordance with Robert’s Rules of Order.

DEFINITIONS

- a. **“BZA”** means the Town of Warrenton Board of Zoning Appeals
- b. **“Member”** means any member of the Board of Zoning Appeals or “BZA”
- c. **“Remote participation”** means participation by an individual member of the BZA by electronic communication means in a public meeting where a quorum of the BZA is physically assembled, as defined by Va. Code § 2.2-3701.

- d. **“Meeting”** means a meeting as defined by Va. Code § 2.2-3701.
- e. **“Notify”** or **“notifies”** for purposes of this policy, means written notice, such as email or letter. Notice does not include text messages or communications via social media.
- f. **“Person with a disability”** means a person who has a physical or mental impairment that substantially limits one or more of his major life activities or who has a record of such impairment.;
- g. **“Caregiver”** means an adult related by blood, marriage, or adoption or the legally appointed guardian of the person with a disability for whom he is caring.

PROCESS TO REQUEST REMOTE PARTICIPATION:

- 7. On or before the day of a meeting, a member of the BZA wishing to participate remotely must notify the Chair that such member is unable to attend the meeting due to:
 - a. a temporary or permanent disability or other medical condition that prevents physical attendance,
 - b. a medical condition of a member of the member's family requiring the member to provide care that prevents the member's physical attendance;
 - c. the member's principal residence being more than 60 miles from the meeting location identified in the required notice for such meeting; or
 - d. the member being unable to attend the meeting due to personal reasons, in which case the member must identify with specificity the nature of the personal reason.
- 8. The requesting member shall also notify the Board of Zoning Appeals staff liaison of their request, but their failure to do so shall not affect their ability to remotely participate.
- 9. For purposes of determining whether a quorum is physically assembled, an individual member of a public body who is either a person with a disability or who must act as a caregiver at the time of the meeting for a person with a disability, and is thus prevented from physically attending the meeting and who thus uses remote participation, will count toward the quorum as if the individual was physically present;
- 10. A member's participation from a remote location will only be approved if

the member's voice is clearly audible to BZA members and citizens at the BZA's central meeting location and if the member can hear persons speaking into the microphones at that location.

11. If a member's participation from a remote location is disapproved because such participation would violate this policy, such disapproval must be recorded in the minutes with specificity.
12. Each member's remote participation due to personal reasons is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.
13. Members participating in person must be physically assembled at the meeting location that was announced in the notice of the meeting or, if no location was specified, at Town Hall.
14. The BZA must record in its minutes all instances of remote participation, and the remote location from which a member participates. The remote location need not be open to the public and may be identified in the minutes by a general description.
15. The Chair (or Vice-Chair if the requesting member is the Chair) shall promptly notify the requesting member whether their request is in conformance with this policy, and therefore approved or disapproved.
16. If participation is approved pursuant to subdivision 7.a. or 7.b. of this Policy, the BZA must include in its minutes the fact that the member participated through electronic communication means due to a (i) temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) a family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance. If participation is approved pursuant to subsection 7.c., the BZA must also include in its minutes the fact that the member participated through electronic communication means due to the distance between the member's principal residence and the meeting location. If participation is approved pursuant to subsection 7.d., the BZA must also include in its minutes the specific nature of the personal matter cited by the member.
17. A statutorily conforming policy must be adopted by this BAC at least once annually.

Introduced on _____
Approved on _____

Secretary, Board of Zoning Appeals
Town of Warrenton