



Office of the Town Manager  
Frank Cassidy

# 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  
Eric Gagnon, Ward 5  
Paul Mooney, At Large  
David McGuire, At Large

<b>Council Meeting Date:</b>	July 9 <sup>th</sup> , 2024.
<b>Agenda Title:</b>	Electronic Meeting Policy Update
<b>Requested Action:</b>	Consider the Resolution to update the electronic meeting policy
<b>Department / Agency Lead:</b>	Town Council/ Town Clerk
<b>Staff Lead:</b>	Stephen Clough CMC, Town Clerk.

## EXECUTIVE SUMMARY

The General Assembly has modified the State Code to change the requirements for electronic meeting participation. The largest impact of this change is that the state code now allows a person with a disability or their caregiver to participate remotely as part of the public body in a meeting and count as part of a quorum.

The Town Council is required to adopt an updated policy under state code to enable electronic participation. Additionally, the policy will now need to be adopted annually.

A draft resolution and policy have been prepared for the Town Council's Consideration. Highlights to the policy have been made to call out certain new areas under the law.

## BACKGROUND

The legislation that affects our policy is summarized here-

### **HB894 (Bennett-Parker) and SB734 (Marsden) Electronic meetings.**

*Amends the number of all-virtual meetings that certain public bodies may hold from 2 or 25% to 2 or 50% per calendar year, whichever is greater. Public bodies must annually adopt policy before the public body uses remote participation or uses all-virtual public meetings. Note: Local governing bodies, planning commissions, BZA's and ARB's cannot hold all virtual public meetings under this provision.*

### **HB1040 (Bennett-Parker) and SB85 (Favola) Remote participation in meetings; definition of "caregiver".**

*Allows a person with a disability or their caregiver to participate remotely as part of the public body in a meeting and count as part of a quorum. "Caregiver" means an adult who provides care for a person with a disability as defined in § 51.5-40.1. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the person with a disability for whom he is caring.*

At the November 7<sup>th</sup>, 2023, Special Town Council Meeting, A resolution was passed to align the electronic meeting participant policy with the State Code.

## **STAFF RECOMMENDATION**

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

## **Service Level/Collaborative Impact**

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A new format for requesting remote participation is being prepared by the Town Clerk to enable easier access and process for the members of the Town Council to request.

## **Policy Direction/Warrenton Plan 2040**

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This policy update allows the Town Council to participate electronically leading towards all aspects of Warrenton Plan 2040.

## **Fiscal Impact**

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No Fiscal impact is expected at this time.

## **Legal Impact**

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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.

## **ATTACHMENTS**

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1. Resolution
2. Previous Passed resolution
3. Draft Policy for consideration