Merrimac Juvenile Detention Commission
Policy Governing Remote (Electronic) Meeting Participation and Meetings Held Solely Through Electronic Means

Virginia Code Sections 2.2-3708.2 and 2.2-3708.3, as amended, allows Commission members to participate in a Commission meeting electronically provided certain conditions are met. State law requires that the Commission adopt a written policy before members can do so and requires such policy to be adopted at least once annually. This policy also applies to any committee created by the Commission to advise it. The Policy Governing Remote (Electronic) Meeting Participation and Meetings Held Solely Through Electronic Means of the Merrimac Juvenile Detention Commission ("Commission") shall be as follows:

A. Remote Participation by Commission Members When Quorum Physically Assembled

1. Personal Matter. A member of the Commission may participate in a meeting through electronic communication from a remote location that is not open the public due to a personal matter if:

a. On or before the day of the meeting, the member notifies the chair of the Commission that such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter.

b. A quorum of the Commission is physically present at the location of the meeting, and a majority of the quorum votes by motion to approve the electronic participation. The motion to approve the participation shall include the specific nature of the personal matter and the remote location from which the member is participating. The motion and the vote shall be included in the minutes of the meeting.

c. If the motion is denied because it would otherwise violate this policy, the motion and vote shall also be included in the minutes of the meeting.

d. Such participation by any member shall be 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.

2. Disability or Medical Condition. A member may participate in a meeting through electronic communication due to (i) a temporary or permanent disability or other medical condition that prevents the member from attending the meeting or (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's attendance, or the member is a caregiver who must provide care for a person with a disability at the time the public meeting is being held thereby preventing the member's physical attendance. if:

a. The member notifies the chair of the Commission prior to the meeting that the member is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance. The specific nature of the disability or medical condition does not have to be disclosed.

b. A quorum of the Commission is physically present at the location of the meeting, and a majority of the quorum votes by motion to approve the electronic participation. However, for purposes of determining whether a quorum is physically assembled, an individual member of the Commission who is a person with a disability as defined in Virginia Code Section 51.5-40.1 and uses remote participation, and an individual member of the Commission who is a caregiver for a person with a disability and uses remote participation, count toward the quorum as if the individual was physically present. The motion to approve the participation shall include the fact that there is a temporary or permanent physical or other medical condition or a family member's medical condition requiring the member's care that prevents the member from attending and the remote location from which the member is participating. The motion and vote shall be recorded in the minutes of the meeting.

c. If the motion is denied because it would otherwise violate this policy, the motion and vote shall also be recorded in the minutes of the meeting.

d. Participation under this provision is not limited to a certain number of times per year.

e. "Caregiver" means an adult who provides care for a person with a disability as defined in Virginia Code Section 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.

3. Distance from Meeting. A member of the Commission may participate in a meeting through electronic communication from a remote location that is not open to the public if:

a. The member notifies the chair of the Commission prior to the meeting that such member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting.

b. A quorum of the Commission is physically assembled at one primary or central meeting location and a majority of the quorum votes by motion to approve the electronic participation.

c. If participation by a member through electronic communication means is approved pursuant to this section, the Commission shall record in its minutes that the member participated through electronic communication means due to the distance between the member's principal residence and the meeting location.

d. If the motion is denied because it would otherwise violate this policy, the motion and vote shall also be recorded in the minutes of the meeting.

4. This policy shall not prohibit or restrict any individual member of the Commission who is participating in an all-virtual meeting or who is using remote participation from voting on matters before the Commission.

B. State of Emergency Declared: Meetings Without Quorum Physically Assembled

Pursuant to Virginia Code Section 2.2-3708.2, as amended, the Commission may meet by electronic communication means without a quorum physically assembled at one location when the Governor has declared a state of emergency pursuant to Virginia Code § 44-146.17 or the member locality where the Commission is to meet has declared a local state of emergency pursuant to Virginia Code § 44-146.21, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is provide for the continuity of operations of the Commission or the discharge of the Commission's lawful purposes, duties, and responsibilities. In so convening a public meeting, the Commission shall:

1. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to Commission members;

2. Make arrangements for public access to such meeting through electronic communication means, including videoconferencing; and

3. Provide the public with the opportunity to comment at such meeting when public comment is customarily received by the Commission. In such instance, the Commission shall make arrangements for the voice of the remote participant to be heard by all persons present at the meeting location.

4. The nature of the emergency, the fact that the meeting was held by electronic means, and the type of electronic communications means by which the meeting was held shall be stated in the minutes.

C. All-Virtual Public Meetings

An "all-virtual public" meeting is a meeting conducted by the Commission, using electronic communication means, during which all members participate remotely, and public access is provided through electronic communication means. Virginia Code Section 2.2-3708.3(C) authorizes the Commission to hold all-virtual public meetings for any regularly scheduled or special meeting provided the following criteria are met:

1. The meeting notice shall indicate whether the meeting will be an in-person or all-virtual public meeting. The notice shall also include a statement that notifies the public that the method by which the Commission chooses to meet will not be changed unless the Commission provides a new meeting notice;

2. Public access shall be provided via electronic communication means;

3. The electronic communication means used shall allow the public to hear all Commission members participating in the all-virtual public meeting and, when audio-visual technology is available, to see the Commission members as well. When audio-visual technology is available, a member of a Commission shall, for purposes of a quorum, be considered absent from any portion of the meeting during which visual communication with the member is voluntarily disconnected or otherwise fails or during which audio communication involuntarily fails;

4. A phone number or other live contact information shall be provided to alert the Commission if the audio or video transmission of the meeting provided by the Commission fails. The Commission shall monitor the designated means of communication during the meeting and take a recess until public access is restored if the transmission fails for the public;

5. A copy of the proposed agenda and, unless exempt, all materials furnished to the Commission members for the meeting shall be made available to the public in electronic format at the same time that such materials are provided to the Commission members;

6. The public shall be afforded the opportunity to comment through electronic means, including by way of written comments, at those public meetings when public comment is customarily received;

7. No more than two members of the Commission shall be together in any one remote location unless that remote location is open to the public to physically access it;

8. If a closed session is held during an all-virtual public meeting, the meeting shall be reopened to the public before the public body votes to certify the closed portion of the meeting;

9. The Commission shall not convene an all-virtual public meeting (i) more than two times per calendar year or 50 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, or (ii) consecutively with another all-virtual public meeting; and

10. Minutes of all-virtual public meetings held by electronic communication means shall be taken as required by Virginia Code § 2.2-3707 and include the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held.

Strict Application. This policy governing MPJDC Commission meetings held through electronic communications and member remote participation by electronic means shall 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.

This policy was adopted by the Merrimac Juvenile Detention Commission at its regular meeting on November 5, 2026, and became effective immediately upon adoption.

By:

_____
MPJDC Chair

Attest:

_____
MPJDC Secretary