

TOWN OF HERNDON, VIRGINIA

ORDINANCE

SEPTEMBER 23, 2014

Ordinance- Establishing the policy on remote electronic participation in meetings by Town Council members and members of boards and commissions.

BE IT ORDAINED by the Town Council of the Town of Herndon that:

1. The Herndon Town Code (2000), as amended, is amended and re-ordained by the addition of new section 2-4, Remote electronic participation in meetings, as follows:

Sec. 2-4. Remote electronic participation in meetings.

- (a) This section governs and constitutes an approved process for participation by any member of a town public body ("public body" is as defined by the Virginia Freedom of Information Act) by electronic means from a location remote from the meeting location. A member of a public body may participate in a meeting governed by the Virginia Freedom of Information Act through electronic communications from a remote location that is not open to the public only by one of the methods set out in the disjunctive in this section.
- (b) On or before the day of a meeting, a member of the public body holding the meeting notifies the chair of the public body that such member is unable to attend the meeting due to an emergency or personal matter and identifies with specificity the nature of the emergency or personal matter; and the public body holding the meeting records in its minutes the specific nature of the emergency or personal matter and the remote location from which the member participated. However, the public body by resolution may vote to disapprove such member's participation, as set out in the next sentence. If a member's participation from a remote location is disapproved because such participation would violate the policy set out in this section, such disapproval shall be recorded in the minutes with specificity. Such participation by the member shall be limited each calendar year to two meetings or 25 percent of the meetings of the public body, whichever is fewer.
- (c) A member of a public body notifies the chair of the public body that such member is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance and the public body records this fact and the remote location from which the member participated in its minutes.

- (d) In either of the above cases, a quorum of the public body is physically assembled at the primary or central meeting location.
- (e) In either of the above cases, the public body makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.
- (f) The provisions of this section shall be applied strictly and uniformly without exception, to the entire membership body and without regard to the identity of the member requesting remote participation or to the matters that will be considered or voted on at the meeting.

2. This ordinance shall be effective on and after its date of adoption.

This is certified to be a true and accurate copy of Ordinance 14-O-28 adopted at a legally convened meeting of the Town Council of the Town of Herndon on September 23, 2014.

Margie Tacci

Margie C. Tacci, Deputy Town Clerk II