

**Capital Region Workforce Development Board
Workforce Innovation and Opportunity Act
Administrative Policy #120
Workforce Development Board Governance Matters**

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References:

Code of Virginia § 2.2-3708.3.

Virginia Board of Workforce Development Policy #20-02

Effective Date: March 23, 2023

Background and Purpose:

The Capital Region Workforce Development Board (WDB) as a public body seeks to ensure that it conducts business in a manner that is open and transparent to the public. As a result of ongoing advancements in technology and an evolution in the manner in which meetings can be conducted, this policy is intended to outline the manner in which virtual (electronic) meetings may be conducted by the Board or its committees, and when members may participate through electronic means.

Policy

A. All-Virtual Meetings

Under § 2.2-3708.3 of the Code of Virginia, certain public bodies such as the Workforce Development Board are permitted to conduct all-virtual meetings upon adoption of a local policy that meets Code provisions. As such, by adoption of this policy it is established that:

1. The Capital Region Board and its committees may hold no more than two (2) meetings in a fiscal year through all-virtual means.
2. Reasoning for all-virtual meetings may include local or state emergency declarations, inclement weather where it is predicted to be unsafe for member travel, or instances where a majority of items on a particular agenda do not require board action.
3. Notice that a meeting will be all-virtual must be provided publicly at least three days in

advance of the meeting, with information on how the public can access the meeting and make comments. Audio access at a minimum is required, audio and visual features are preferred.

4. As with in-person meetings, advance materials must be made available to the public at the same time they are made available to the members, unless exempted by other provisions in Virginia's Freedom of Information Act.
5. Board staff shall monitor designated means of communication during the meeting, and notify the Board of a need to take a recess if public access is interrupted until public access is restored. Email, text or phone are acceptable means for such communication.
6. If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public must resume before the Board votes to certify the closed meeting as required by subsection D of § 2.2-3712.
7. Minutes of all-virtual public meetings held shall be taken as required by § 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.
8. If more than two members of the Board participate from the same location, that location must be made known and available to public access.

B. Individual Member Participation in a Meeting by Electronic Means

Under certain circumstances, a Board member may participate in an in-person meeting electronically, provided a quorum is physically established at the meeting site and one of the following is established through advance request to the Chair and copied to staff:

1. The member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance;
2. A medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance;
3. The member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
4. The member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. However, the member may not use remote participation due to personal matters more than 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.

Approval or disapproval of the request must be included in the minutes of the meeting. If approval is granted, the category for reasoning from the above list shall be recorded in the minutes along with the location of remote participation must also be noted by general description.

Note: The Board's present bylaws do allow for a member who cannot attend in person to designate an alternate to attend in their absence and grant a proxy vote to that person.

Part 2: Member Attendance

Effective Date: March 23, 2023

Background and Purpose:

The Board considers attendance at meetings a foundational element of membership and one of the most visible manners in which members engage. However, it is recognized that certain circumstances may prevent members from attending every meeting.

Policy:

Because the Board meets only four times in a fiscal year (July to June) and the schedule is set well in advance each year, attendance at meetings is an expectation. Should the need arise for a member to miss a meeting, the following alternates are available:

- 1) A member may request to participate electronically following provisions in Part 1 of this policy document.
- 2) A member may designate an alternate to attend in their absence and grant a proxy vote on their behalf. The alternate must represent the member's organization. Notice of the alternate's name must be provided to staff no later than 24 hours before the start of the meeting.
- 3) In circumstances where a member cannot identify an alternate within 24 hours of the meeting, the member may submit a notice to staff that they are not able to attend. This notice must be received prior to the start of the meeting to count as an excused absence.

More than 2 absences in a fiscal year, regardless of reasoning given the flexibility afforded above, will place a member's term in a review status. The Governance Committee or its successor