

State Executive Council (SEC) for Children’s Services

Notice of Intent to Develop/Revise Policy

Approved for Public Comment by the SEC: December 12, 2024

Public Comment Period Ends: 5:00 PM, January 31, 2025

Number and Name of Proposed/Revised Policy:

Policy 2.1.3 – Individual Participation in State Executive Council Meetings by Electronic Means

Basis and Purpose of the Proposed/Revised Policy:

The proposed changes bring the current policy into compliance with the guidelines set forth in [§2.2-3708.2](#) and [§2.2-3708.3](#), as amended, effective July 1, 2024. Specifically, the proposed changes modify existing content to include the mandatory requirements for remote participation, the process to request remote participation, the process to confirm approval or disapproval of remote participation, guidelines for recording remote participation in the meeting minutes, guidelines for closed session remote participation, and a statement of the policy’s strict and uniform application.

Section [2.2-3708.2](#) of the Code of Virginia provides that “Any public body, or any joint meetings thereof, may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with [§44-146.17](#) or the locality in which the public body is located has declared a local state of emergency pursuant to [§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 to provide for the continuity of operations of the public body or the discharge of its lawful purposes, duties, and responsibilities.”

Section [2.2-3708.3.B](#) of the Code of Virginia states, “Individual members of a public body may use remote participation instead of attending a public meeting in person if, in advance of the public meeting, the public body has adopted a policy as described in subsection D...”

The proposed changes to the existing policy 2.1.3 also align the policy with the standard policy format adopted by the State Executive Council in September 2022 by adding sections 2.1.3.1 (Purpose), 2.1.3.3 (Definitions), 2.1.3.4 (Remote Participation of Members), and 2.1.3.5 (Policy Review), as well as adding page numbers to the footer.

Summary of the Proposed Policy:

Policy 2.1.3 provides guidance to the State Executive Council for Children's Services (SEC) regarding the parameters of electronic participation in SEC meetings or any committees established by the SEC.

Preliminary Fiscal Impact Analysis:

There is no anticipated fiscal impact of the revisions to this policy on either the Commonwealth or local governments.