



LO-17-0157
MAR 15 2017

SPOTSYLVANIA COUNTY ATTORNEY

REQUEST FOR LEGAL OPINION FOR
COUNTY ATTORNEY'S OFFICE

Name of Requestor: Jane Reeve Department: Information Services Department

What is the issue for which you seek an opinion or legal assistance? (you may attach a separate memorandum):
Please review the change made to the attached policy for submission to the board. If deemed appropriate, we
recommend that this policy be incorporated into the board's bylaws.

What do you want to accomplish with this legal opinion? (Desired outcome/goal): _____

Are the appropriate backup documents attached? Yes x No _____

Who are the parties involved? (Staff, BOS, Citizens, Developers, etc.): BOS

Is this issue scheduled to go to the Board of Supervisors? If so, when? TBD

Has a legal opinion addressing this issue, or a related issue, already been rendered by the County Attorney?
Yes _____ No X If yes, please attach previous opinion or explain. _____

Date: 3-14-2017

Phone No: 540-507-7552

Administrator

Jane Reeve
Signature and Title of Department Director/County

✓ The County Attorney's office finds this is a legal issue and will respond, in writing, within 10 days. Please advise us if this will not meet your schedule so that we can adjust as necessary.

Assigned to S. Cooke

_____ The opinion of the County Attorney's Office is attached.

_____ In the opinion of the County Attorney's office this is not a legal issue and should be directed to your Supervisor or to the County Administrator.

_____ This document is being returned due to incomplete information and/or documentation.

Karl Holsten
Karl Holsten, County Attorney

Completed and Opinion Rendered: _____

(Revised 11/3/10)

Remote Attendance Policy – Spotsylvania County Boards and Commissions

Approved by Board of Supervisors 9/10/2013

Revised -

In accordance with the requirements of the Code of Virginia §2.2-3708.1,

1. A member of any Spotsylvania County boards or commission may request remote participation in each calendar year no more than two meetings or 25 percent of the meetings of the public body.
2. Should a member be elected and/or appointed to more than one Spotsylvania County board or commission, that member may only request remote participation in each calendar year no more than two meetings or 25 percent of the meetings of the public body, collectively.
3. Remote participation will only be allowed for emergencies, personal matters, or for a temporary or permanent disability or other medical condition that prevents the member's physical attendance.
4. A member is required to notify the chair of the public body holding the meeting that:
 - a. Such member is unable to attend the meeting due to an emergency or personal matter, and
 - b. Identifies with specificity the nature of the emergency or personal matter;
5. The public body holding the meeting must hold two votes at ~~the start of each~~ meeting at which a member has requested remote attendance:
 - a. The chair of the board or commission, upon ascertaining there is a quorum physically present, will announce the member's request for remote participation and the specific reason for the request, and call for approval of the public body holding the meeting of member's participation by a majority vote of the members present at the meeting;
 - b. If approved by majority vote, the chair will call for the suspension of any board or commission bylaws which require electronic voting, to be replaced by roll call voting.
6. The clerk of the board or commission will enter into the minutes of the meeting the results of the vote in 5 (a) and (b), to include the name of the member in remote attendance, the specific reason for the request for remote attendance, confirmation by the chair that a quorum is physically present, and the tally of the vote.
7. The member requesting remote participation will then be telephonically joined to the meeting in such a manner that all voice communications can be clearly heard throughout the entirety of the meeting. The chairman of the board or commission will confirm that the remotely connected member can be clearly heard, and that the remotely connected member can clearly hear the proceedings of the meeting, prior to the commencement of the remainder of the meeting.
8. The member requesting remote participation will ensure that he/she is physically located in a reasonably quiet location, to avoid disruption to the meeting proceedings.

9. No more than one (1) member of any board or commission may participate remotely at each meeting.
10. All requests for remote attendance at any board or commission meeting will be announced at the beginning of each meeting, and any denial of requests, with justification, for remote attendance shall be recorded in the meeting minutes.
11. Policies for regional boards or commissions will be left to the individual board or commission to implement.