

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 2.2-3709 of the Code of Virginia and to amend and reenact the second*
 3 *enactment of Chapter 777 of the Acts of Assembly of 1998, as amended by Chapter 909 of the Acts*
 4 *of Assembly of 2000 and Chapter 297 of the Acts of Assembly of 2002, relating to electronic*
 5 *meetings of the Board of Visitors of the University of Virginia.*

6 [S 1344]
 7 Approved

8 **Be it enacted by the General Assembly of Virginia:**

9 **1. That § 2.2-3709 of the Code of Virginia is amended and reenacted as follows:**

10 § 2.2-3709. (Effective until July 1, 2004) Meetings of Board of Visitors of the University of Virginia.

11 A. Members of the Board of Visitors of the University of Virginia may participate by video,
 12 telephone, or video and telephone at their meetings or meetings of their committees, *including closed*
 13 *meetings convened in accordance with the procedures of § 2.2-3712*, where (i) at least ~~two-thirds of the~~
 14 ~~membership~~ a quorum of such board or its committees is physically assembled at its regular or, primary
 15 location *or other location*, (ii) any such meeting is duly convened with advance public notice in
 16 accordance with § 2.2-3707, *including advance public notice of the location of the physically assembled*
 17 *quorum*, and (iii) a speaker phone is provided *at the location where at least two-thirds the quorum of*
 18 *such membership is physically present.*

19 No more than ~~twenty-five~~ 25 percent of all meetings held annually by such board or its ~~committee~~
 20 *committees*, including meetings of any ad hoc committees, may be held by telephonic or video means.

21 B. ~~Where at least two-thirds~~ *When the required quorum* of such board or its committees is physically
 22 assembled at one location for the purpose of conducting a meeting authorized under this section,
 23 additional members of such board or its committees may participate in the meeting through telephonic
 24 means ~~provided if~~ the public is permitted to hear ~~and observe~~ such participation *during any open*
 25 *meeting*. Any interruption in the telephonic or video broadcast of the meeting shall result in the
 26 suspension of action at the *open* meeting until repairs are made and public access *is* restored.

27 C. Except as otherwise provided in this section, all meetings shall be conducted in accordance with
 28 this chapter. Any meeting conducted pursuant to this section shall not be considered an "electronic
 29 communication meeting" for purposes of § 2.2-3708; ~~provided; however,~~ such board or its committees
 30 *shall* comply with the provisions of subsection D of § 2.2-3708, requiring minutes, recordation and
 31 preservation of the audio or audio/visual recording of the meeting. Votes taken by those participating by
 32 telephone or video shall also be publicly recorded by name in roll-call fashion and shall be included in
 33 the minutes, which shall be approved by such board or its committees in public session.

34 **2. That the second enactment of Chapter 777 of the Acts of Assembly of 1998, as amended by**
 35 **Chapter 909 of the Acts of Assembly of 2000, and Chapter 297 of the Acts of Assembly of 2002, is**
 36 **amended and reenacted as follows:**

37 2. That the provisions of this act shall expire on July 1, ~~2004~~ 2005. From July 1, 1998, to July 1,
 38 ~~2004~~ 2005, the Board of Visitors of the University of Virginia shall record the date and name of each
 39 board or committee meeting held pursuant to this chapter and, for each meeting, record the name of
 40 each board member who participates by video or telephone. The Board of Visitors also shall record any
 41 complaints about telephonic or video participation at meetings expressed by board members, members of
 42 the public, or members of the media. No later than January 1, ~~2004~~ 2005, the Board shall provide the
 43 Secretary of Education and the General Assembly a written report containing the information required to
 44 be recorded as well as a narrative summary of the positive and negative experiences of employing
 45 telephonic and video meetings.