

MERCERTRIGIANI

CONVENING VIRTUAL BOARD MEETINGS

Virginia

In order to convene a virtual board of directors meeting under Section 55.1-1816.C of the Virginia Property Owners' Association Act and Section 55.1-1949.B.4 of the Virginia Condominium Act, three conditions must be met. First, at two Board members must be physically present at the meeting location. Second, audio equipment used must allow for any member in attendance to hear what is said. Third, the meeting must be open to members.

Because of *operating policy amendments* to House Bills 29 and 30 ("Budget Bills"), boards now may meet ***without*** two members being physically present during Governor-declared states of emergency – if (i) the nature of the state of emergency makes it impracticable or unsafe for the board to assemble in a single location and (ii) the purpose of the meeting is to discuss or transact business necessary to continue operations and the discharge of association duties. Boards also must meet certain requirements concerning notice, access and meeting minutes.

Planning is critical to convening board meetings in compliance with the Budget Bills. Developing a checklist to assist in planning a properly-convened meeting is a good first step:

☐ **Notice of Meeting.**

- ☐ Must be given to members contemporaneously with notice provided to the board.
- ☐ May be given using best available method for giving notice under the circumstances.

☐ **Access to Meeting.**

- ☐ Members must be provided access to *attend* the meeting.
- ☐ Open forum must be offered.

☐ **Meeting Minutes.**

- ☐ Contents of minutes ***must*** include:
 - ☐ The nature of the emergency;
 - ☐ The fact that the meeting was held by electronic communications; and
 - ☐ The type of electronic means by which the meeting was held.
- ☐ Minutes ***must*** be distributed to members following the meeting by the same method used to provide notice of the meeting.

☐ **Other Considerations.**

- ☐ *Executive Session* – Develop a plan for how the board will convene in and adjourn from executive session and how members will be excluded from discussion.
- ☐ *Managing Discussion* – Develop a plan for how input from owners and board discussion will be managed during the meeting to allow for productive conversation and avoid disruptions.