
VMRC SHELLFISH MANAGEMENT ADVISORY COMMITTEE POLICY

EFFECTIVE AUGUST 1, 2024



PREAMBLE

This policy outlines the operational procedures for the Shellfish Management Advisory Committee, detailing the processes for board appointments and the conduct of both in-person and virtual meetings. It serves as a guiding framework to ensure effective governance and collaborative decision-making. This policy undergoes an annual review and adoption pursuant to § 2.2-3708.3 D of the Code of Virginia.

Section I SHELLFISH MANAGEMENT ADVISORY COMMITTEE

1.1 SHELLFISH MANAGEMENT ADVISORY COMMITTEE

The Shellfish Management Advisory Committee (SMAC) was established by § 28.2-201 to advise the Commission on to assist in the preparation and implementation of fishery management plans.

1.2 Board Appointments

Members and Chairman are appointed by the Commissioner of VMRC which consist of representatives of various fishery user groups under § 28.2-201.

1.3 Meetings

Meetings are subject to the requirements outlined in §§ 2.2-3707 and 2.2-3708.3 and are held on an as-needed basis. Board members receive meeting information (agenda and previous meeting minutes) via email prior to each meeting.

Meetings will be advertised on the agency calendar with a link to the virtual meeting, an agenda, and any meeting documents that will be reviewed. Virtual meetings may be held via Microsoft Teams or WebEX, and those links will be shared with the agenda on the agency calendar. A meeting notice will be published on the Virginia Regulatory Town Hall no less than three business days prior to the meeting.

Meetings minutes are recorded by VMRC staff and provided at the next meeting for approval and published on the VMRC website. Minutes shall be in writing and shall include (a) the date, time, and location of the meeting; (b) the members of the public body recorded as present and absent; and (c) a summary of the discussion on matters proposed, deliberated, or decided, and a record of any votes taken. In addition, for electronic communication meetings conducted in accordance with §§ [2.2-3708.2](#) or [2.2-3708.3](#), minutes shall include (i) the identity of the members of the public body who participated in the meeting through electronic communication means, (ii) the identity of the members of the public body who were physically assembled at one physical location, and (iii) the identity of the members of the public body who were not present at the location identified in clause (ii) but who monitored such meeting through electronic communication means.

At any meeting, members of the SMAC physically present constitute a quorum. Board members who miss two or more subsequent meetings without notification may be removed from the board.

1.4 Policy for Remote Participation for SMAC Meetings

An individual SMAC member may participate from a remote location only if a quorum of the SMAC is physically assembled at the meeting location, and there are arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location, as permitted by Virginia Code §2.2-3708.3, as amended, and this policy.

Individual members of the SMAC may use remote participation instead of attending a public meeting in person if, in advance of the public meeting the member notifies the Chair that:

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 50 % of the meetings held per calendar year rounded up to the next whole number, whichever is greater. There is no limit to the number of times that a member may participate remotely for the other authorized purposes.

In the event of any such participation by a member from a remote location, the meeting minutes will record remote location from which the member participated; however, the remote location need not be open to the public and may be identified in the minutes by a general description. The meeting minutes will also reflect the fact that the member participated virtually due to one of the reasons listed above.

If a member's participation from a remote location is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

1.5 Policy for All-Virtual Meetings

The SMAC and any corresponding subcommittees may convene a maximum of two all-virtual public meetings per calendar year or up to 50% of the meetings held per calendar year rounded up to the next whole number, whichever is greater. However, the all-virtual meetings cannot be held consecutively with another all-virtual meeting. These limitations shall apply separately with respect to the meetings of any subcommittees.

All-virtual public meetings may be convened for the following reasons:

1. It is impracticable or unsafe to assemble a quorum of the SMAC in a single location, but a state of emergency has not been declared; or
2. Other circumstances warrant the holding of an all-virtual public meeting, including, but not limited to, the convenience of an all-virtual meeting.

All-virtual public meetings must meet the following conditions in accordance with §2.2-3708.3:

1. An indication of whether the meeting will be an in-person or all-virtual public meeting is included in the required meeting notice along with a statement notifying the public that the method by which a public body chooses to meet shall not be changed unless the public body provides a new meeting notice in accordance with the provisions of § 2.2-3707;
2. The phone number of the Chair or designated staff will be provided at the start of each meeting to alert the SMAC if the audio or video transmission of the meeting fails. The staff will monitor such designated means of communication during the meeting, and the SMAC will take a recess until public access is restored if the transmission fails for the public; and
3. No more than two members of the SMAC are together in any one remote location unless that remote location is open to the public to physically access it.

Section II INDEX

Relevant Code sections:

2.2 3707- Requirements of meetings to be public
2.2 3708.2 – Virtual in a state of emergency
2.2 3708.3 – Virtual meetings NOT during an emergency
28.2-201 – Establishment of Advisory Committees

Index of Updates

| Date of Change | Summary of Change |
|----------------|--------------------------|
| 7/23/2024 | Initial adoption by SMAC |
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Signatures of Authorization

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| Signature | Printed Name | Date |
| Signature | Printed Name | Date |