



TOWN OF MINERAL
POLICIES MANUAL
FOIA – OPEN MEETINGS

POLICY NO.: 1.2

EFFECTIVE: 11/25/24

OVERVIEW:

This Council approved FOIA policy will provide consistency relating to open meetings of the governing body.

BACKGROUND:

The Virginia Freedom of Information Act (FOIA), located in § 2.2-3700 et seq. of the Code of Virginia, guarantees free entry to meetings of public bodies wherein the business of the people is being conducted.

A meeting is defined as: the meetings including work sessions, when sitting physically, or through electronic communication means, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. For purposes of this definition of "meeting" only, the term "public business" means any activity a public body has undertaken or proposes to undertake on behalf of the people it represents.

The policy of FOIA states that the purpose of FOIA is to promote an increased awareness by all persons of governmental activities. In furthering this policy, FOIA requires that the law be interpreted liberally, in favor of access, and that any exemption allowing public records to be withheld must be interpreted narrowly.

NOTICE:

All meetings of the public body shall be open, except for exemptions allowed under FOIA.

The Clerk shall give notice of the date, time and location of the meeting, at least three working days in advance, by:

1. Posting notice on the Town website
2. Posting notice on the Town municipal building front door
3. Posting notice on the Town municipal building conference room door

The Clerk shall give prompt notice of special, emergency, or continued meetings.

MEETING:

At least three copies of the agenda, agenda packets, and materials shall be made available for public inspection at the meeting, unless exempt under FOIA.

Any person may photograph, film, record or otherwise reproduce any portion of a meeting that is required to be open.

Members may participate remotely in accordance with the Town of Mineral's policy.

The public body shall only go into closed session as allowed by §2.2-3711. The Clerk shall read the motion to go into closed session and shall record the vote by the public body. The motion shall contain the subject matter, purpose of the meeting, and cite the applicable exemptions.

The Clerk shall read the motion to reconvene in open session and the public body shall cast a vote to certify the closed session.

REMOTE POLICY:

The Town of Mineral shall at least once annually adopt a policy regarding remote participation, by recorded vote at a public meeting, that shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. The policy shall:

1. Describe the circumstances under which remote participation will be allowed and the process the public body will use for making requests to use remote participation, approving or denying such requests, and creating a record of such requests; and
2. Fix the number of times remote participation for personal matters can be used per calendar year.

It shall be the Town of Mineral's policy that Council members provide not as soon as possible to the Mayor, Town Manager, and Town Clerk that they will need to attend a meeting remotely. The notice must provide a reason for needing to attend a meeting virtually. The notice must be received no later than 2 PM on the day of the meeting to allow Town staff time to process the request.

Requests to attend a meeting virtually can be approved by the Mayor, Town Manager, or the Town Clerk.

Members may only participate three times per calendar year for personal matters.

MINUTES:

Minutes shall be taken at all open meetings. The minutes shall include the date, time and location of the meeting, what members of the body are present or absent, summary of discussions, and record any vote taken.

Minutes shall state the reason for any remote participation.

The Clerk shall post on the Town website the approved minutes within seven working days.

Town Council authorizes the Town Attorney and designated FOIA Officer to make and disseminate periodic changes as may be requested by the state law.