



TOWN OF MINERAL  
POLICIES MANUAL  
FOIA – OPEN MEETINGS

**POLICY NO.: 1.2**

**EFFECTIVE: 11/25/24**

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**OVERVIEW:**

This Council-approved policy will provide guidance and consistency relating to meetings of the Town's public bodies. This policy does not supplant the requirements found in the Virginia Code.

**BACKGROUND:**

The Virginia Freedom of Information Act (FOIA), located in § 2.2-3700, *et seq.*, of the Code of Virginia, ensures the people of the Commonwealth free entry to meetings of public bodies wherein the business of the people is being conducted. All meetings shall be presumed open, unless an exemption is properly invoked.

A meeting or meetings are 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 provisions of FOIA are liberally construed to promote an increased awareness by all persons of governmental activities. Any exemption allowing closed meetings must be interpreted narrowly.

**NOTICE:**

The Clerk shall, at least three working days prior, give notice of the date, time, location and remote location (if applicable) of any meeting by:

1. Posting notice on the Town website.
2. Placing notice on the Town municipal building front door and conference room door, each a prominent public location at which notices are regularly posted.
3. Placing notice at the office of the Town Clerk.

The Clerk shall give reasonable notice, under the circumstances, of special, emergency, or continued meetings, contemporaneously with the notice provided to the members of the Town body conducting the meeting.

**MEETINGS:**

Copies of the agenda, agenda packets, and meeting 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's remote participation policy.

Town bodies shall only go into closed session as allowed by Va. Code § 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 PARTICIPATION 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's policy that members of Council may use remote participation instead of attending a public meeting in person if they provide notice, 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 and the reason must comply with Va. Code § 2.2-3708.3(B). 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 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 of 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 of their approval.

**\*TOWN COUNCIL AUTHORIZES THE TOWN ATTORNEY AND THE DESIGNATED FOIA OFFICER TO MAKE AND DISSEMINATE PERIODIC CHANGES TO THIS POLICY AS MAY BE REQUESTED OR REQUIRED BY LAW.\***