



TOWN OF MINERAL

POLICIES MANUAL

FOIA – VIRTUAL MEETINGS FOR PLANNING COMMISSION

POLICY NO.: 1.3

EFFECTIVE: 2/27/2025

OVERVIEW:

This Planning Commission-approved policy will provide guidance and consistency relating to virtual meetings of the Mineral Planning Commission. 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.

REMOTE PARTICIPATION POLICY:

The Mineral Planning Commission 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 Mineral Planning Commission may use remote participation instead of attending a public meeting in person if they provide notice, as soon as possible, to the Chairman, 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 Chairman, Town Manager, or the Town Clerk.

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