



Office of the Town Manager
Judson Rex

Warrenton Town Council
Carter Nevill, Mayor
Roy Francis, Ward 1
William Semple, Ward 2
Larry Kovalik, Ward 3
Michele O'Halloran, Ward 4
Eric Gagnon, Ward 5
Paul Mooney, At Large
David McGuire, At Large

STAFF REPORT

Council Meeting Date:	July 14 th , 2026
Agenda Title:	FOIA Law Update
Requested Action:	Receive the information
Department / Agency Lead:	Town Attorney, Town Clerk
Staff Lead:	Mr. Philip Strother

EXECUTIVE SUMMARY

The Virginia Freedom of Information Act ("FOIA") establishes requirements intended to ensure that the meetings and actions of Virginia public bodies are conducted openly and with sufficient public notice. During its 2026 Session, the General Assembly amended Virginia Code § 2.2-3707 to establish additional requirements regarding the posting of meeting agendas and the ability of public bodies to take final action on matters added to an agenda after a meeting has commenced.

The new requirements become effective July 1, 2026. The Town Attorney will brief the Town Council on the statutory changes, their anticipated effect on Council meetings, and areas of the law that may require further interpretation.

This item is presented for discussion and policy direction. No formal action is requested at this work session.

BACKGROUND

The Virginia Freedom of Information Act, Virginia Code § 2.2-3700 et seq., governs public access to the records and meetings of public bodies throughout the Commonwealth. FOIA is intended to ensure that the business of government is conducted openly and that the public has an opportunity to observe and understand the actions of its elected and appointed officials.

Effective July 1, 2026, Virginia Code § 2.2-3707 will require a public body to post its proposed meeting agenda on its official government website before the meeting. The amended statute further provides that no final action may be taken on an item added to the agenda after the meeting commences unless the item is time-sensitive or was the subject of a closed meeting properly identified in accordance with Virginia Code § 2.2-3711.

For purposes of the amended section, "final action" includes a vote, adjudication, or other formal action that completes a matter or serves as its final consideration. The statute clarifies that final action does not include

referring a matter to a committee or advisory body, referring the matter to a future meeting, directing staff to provide additional information, or issuing a commending or memorial proclamation.

§ 2.2-3707.G. *At least one copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of the public body. The public body shall also post the proposed agenda on the public body's official government website, if any, prior to the meeting. No final action may be taken on items added to the agenda after the meeting commences unless they are time-sensitive or are the subject of a closed meeting properly identified in a motion in accordance with § 2.2-3711.*

For purposes of this subsection, "final action" means a vote, adjudication, or other formal action taken by a public body that completes a matter or acts as final consideration of an item. "Final action" does not include:

- 1. Referral to a committee or advisory body;*
- 2. Referral to a future meeting for action;*
- 3. Direction to staff to provide further information; or*
- 4. Issuance of a commending or memorial proclamation.*

STAFF RECOMMENDATION

Staff recommends that the Town Council receive the briefing from the Town Attorney.

Following the work session, staff will incorporate the Town Attorney's guidance into the Town's agenda preparation and meeting-management procedures.

Service Level/Collaborative Impact

Implementation of the new requirements will require coordination among the Town Council, Town Attorney, Town Manager's Office, Town Clerk's Office, and departments submitting items for Council consideration. Departments may be required to submit agenda items and supporting materials earlier to allow sufficient time for legal review, agenda preparation, and public posting. Items submitted after an agenda has been published may require preparation and posting of a revised agenda or postponement to a future meeting. The changes may reduce the Council's ability to take immediate final action on matters raised unexpectedly during a meeting. However, Council will generally remain able to discuss such matters, direct staff to obtain additional information, refer them to a committee, or schedule them for consideration at a future meeting.

Policy Direction/Warrenton Plan 2040

This item supports the Town's commitment to transparent, accessible, and accountable government. Clear agendas and advance notice of matters that may receive final action allow residents and interested parties to more effectively understand, observe, and participate in the Town's public decision-making process.

The proposed procedures are consistent with the goals of Warrenton Plan 2040 related to effective governance, public engagement, communication, and the responsible administration of Town services.

Fiscal Impact

No direct fiscal impact is anticipated from the statutory amendment or the proposed procedural changes. Implementation will require additional staff time for agenda review, preparation, revision, website posting, and coordination with departments and the Town Attorney. These responsibilities are expected to be absorbed within existing departmental resources.

Legal Impact

The amended requirements of Virginia Code § 2.2-3707 become effective July 1, 2026. Failure to comply with FOIA's public-meeting requirements may subject the Town and individual members of a public body to legal challenge and other remedies available under the Act.

The Town Attorney will brief the Council regarding the meaning and application of the amended statute, including the limitation on final action for matters added after a meeting commences, the exceptions for time-sensitive matters and properly identified closed-meeting subjects, and the distinction between final action and permissible procedural direction.

ATTACHMENTS

1.