



Office of the Town Manager
Judson Rex

STAFF REPORT

Warrenton Town Council

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

Council Meeting Date:	July 14 th , 2026,
Agenda Title:	Electronic Meeting Policy Update
Requested Action:	Consider the Resolution to update the electronic meeting policy
Department / Agency Lead:	Town Council/ Town Clerk
Staff Lead:	Stephen Clough MMC, Town Clerk.

EXECUTIVE SUMMARY

The Town Council is required under Va. Code § 2.2-3708.3 to adopt an electronic meeting participation policy at least once annually before members may participate electronically in public meetings.

The Town Council previously updated its electronic meeting participation policy in 2024 to align with amendments made by the General Assembly. Those amendments expanded certain remote participation provisions, including allowing a member who is a person with a disability, or who is a caregiver for a person with a disability, to participate remotely and be counted toward the quorum under qualifying circumstances.

The purpose of this item is not to establish a new policy direction, but to satisfy the annual adoption requirement under State Code and to continue the Town Council's ability to consider individual remote participation requests in accordance with the Virginia Freedom of Information Act.

A draft resolution and policy have been prepared for the Town Council's consideration. Highlights have been included in the policy to identify areas of emphasis under the current law

BACKGROUND

Virginia law allows individual members of a public body to participate in a public meeting by electronic communication means in limited circumstances, provided that the requirements of Va. Code § 2.2-3708.3 are met.

In 2024, the General Assembly amended the Virginia Freedom of Information Act provisions related to electronic meeting participation. Those amendments went into effect last year and were incorporated into the Town Council's updated policy at the July 9, 2024, Regular Town Council Meeting.

At the November 7, 2023, Special Town Council Meeting, the Town Council adopted a resolution to align its electronic meeting participation policy with the State Code then in effect.

At the July 9, 2024, Regular Town Council Meeting, the Town Council adopted a subsequent resolution updating the policy to reflect the 2024 amendments to State Code.

At the August 12th, 2025, Regular Town Council Meeting, the Town Council adopted a subsequent resolution updating the policy to remain compliant with the State Code.

The legislation affecting the policy included the following:

HB 894 / SB 734 — Electronic Meetings

This legislation amended the number of all-virtual meetings that certain public bodies may hold from two meetings or 25% of meetings per calendar year to two meetings or 50% of meetings per calendar year, whichever is greater. The legislation also requires public bodies to adopt an electronic meeting policy at least once annually before using remote participation or all-virtual meeting provisions.

It should be noted that local governing bodies, planning commissions, boards of zoning appeals, and architectural review boards are not authorized to hold all-virtual public meetings under this provision. Accordingly, this policy does not authorize the Town Council to conduct all-virtual meetings. The policy applies to individual remote participation by members of the Town Council as allowed by State Code.

HB 1040 / SB 85 — Remote Participation; Definition of “Caregiver”

This legislation amended the remote participation provisions for members who are persons with disabilities or caregivers for persons with disabilities.

Under the current Code, a member of a public body who is a person with a disability, or who is a caregiver for a person with a disability, may participate remotely when the qualifying circumstance prevents the member’s physical attendance. For purposes of determining whether a quorum is physically assembled, a member participating remotely under these provisions may be counted toward the quorum as if physically present.

“Caregiver” means an adult who provides care for a person with a disability as defined in Va. Code § 51.5-40.1 and who is related by blood, marriage, or adoption to, or is the legally appointed guardian of, the person with a disability.

Because the law requires annual adoption of the policy, the Town Council is being asked to re-adopt the electronic meeting participation policy for the current calendar year.

POLICY CONSIDERATIONS

The proposed policy maintains the Town Council’s process for considering individual requests for remote participation. The policy is intended to ensure that requests are handled consistently, uniformly, and in compliance with the Virginia Freedom of Information Act.

The policy addresses the circumstances under which remote participation may be requested, the process for making a request, the responsibility of the public body to approve or deny the request, and the information that must be included in the meeting minutes.

Remote participation may be permitted for qualifying reasons identified in State Code, including disability, medical condition, caregiving responsibilities, principal residence more than 60 miles from the meeting location, or a personal matter. Participation due to a personal matter remains subject to the annual statutory limits.

The policy must be applied strictly and uniformly to the full membership of the Town Council, without regard to the identity of the member requesting remote participation or the matters scheduled for consideration at the meeting.

STAFF RECOMMENDATION

Staff recommends that the Town Council adopt the Resolution re-adopting the electronic meeting participation policy pursuant to Va. Code § 2.2-3708.3.

Adoption of the Resolution will satisfy the annual policy adoption requirement and will allow the Town Council to continue considering individual remote participation requests in accordance with the Virginia Freedom of Information Act.

Service Level/Collaborative Impact

The electronic meeting process will assist with internal coordination, meeting preparation, public access requirements, and accurate documentation in the meeting minutes.

Policy Direction/Warrenton Plan 2040

The annual adoption of this policy supports the Town's commitment to transparent, accessible, and accountable local government.

The policy helps maintain continuity of governance while ensuring that Town Council meetings continue to be conducted in compliance with the Virginia Freedom of Information Act.

Fiscal Impact

No Fiscal impact is expected as the requirements for participation are included in the annual budget.

Legal Impact

This policy is adopted pursuant to the authorization of Va. Code § 2.2-3708.3 and shall be strictly construed in conformance with the Virginia Freedom of Information Act, Va. Code §§ 2.2-3700 through 2.2-3715.

Annual adoption of the policy is required before the Town Council may allow individual members to participate remotely under Va. Code § 2.2-3708.3.

ATTACHMENTS

1. Draft Resolution
2. Previous Passed resolutions and staff reports