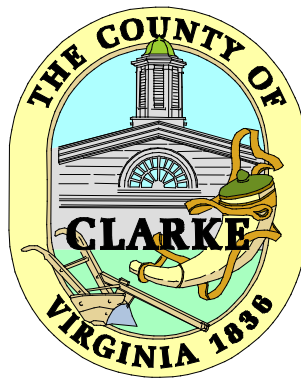
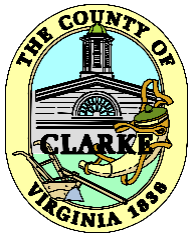


# Industrial Development Authority of the Clarke County, Virginia Board of Directors



Organizational Meeting Packet  
January 26, 2023



Industrial Development Authority of the County of  
Clarke Virginia

*Ben Cochran, Brian Ferrell, Cabell Williams, James George, Rodney Pierce, Isreal  
Preston, William Waite*

## Agenda

Thursday, January 26, 2023, 1:00 pm

Main Meeting Room, Berryville Clarke County Government Center  
101 Chalmers Court 2nd Floor, Berryville, Virginia

	Page
1. Call to Order	4
2. Organizational Items	5
– Elect 2023 Chair	
– Elect 2023 Vice-Chair	
– Elect 2023 Secretary/Treasurer	
– Set 2023 Meeting Date, Time, and Location	6
– Approve Bylaws, Rules, and Procedures	7
3. Adoption of Agenda	39
4. Approval of Minutes	40
– October 27, 2022 - Regular Meeting	41
5. Secretary/Treasurer Report	49
– FY2023 YTD Check Log	50
– Investments YTD Summary	53
– FY2023 Budget	54
6. New Business:	55
– Presentation by Shaine Coleman	
– Economic Development and Tourism Update by Felicia Hart	56

7.	Closed Session pursuant to §2.2-3711-A3	83
	– Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.	
8.	Next Meeting	84
	– April 27, 2023, Regular Meeting	
	– <i>April 19, 2023, Spring Tour with EDAC – if approved</i>	
9.	Adjourn	85
	Distributed in Packet:	86
	– 2022 Building Department Reports	
	o 2022 New Single Family Dwellings	88
	o December 2022 Building Inspections	89
	o December 2022 Project Application Report	97
	– 2022 IDA Annual Report	102
	– Economic Development Advisory Committee	
	o November 16 , 2022, Regular Meeting Minutes	103
	– Annual Distribution	
	o Code of Clarke, Virginia 1997 as amended Chapter 36 Industrial Development Authority	109
	o Code of Virginia Title 15.2 Counties, Cities and Towns Chapter 49. Industrial Development and Revenue Bond Act	112
	o Code of Virginia Title 2.2. Administration of Government Chapter 37. Virginia Freedom of Information Act	131
	o Code of Virginia Title 42.1. Libraries Chapter 7. Virginia Public Records Act	158

# **Call to Order**

# **Organizational items**

- Elect 2023 Chair
- Elect Vice-Chair
- Elect Secretary/Treasurer
- Set Meeting Date, Time, and Location
- Approve ByLaws, Rule, and Procedures



# Industrial Development Authority of the County of Clarke Virginia

## 2023 Meeting Schedule

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- January 26, 2023 – Organizational
- April 27, 2023 – Regular Meeting
- July 27, 2023 – Regular Meeting\*
- October 26, 2023 – Regular Meeting
- January 25, 2024 – Organizational

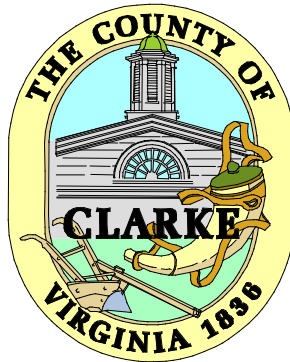
**\*Presentation by Laurel Ridge Small Business Development  
Center and Investment by Bank of Clarke**

## Upcoming Business Tours with EDAC

- April, 2023 – Spring Tour with EDAC
- October, 2023 – Fall Tour with EDAC

Fourth Thursday, Quarterly at 1:00 pm  
Berryville-Clarke County Government Center  
Main Meeting Room

# Bylaws and Rules and Procedures of the Industrial Development Authority of the Clarke County, Virginia



## Bylaws of the Industrial Development Authority of the Clarke County, Virginia

Distribution: All Directors, County Administration, Director of Economic Development

### Record of Revision

Revision No.	Revision Date	Description
New	01/12/1999	New Document
1	07/28/2016	<p><b>Amend Section 204: Annual Meetings.</b> The annual meeting of the Board of Directors shall be held in January of each year and meetings held once per quarter, or at such time as needed, throughout the year in the Berryville Clarke County Government Center, 101 Chalmers Court, Second Floor, Berryville, Virginia or at such location as the Board of Directors may designate.</p> <p><b>Add Section 209:</b> Removal of Director Before Their Terms in Office Expires: Should the Executive Committee, by a majority vote, deem that the attendance pattern of a Director at properly scheduled meetings is unacceptable, or should the performance of a Director be deemed unacceptable for any other reason by a majority vote of the Executive Committee, then the Chair of the Authority shall solicit the resignation of such a Director.</p> <p>In the event that no resignation is forthcoming, then the Executive Committee shall recommend the termination of such Director to the Clarke County Board of Supervisors.</p> <p><b>Amend Section 403:</b> Public Attendance at Meetings: Inspection of Records. All meetings of the Board of Directors at which formal action is taken shall be open to the public. The Board of Directors may hold executive or closed meetings in accordance with The Virginia Freedom of Information Act, <del>Chapter 21, Title 2-1,</del> Chapter 37 Title 2.2 Administration of Government Code of Virginia (1950, as amended), as may be in effect from time to time (the "Virginia Freedom of Information Act").</p> <p><b>Section 404:</b> Rules Regulations and Procedure: Add to Format of Meeting Approval of agenda</p> <p><b>Correct name throughout</b> to "Industrial Development Authority of the Clarke County, Virginia."</p> <p><b>Section 206:</b> Notices. Strike telegraph. Add email.</p> <p><b>Add section 210</b></p>



## Bylaws of the Industrial Development Authority of the Clarke County, Virginia

2	01/25/2018	<p><b>Section 304:</b> Add Finance subcommittee section.</p> <p><b>Section 405:</b> Add "All check or money transfers exceeding \$499 shall be countersigned by the Treasurer and Chair."</p>
3	04/26/2018	<p><b>Section 405:</b> Remove "All check or money transfers exceeding \$499 shall be countersigned by the Treasurer and Chair." Replace with "The Authority will continue the practice of requiring two authorized signatories be on file with its banking institution."</p>
4	12/28/2020	<p><b>Section 102:</b> Correct link to read "15.2-4901 and repair the hyperlink location.</p> <p><b>Section 201:</b> The following language was added, "Directors shall be a Clarke County resident with business experience helpful to the Industrial Development Authority's mission" and "A minimum of one (1) Director shall be from the banking sector at all times."</p> <p><b>Section 204:</b> Add language, "Directors are expected to attend the majority of all meetings throughout the calendar year."</p> <p><b>Section 209:</b> Add language, "Executive Committee will consist of the Chair, Vice-Chair, and Secretary/Treasurer."</p> <p><b>Section 210:</b> Change from "Remuneration for Meeting Attendance" to "Meeting Held Through Electronic Communications Policy and Approval Process" and add language allowing electronic meetings.</p> <p><b>Section 301:</b> Added which officers will make up the Executive Committee.</p> <p><b>Section 401:</b> Added an image of the seal to the bottom of this section.</p> <p><b>Section 402:</b> Move language from Section 210 to Section 402 and clarify Directors will receive \$50 per meeting and may be reimbursed for travel expenses.</p> <p><b>Section 405:</b> Add "electronic signature" to the sentence.</p> <p><b>Section 408:</b> Add "an approved" to make the following first sentence, "The applicant shall publish an approved notice of public hearing...".</p> <p><b>Section 4.2:</b> Make the fees listed in this section "Appendix A" and have document reference that for Bond Fees.</p> <p><b>Section 4.6:</b> Add language stating the Applicant is responsible for all advertising</p>

**Bylaws of the Industrial Development Authority of the Clarke County, Virginia**

		<p>fees.</p> <p><b>Section 4.8:</b> Add language to the first sentence "The Applicant shall publish a notice of public hearing" to "The Applicant shall publish an approved notice of public hearing."</p> <p>Add language to the third paragraph, "The second publication shall be not less than six or more than twenty-one days" to "The second publication shall be not less than six nor more than twenty-one calendar days."</p> <p>Add a paragraph to state, "Records of public hearing shall be held with staff in County Administration per retention periods set by the Library of Virginia."</p> <p><b>Section 4.9:</b> Duplicate paragraph was removed.</p> <p><b>Section 5.2, Bullet (E) (1):</b> Amend wording to say, "All costs and fees relating to the annual audit and directly attributable to a particular Applicant may be charged to such Applicant."</p> <p><b>Section 5.2, Bullet (E) (2):</b> Amend wording to say, "Any costs and fees of such audit not directly attributable to any Applicant or Project may be allocated among all Applicants having Bonds outstanding..."</p> <p><b>Section 5.3:</b> Fix bullet duplication, change (c) to (d)</p> <p><b>Section 5.6:</b> Correct the first sentence to read, "In the event the title of the Project..."</p> <p><b>Section 5.7:</b> Remove ( at the beginning of the sentence.</p>
5	01/26/2022	<p><b>Section 210:</b> Revise to reflect changes to the Code of Virginia.</p> <p><b>Section 402:</b> Add language specifying Directors are to be paid \$50 per quarterly meeting physically attended.</p>

# Bylaws of the Industrial Development Authority of the Clarke County, Virginia

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# Bylaws of the Industrial Development Authority of the Clarke County, Virginia

Industrial Development Authority  
Of The Clarke County, Virginia  
**Bylaws**

## Article I

### Name. Purpose And Powers

#### Section 101: Name

The name of this body shall be the "Industrial Development Authority of the Clarke County, Virginia" (the "Authority").

#### Section 102: Purposes

The purposes of the Authority shall be as set forth in Section [15.2-4901](#) of the Code of Virginia (1950, as amended) and all other purposes as are now or may hereafter be set forth in the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2 of the Code of Virginia (1950, as amended) (the "Act").

#### Section 103: Powers

The Authority shall be vested with all powers as set forth in Section [15.2-4905](#) of the Code of Virginia (1950, as amended) and all other powers as are now or may hereafter be set forth in the Act.

## Article II

### Directors

#### Section 201: Board of Directors

The Authority shall be governed by a Board of Directors in which all powers of the Authority shall be vested. Directors shall be a Clarke County resident with business experience helpful to the Industrial Development Authority's mission. A minimum of one (1) Director shall be from the banking sector at all times.

#### Section 202: Number, Appointment, and Terms of Directors

There shall be seven (7) Directors of the Authority who shall be appointed by the Board of Supervisors of Clarke County, Virginia (the "Board of Supervisors").

## Bylaws of the Industrial Development Authority of the Clarke County, Virginia

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Directors shall be appointed for a term of four (4) years, except appointments to fill vacancies, which shall be for the remainder of such unexpired term.

If at the end of any term of office of any Director or successor thereto has not been appointed, then the Director whose term of office has expired shall continue to hold office until a successor is appointed and qualified.

Each Director, upon his initial appointment and any reappointment, shall take and subscribe the oath prescribed by Section [49-1](#) of the Code of Virginia (1950, as amended).

No Director shall be an officer or employee of Clarke County, Virginia.

Every Director shall, at the time of his appointment and thereafter, reside in Clarke County, Virginia, or an adjoining locality.

### Section 203: Vacancies

The Chairman of the Authority shall promptly notify the Board of Supervisors of any vacancy that may occur in the Board of Directors.

The Board of Supervisors shall make any appointments necessary to fill any vacancies as soon as possible upon the Board of Directors of the Authority in accordance with the Act.

In the event the term of any Director of the Authority shall expire without the Director being reappointed, or the Board of Supervisors appoints a new Director, then the Director whose term has expired shall continue in office until his reappointment and qualification or until his successor shall have been appointed and qualified.

### Section 204: Annual Meetings

The annual meeting of the Board of Directors shall be held in January of each year and meetings held once per quarter, or at such time as needed throughout the year in the Berryville Clarke County Government Center, 101 Chalmers Court, Second Floor, Berryville, Virginia or at such location as the Board of Directors may designate. Directors are expected to attend the majority of all meetings throughout the calendar year.

### Section 205: Special Meetings

Special meetings of the Board of Directors may be called at any time by the Chairman of the Board of Directors or by any two Directors of the Authority, to be held at the time and place designated in the notice of the meeting.

## Bylaws of the Industrial Development Authority of the Clarke County, Virginia

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### Section 206: Notices

Notice specifying the time and place of any annual or special meeting of the Board of Directors shall be given to each Director of the Authority at least 24 hours before such meeting by delivering such notice to him or her or by telephoning, emailing, or mailing such notice to him or her at least 24 hours before the meeting. Any notice postmarked the day before the meeting shall be deemed to have been mailed at least 24 hours before the meeting.

Notices of special meetings of the Board of Directors shall generally specify the purposes thereof.

The presence of any Director at a meeting shall be deemed an acknowledgment of the timely receipt of notice thereof or a waiver of any such notice unless a specific objection to the notice of such meeting shall be raised by any Director in attendance.

Meetings may be held without notice if all of the Directors are present or if those Directors not present waive notice prior to the meeting, which waiver shall be in writing, signed either before or after the meeting.

### Section 207: Quorum

Four (4) members of the Board of Directors shall constitute a quorum of the Board of Directors for the purpose of conducting Authority business, exercising Authority powers, and for all other purposes, except that no facilities owned by the Authority shall be leased or disposed of in any manner without a majority vote of the Directors of the Authority.

No vacancy in the membership of the Board of Directors shall impair the right of a quorum to exercise all the powers and perform all the duties of the Authority.

### Section 208: Voting

Except as otherwise required in these Bylaws or by the Act, any question submitted to a vote of the Board of Directors shall be passed by a simple majority of those Directors present and voting.

No Director shall be allowed to vote by proxy at any meeting of the Authority.

### Section 209: Removal of Directors Before Their Terms in Office Expires

Should the Executive Committee, by a majority vote, deem that the attendance pattern of a Director at properly scheduled meetings is unacceptable, or should the performance of a Director be deemed unacceptable for any other reason by a majority vote of the Executive Committee, then the Chair of the Authority shall solicit the resignation of such Director.



## Bylaws of the Industrial Development Authority of the Clarke County, Virginia

In the event that no resignation is forthcoming, then the Executive Committee shall recommend the termination of such Director to the Clarke County Board of Supervisors.

The Executive Committee shall consist of the Chair, the Vice-Chair, and the Secretary/Treasurer.

### Section 210: Meetings Held Through Electronic Communications Policy and Approval Process

#### Policy:

It is the policy of the Industrial Development Authority of the Clarke County, Virginia, that its individual members may participate in meetings of the Industrial Development Authority by electronic means as permitted by Virginia Code § 2.2-3708.32. This policy shall apply 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.

Whenever an individual member wishes to participate from a remote location, the law requires a quorum of Board of Directors to be physically assembled at the primary or central meeting location, unless a state of emergency has been declared as described in the next section. ~~and there~~ must be arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

Board members wishing to participate remotely must inform the Chair in advance of the public meeting. Remote participation can be used if the board member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance or if a medical condition of the board member's family requires the board member to provide care that prevents the board member's physical attendance. In either case, there is no annual limit on the number of times a board member can participate remotely.

A board member may also participate remotely for a personal matter as long as they notify the Chair in advance and identify with specificity the nature of the personal matter. Electronic participation for personal matters is limited to no more than 25 percent of the meetings held per calendar year.

Individual participation from a remote location shall be approved unless such participation would violate this policy or the provisions of the Virginia Freedom of Information Act.

If electronic participation is approved by the Board, the minutes shall include the reason for electronic participation and the remote location from which the board member participated.

## Bylaws of the Industrial Development Authority of the Clarke County, Virginia

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If electronic participation is disapproved, such disapproval shall be recorded in the minutes with specificity. ~~When such individual participation is due to an emergency or personal matter, such participation is limited by law to two meetings of the public body per member each calendar year, whichever is fewer.~~

Note: ~~Nothing in this section shall be construed to prohibit the use of interactive audio or video means to expand public participation.~~

### Approval Process:

~~Automatic Approval with Vote if Challenged.~~

~~Individual participation from a remote location shall be approved unless such participation would violate this policy or the provisions of the Virginia Freedom of Information Act.~~

~~If a member's participation from a remote location is challenged, then the Board of Directors shall vote whether to allow such participation.~~

~~If the Board of Directors votes to disapprove of the member's participation because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.~~

### Disability or Medical Condition or Personal Matter Prevents Physical Attendance (Applies to all public bodies):

- ~~1) Physically assembled quorum is required;~~
- ~~2) Remote member's voice must be heard by all;~~
- ~~3) Member must notify chair of inability to attend due to temporary or permanent disability or other medical condition that prevents physical attendance on or before the day of the meeting;~~
- ~~4) Fact of disability or medical condition must be recorded in the minutes;~~
- ~~5) Remote location must be recorded in the minutes; and,~~
- ~~6) Member's remote participation must be in accord with the policy on electronic participation adopted by the public body while the fact that a disability or medical condition prevents the members' physical attendance must be recorded in the minutes, it is not required to identify the specific disability or medical condition.~~
- ~~7) Member participating through electronic communications means under this section may make motions, vote, join in closed meetings, and otherwise participate fully as if he or she was physically present.~~

Revision 4, December 28, 2020

Page 5

## Bylaws of the Industrial Development Authority of the Clarke County, Virginia

### Examples:

- ~~— Temporary hospitalization or confined to home;~~
- ~~— Contagious illness; or~~
- ~~— Any permanent physical disability that prevents travel to the meeting location.~~

~~If the procedural requirements are not met, however, then the member may only monitor the meeting (i.e., listen or watch, depending on the technology used) and cannot otherwise participate.~~

~~The remote location where the member using electronic communications is does not have to be open to the public under these provisions.~~

### Personal Matter Prevents Attendance:

- ~~1) Physically assembled quorum is required;~~
- ~~2) Remote member's voice must be heard by all;~~
- ~~3) Remote member must notify chair of the public body on or before the day of the meeting;~~
- ~~4) Nature of the emergency or personal matter must be identified;~~
- ~~5) Nature of the personal matter must be recorded in the minutes;~~
- ~~6) Remote location must be recorded in the minutes; and~~
- ~~7) Participation because of a personal matter that prevents attendance is limited to two (2) meetings per calendar year.~~

~~If a member's participation is disapproved because it would violate the public body's policy on participation, that fact must be recorded in the minutes with specificity. However, the member may continue to monitor the meeting from the remote location, but may not participate in the proceeding and may not be counted as present at the meeting.~~

### Examples:

- ~~— Flat tire on the way to the meeting, call in from cell phone at side of the road;~~
- ~~— Traffic congestion or stoppage;~~
- ~~— Personal, family, or business emergency; or~~
- ~~— Blizzard, flood, or other sudden severe weather conditions that prevent travel to the meeting location.~~
- ~~— Business trip;~~
- ~~— Family trip; or~~
- ~~— Scheduling conflicts.~~

**Monitoring a meeting:**

~~As stated above, if a member of a public body cannot meet the procedural requirements to participate in a meeting by electronic communication means, the member may still monitor the meeting by listening or watching by electronic communication means. However, the member cannot be counted as present and cannot participate.~~

~~In such a situation, as a matter of best practices, it is suggested that the chair of the public body make a statement to inform the public and the other members, such as "Please observe that [member name] could not attend today's meeting, but is [listening/watching] the meeting [by speakerphone, videoconference, or whatever electronic communication means is being utilized]. However, [member name] is only monitoring the meeting. [He/she] is not counted as present, and cannot make motions, vote, or otherwise participate.~~

**Meetings held through electronic communication means during declared States of Emergency Declared by the Governor (Applies to all public bodies):**

Any public body may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17, or the locality in which the public body is located has declared a local state of emergency pursuant to §44-146.21, subject to the following procedures and conditions:

- a) The catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location; and
- b) The purpose of the meeting is to ~~address the emergency.~~ provide for the continuity of operations of the public body or the discharge of its lawful purposes, duties, and responsibilities.

In addition, the public body must:

- a) Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided members of the local public body conducting the meeting;
- b) Make arrangements for public access to such meeting through electronic communication means and provide the public with the opportunity to comment at those meetings when public comment is customarily received;
- c) Otherwise comply with the provisions of § 2.2-3708. ~~;~~ and ~~2-~~

## Bylaws of the Industrial Development Authority of the Clarke County, Virginia

- d) State in the minutes the nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held.

### Article III

#### Officers

##### Section 301: Officers

The officers of the Authority shall be a Chairman, a Vice-Chairman, and from their membership or not, as they desire, Secretary and Treasurer, or a Secretary-Treasurer, who shall continue to hold office until their respective successors are elected and qualified.

The Executive Committee shall consist of the Chair, the Vice-Chair, and the Secretary/Treasurer.

##### Section 302: Duties of Officers

The duties of the officers of the Authority shall include, but shall not be limited to, the following:

#### A. Chairman:

- Preside at all meetings of the Authority;
- Be responsible for notice of meetings to the Directors and officers of the Authority;
- Be responsible for all correspondence;
- Make committee appointments;
- May appoint members of the Authority as liaison to any other governmental agencies, authorities and commissions;
- Act as a signatory on behalf of the Authority when authorized; and,
- Perform such other duties as are incident to his office or may properly be required of him by the Board of Directors.

#### B. Vice Chairman shall, in the absence of the Chairman,

- Exercise all of the Chairman's powers and duties;
- In the event the office of Chairman shall become vacant, the Vice-Chairman shall immediately become the Chairman.

## Bylaws of the Industrial Development Authority of the Clarke County, Virginia

### C. Secretary:

- Transcribe detailed minutes of every meeting or proceeding of the Authority;
- Issue notices for all meetings;
- Keep the seal of the Authority and all books and records of the Authority; and
- Perform such other duties as may be directed by the Board of Directors.

### D. Treasurer:

- Custody of all funds and securities of the Authority and deposit the same in the name of the Authority in such bank or banks as the Directors may from time to time determine;
- Shall sign all checks, drafts, notes and orders for the payment of moneys and shall payout and dispose of the same under the direction of the Chairman.
- Keep suitable records of all financial transactions of the Authority and
- Arrange to have the same audited following the end of each fiscal year of the Authority, subject to the approval of the Board of Directors. Copies of each audit shall be furnished to the Board of Supervisors.

### Section 303: Elections.

Officers of the Authority shall be elected annually at the annual meeting of the Authority held in January of each year, shall commence their duties immediately upon election and shall continue in office thereafter until a successor shall have been elected and qualified.

The Directors may elect at any annual or special meeting such officers as may be necessary to fill any vacancy created by resignation, expiration of term of appointment as a Director, or otherwise. Any officer so elected shall serve until his successor shall have been elected at the next annual election and qualified.

### Section 304: Finance Subcommittee

The Finance Subcommittee shall consist of:

- Chair
- Treasurer
- Member at large, as assigned by the Chair

## **Article IV.**

## Bylaws of the Industrial Development Authority of the Clarke County, Virginia

### General Provisions

#### Section 401: Seal.

The seal of the Authority shall be a flat-faced circular die with the name of the Authority engraved thereon and such other words and figures as may appear thereon as evidenced by a sample of such seal which appears below.



## Bylaws of the Industrial Development Authority of the Clarke County, Virginia

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### Section 402: Compensation.

The Directors and officers of the Authority shall receive no salary but may be compensated such amount regular, special or committee meeting or per each official representation as may be approved by the Board of Supervisors, not to exceed the amount as provided in the Act for each meeting (\$50) or official representation, and shall be reimbursed for necessary traveling and other expenses incurred in the performance of their duties.

Each director shall receive \$50 for attending a quarterly meeting in-person. The Authority Treasurer shall be responsible for issuing payment. There shall be no remuneration for special meetings.

### Section 403: Public Attendance at Meetings: Inspection of Records.

All meetings of the Board of Directors at which formal action is taken shall be open to the public.

The Board of Directors may hold executive or closed meetings in accordance with The Virginia Freedom of Information Act, [Chapter 37 Title 2.2 Administration of Government Code of Virginia \(1950, as amended\)](#), as may be in effect from time to time (the "Virginia Freedom of Information Act").

All official records of the Authority shall be open for inspection and copying in accordance with the provisions of the Virginia Freedom of Information Act.

Directors and officers of the Authority may inspect all Authority records at any reasonable time.

### Section 404: Rules, Regulations, and Procedure.

- A. Roberts Rules of Order, Newly Revised, shall govern all matters of procedure not specifically set forth in these Bylaws or the Act.
- B. The format of meetings of the Board of Directors may be as follows:
  - (1) Call to order
  - (2) Recording of attendance
  - (3) Adoption of Agenda
  - (4) Reading, approval, and correction of the minutes of the last meeting.
  - (5) Reports of officers and committee
  - (6) Old Business
  - (7) New Business



## **Bylaws of the Industrial Development Authority of the Clarke County, Virginia**

### (8) Adjournment

- C. The Board of Directors may adopt, amend and alter from time to time such rules, regulations or forms, which it deems necessary or expedient from the management of the affairs of the Authority and which shall not be inconsistent with the Act.

The Secretary of the Authority shall maintain current copies of the Bylaws, and any rules, regulations and forms adopted by the Authority.

### Section 405: Authorized Signatures.

Checks, notes, drafts, and other legal documents shall be signed by such Directors or officers of the Authority as may be specified in the act, these Bylaws, or as the Board of Directors may, from time to time, authorize by resolution.

The Authority will continue the practice of requiring two (2) authorized signatories to be on file with its banking institution.

The signature of any officer or Director may be by facsimile or electronic signature when authorized by the Board of Directors.

## **Article V**

### **Amendments**

### Section 501: Amendment of Bylaws.

These Bylaws may be amended, repealed or altered, in whole or in part, by a majority vote of the Board of Directors at any duly constituted meeting, provided notice of such amendment shall have been given to the Directors in the notice of such meeting.

# Rules and Procedures Of The Industrial Development Authority Of The Clarke County, Virginia

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## Industrial Development Authority Of The Clarke County, Virginia Rules and Procedures

### Article I

#### Purpose and Scope

##### Section 1.1: Purpose.

These Rules shall govern the submission of Applications to the Authority, Application and administrative fees, consideration of matters to be brought to the attention of the Authority relating to the authorization, issuance and sale of its Bonds, the adoption of Financing Documents, reports to be submitted to the Authority, and such other matters as are contained herein.

##### Section 1.2: Scope.

These Rules are supplementary to the Authority's Bylaws and the Act. In the event of any conflict between the Authority's Bylaws, the Act and these Rules, the provisions of the Bylaws and the Act shall prevail.

### Article II

#### Definitions

##### Section 2.1: Definitions.

As used in these rules and procedures, the following terms shall have the meaning as set forth herein, unless the context clearly requires otherwise:

"Act" shall mean the Industrial Development and Revenue Bond Act, [Chapter 49, Title 15.2](#), Code of Virginia of 1950, as amended.

"Applicant" shall mean any individual, person, firm, corporation, partnership or other entity applying for industrial development revenue bond financing, or for whose benefit the Authority has issued its Bonds, or who requests the Authority to take any action.

"Application" shall mean the Authority's Application for industrial development revenue bond financing as in effect from time to time.

## Rules and Procedures Of The Industrial Development Authority Of The Clarke County, Virginia

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"Authority" shall mean the Industrial Development Authority of the Clarke County, Virginia, a political subdivision of the Commonwealth of Virginia.

"Bonds" shall mean any notes, bonds and other obligations authorized to be issued by the Authority pursuant to the Act.

"Code" shall mean the Code of Virginia of 1950, as amended.

"Financing Documents" shall mean any resolutions, instruments, documents, papers, elections, certificates or financing statements required to be adopted or authorized, executed and delivered by the Authority in connection with the authorization, issuance and sale of its Bonds.

"IRC" shall mean the Internal Revenue Code of 1986, as amended.

"Project" shall mean any land, improvements, machinery, equipment or property financed by the issuance and sale of the Authority's Bonds.

"Rules" shall mean these Rules and Procedures of the Authority, as may be in effect from time to time.

### Article III

#### General

##### Section 3.1: Copies to be Provided Applicants.

A copy of these rules and procedures shall be furnished by the Authority's Secretary to each prospective Applicant.

##### Section 3.2: Compliance with Rules and Procedures.

Each Applicant shall comply with these rules and procedures in the submission of its Application or any Financing Documents to the Authority and in requesting that the Authority take any action, including the adoption of Financing Documents.

Failure to comply with these rules and procedures shall constitute sufficient reason for the Authority to refuse to consider any Application, Financing Documents or any other matter to be brought before the Authority by or on behalf of any Applicant.

##### Section 3.3: Amendments.

These rules and procedures may be changed from time to time by the Authority by the  
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## Rules and Procedures Of The Industrial Development Authority Of The Clarke County, Virginia

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vote of a majority of its Directors present at any meeting of the Authority, provided notice of such change shall have been given to each Director before such meeting.

These rules and procedures may, notwithstanding the foregoing, be amended without prior notice upon the affirmative vote of all Directors of the Authority.

### Section 3.4: Preparation and Distribution of Agenda and Minutes.

- (a) A preliminary agenda for the Authority's meetings shall be prepared and distributed by the Authority's Secretary [no later than three (3) days] before the Authority's scheduled meeting date. The agenda may state that it is a preliminary agenda subject to change at or before the Authority's meeting.

*Failure to distribute the preliminary agenda as set forth above shall in no way affect the validity of any actions taken by the Authority at the meeting.*

- (b) Preliminary drafts of the minutes of the Authority's meeting shall, as soon as practicable following the meeting, be mailed or delivered to each officer and director of the Authority and the Authority's counsel. Each preliminary copy of the minutes so distributed shall be marked to indicate that it is a preliminary draft subject to additions or corrections at the Authority's next meeting.

## Article IV

### Applications Procedures, Fees and Requirements

#### Section 4.1: Applications.

At least twenty-one days before the Authority's meeting at which the Application is to be considered, each Applicant shall submit a fully and accurately completed Application to:

- each Director of the Authority,
- the Authority's Secretary and Counsel and
- the Economic Development Director of the County of Clarke,

Each Application shall include all requested exhibits. In the event all requested exhibits are not available or not to be made part of the public record, a statement of explanation will be attached to the Application.

The Authority recommends that each Applicant seek the advice of the Economic Development Director of the County of Clarke or the Authority's Counsel respecting completion of the Application before submitting it to the Authority.

## Rules and Procedures Of The Industrial Development Authority Of The Clarke County, Virginia

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### Section 4.2: Administrative Fees.

An application fee shall accompany each application submitted pursuant to Section 4.1. Please reference Appendix A for a complete list of all fees.

The Authority reserves the right to modify the fees described in Appendix A on a case-by-case basis, in the sole discretion of the Authority.

Fees, upon acceptance by the Authority, are non-refundable.

### Section 4.3: Costs and Expenses.

The Authority requires reimbursement of its costs and expenses incurred in connection with the issuance and sale of its Bonds and by virtue of its Bonds being outstanding. (See Section 5.2)

### Section 4.4: Modification Fee; Transaction Fee.

- (a) The Authority may, in its discretion, require payment of a \$1,000 modification fee by any Applicant requesting the Authority to approve any modification or amendment to its Bonds or the applicable Financing Documents.

The modification fee shall be due and payable on or before the date of execution and delivery of the modification or amendment.

- (b) The Authority may, in its discretion, charge a transaction fee in the amount of \$1,000 to any Applicant requesting the Authority to take any action, regardless of whether the Authority has Bonds outstanding for the benefit of the Applicant.

The transaction fee will be in addition to any other fees required hereunder.

### Section 4.5: Transcripts of Proceedings.

Each Applicant receiving Bond financing through the Authority shall furnish to the Authority upon the sale and delivery of the Bonds, two (2) complete transcripts of the Financing Documents relating to such Bonds. Bond transcripts shall be hardback bound in library standard quality binders at the cost and expense of the Applicant.

### Section 4.6: Bond Validation Proceedings.

The Authority may require that before issuance, its Bonds be validated by the Circuit Court of the County of Clarke, Virginia, pursuant to the requirements of [Article 6, Chapter 26, Title 15.2 of the Code](#). The costs, expenses, advertising, and fees incurred in connection with any bond validation proceedings required by the Authority, including

## Rules and Procedures Of The Industrial Development Authority Of The Clarke County, Virginia

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attorneys' fees, shall be paid by the Applicant.

### Section 4.7: Additional Information Required of Applicants

- (a) The Authority may adopt an inducement resolution conditioned upon the subsequent furnishing of certain information satisfactory to the Authority. All required information shall be promptly furnished to the Authority, and failure of any Applicant to furnish such information shall constitute a ground for rescission of any inducement resolution adopted pursuant to such conditions.
- (b) The Authority may, at its option, require the furnishing of appraisals, evaluations or reports respecting the Project or any portion thereof. The Authority may retain advisors and consultants to advise it regarding any Project or other action that it is requested to undertake by any Applicant. All costs, fees, and expenses of such appraisals, reports, consultants, and advisors incurred by the Authority after prior notification to the Applicant shall be paid by the Applicant.
- (c) Since the Authority usually acts based upon information furnished to it solely by the Applicant, the Authority reserves the right to require at any time the furnishing of additional information concerning the Applicant, its financial statements, and any other information deemed relevant by the Authority. In instances where the Applicant has undergone changes in form or management or where the security to be given for payment of the Bonds has changed, the Applicant shall report such changes promptly to the Authority.

### Section 4.8: Notice of Public Hearing

The Applicant shall publish an approved notice of public hearing with respect to each Application for which a public hearing is required by the Code once a week for two successive weeks, to be published in a newspaper having general circulation in the County of Clarke, Virginia and in such other newspapers as may be required.

The notice shall be in a form approved by the Authority's Counsel and Bond Counsel.

The second publication shall be not less than six nor more than twenty-one calendar days before the Authority's meeting at which the Application is to be considered.

Persons who are interested in speaking at any public hearing held by the Authority are encouraged to submit their comments in writing.

The Authority shall publish such additional notice or notices and hold such additional public hearings with respect to each Application as may be required by law or recommended by Counsel to the Authority.

## Rules and Procedures Of The Industrial Development Authority Of The Clarke County, Virginia

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Records of such Public Hearings shall be held with staff in County Administration per retention periods set by the Library of Virginia.

### Section 4.9: Projects Outside of the County of Clarke, Virginia

Any Applicant to finance a Project located outside the County of Clarke, Virginia shall be accompanied by evidence satisfactory to the Authority that the county, city or town in which the Project is proposed to be located approves the proposed financing of the Project by the Authority.

Following the adoption of an inducement resolution for such Project, the Applicant shall furnish to the Authority a certified copy of a resolution duly adopted by the governing body of such county, city or town stating that such governing body concurs with the inducement resolution adopted by the Authority.

The Authority may also require additional evidence concerning the impact or effect of the Project on the area where it will be located, whether the Project has received appropriate local approvals or permits, and whether the Project is acceptable to the inhabitants where it will be located.

## Article V

### PROVISIONS TO BE INCORPORATED INTO RESOLUTIONS AND FINANCING DOCUMENTS

#### Section 5.1: Inducement Resolutions.

Each inducement resolution adopted by the Authority shall provide that it shall continue in full force and effect for a period of two years unless specifically extended by the Authority.

#### Section 5.2: Payment of Authority Expenses.

The Financing Documents adopted by the Authority for the benefit of any Applicant shall provide that the Applicant agrees to pay all costs, fees and expenses incurred by the Authority (including attorney's fees) in connection with: where it will be located.

- (a) the authorization, issuance, and sale of the Authority's Bonds;
- (b) the ownership, occupation, operation or use of the Project being financed, whether owned by the Authority or the Applicant;
- (c) prepayment or redemption of the Authority's Bonds;

## Rules and Procedures Of The Industrial Development Authority Of The Clarke County, Virginia

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- (d) administrative costs and expenses of the Authority, including the fees of attorneys, accountants, engineers, appraisers or consultants, paid or incurred by the Authority by reason of the Bonds being outstanding or pursuant to requirements of the Financing Documents; and
- (e) Such other fees and expenses of the Authority, not directly related to the Project being financed for the Applicant, but attributable to the Authority's financing of industrial or commercial Projects, including without limitation, a share of costs of the Authority's annual audit as required by Code Section 15.2-4904, determined as follows:
  - (1) All costs and fees relating to the annual audit and directly attributable to a particular Applicant or Project may be charged to such Applicant; and
  - (2) Any costs and fees of such audit not directly attributable to any Applicant or Project may be allocated among all Applicants having Bonds outstanding, pro rata, as the amount of Bonds originally issued for such Applicant bears to the total face amount of Bonds issued by the Authority of which any portion of any issue remains outstanding and unpaid.

### Section 5.3: Indemnification of the Authority.

Each Applicant shall agree to indemnify and save harmless the Authority, the County, the Board of Supervisors and their officers, directors, employees, and agents (hereinafter the "Indemnitees") from and against all liabilities, obligations, claims, damages, penalties, fines, losses, costs and expenses (hereinafter referred to as "Damages"), including without limitation:

- (a) all amounts paid in settlement of any litigation commenced or threatened against the Indemnitees, if such settlement is effected with the written consent of the Applicant;
- (b) all expenses reasonably incurred in the investigation of, preparation for, or defense of any litigation, proceeding or investigation of any nature whatsoever, commenced or threatened against the Applicant, the Project, or the Indemnitees;
- (c) any judgments, penalties, fines, damages, assessments, indemnities, or contributions; and
- (d) the reasonable fees of attorneys, auditors, and consultants; provided that the damages arise out of:
  - (i) failure by the Applicant, or its officers, employees or agents, to comply with the terms of the Financing Documents and any agreements, covenants, obligations, or prohibitions set forth therein;



## Rules and Procedures Of The Industrial Development Authority Of The Clarke County, Virginia

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- (ii) any action, suit, claim or demand contesting or affecting the title of the Project;
- (iii) any breach of any representation or warranty set forth in the Financing Documents or any certificate delivered pursuant thereto, and any claim that any representation or warranty of the Applicant contains or contained any untrue or misleading statement of fact or omits or omitted to state any material facts necessary to make the statements made therein not misleading in light of the circumstances under which they were made;
- (iv) any action, suit, claim, proceeding or investigation of a judicial, legislative, administrative or regulatory nature arising from or in connection with the construction, acquisition, ownership, operation, occupation or use of the Project;  
or
- (v) any suit, action, administrative proceeding, enforcement action, or governmental or private action of any kind whatsoever commenced against the Applicant, the Project or the Indemnitees which might adversely affect the validity or enforceability of the Bonds, the Financing Documents, or the performance by the Applicant or any Indemnitee of any of their respective obligations thereunder.

### Section 5.4: Bond Counsel Opinion Required.

Before issuing and delivering any of its Bonds, the Authority shall receive an unqualified approving opinion of recognized bond counsel licensed to practice law in Virginia and approved by the Authority stating, among other things, that the Bonds have been duly authorized, executed, issued and delivered, that the interest thereon is exempt from Federal income taxation under IRC §103 (or other applicable provision of law) and taxation by the Commonwealth of Virginia, and that the Bonds are exempt from registration requirements under applicable state and Federal securities laws.

### Section 5.5: Covenants to Preserve Tax Exempt Status of Bonds.

All Financing Documents presented for approval by the Authority shall contain appropriate covenants of the Applicant designed to insure compliance with the requirements of IRC §103 to preserve the tax exempt status of interest on the Bonds, including without limitation, "arbitrage" requirements, capital expenditure limitations and reporting requirements.

### Section 5.6: Payments in Lieu of Taxes.

In the event the title to the Project is held by any person or entity not subject to real or personal property taxes, the Applicant and any user of the Project, unless specifically exempted by the Authority, shall enter into an agreement to pay all taxes, levies,

## Rules and Procedures Of The Industrial Development Authority Of The Clarke County, Virginia

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assessments, charges or other impositions which may be levied by any taxing authority on the Project as if such Applicant or user held title to the Project or any portion thereof.

### Section 5.7: Restriction on Advertising.

The Applicant and any purchaser or underwriter of the Authority's Bonds shall not publish any advertisement, tombstone, or other information with respect to the Authority's Bonds unless:

- (a) such advertisement has been approved by the Chairman or Vice-Chairman of the Authority and Counsel to the Authority and
- (b) such advertisement contains the statement set forth below with respect to the limited nature of the obligations.

Any bond purchase agreement entered into in connection with the Authority's Bonds shall contain a covenant in substantially the following form which shall be binding on the Applicant, any purchaser, and any underwriter of such bonds: The undersigned agrees that no advertisement, tombstone, or other information with respect to the Bonds shall be published in any newspaper or other publication unless such advertisement:

- (a) is approved by the Chairman or Vice-Chairman of the Authority and Counsel to the Authority and
- (b) clearly states that the Bonds are limited obligations of the Authority payable solely from revenues and that neither the Commonwealth of Virginia nor any political subdivision thereof, including the Authority and the County of Clarke, Virginia, shall be obligated to pay the principal of or the interest or premium, if any, on the Bonds and neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any political subdivision thereof, including the Authority and the County of Clarke, is pledged to the payment of the Bonds.

## Article VI

### Reports

#### Section 6.1: Interim Reports by Applicants.

Each Applicant shall file with the Authority a written report describing the status of its proposed financing no later than ten (10) days after receipt of written request therefore. Such written report shall include the proposed purchaser of the Bonds, the proposed terms of the Bonds, the status of Financing Documents, and the current status of the Project. Each Applicant shall promptly notify the Authority of any significant or material

## Rules and Procedures Of The Industrial Development Authority Of The Clarke County, Virginia

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changes to any information previously furnished by the Applicant to the Authority, including specific descriptions of new or changed plans for the placement of the bonds and the security to be offered.

### Section 6.2: Annual Reports of Applicants.

Each Applicant, after the issuance and sale of the Authority's Bonds for the benefit of such Applicant, shall annually report to the Authority no later than June 30 the status of the Project, which shall include the outstanding and unpaid balance of Bonds issued for the Project, whether any event of default has occurred under the Financing Documents, and other information relating to the financing of the Project and benefits to the County of Clarke, Virginia.

### Section 6.3: Reports by Authority Chairman, and Directors etc.

At each meeting of the Authority, the Chairman, each Director, the Secretary, the Treasurer and the Authority's Counsel shall report any action taken on behalf of the Authority since the last meeting, including receipt of reports required under Sections 4.7, 6.1 and 6.2.

## Article VII

### Enforcement

#### Section 7.1: Enforcement of Provisions.

The Authority may refuse to consider or adopt any inducement resolutions, Financing Documents, or any other matters presented for its consideration if the Applicant has failed to comply with the requirements of these Rules.

#### Section 7.2: Repeal of Actions Previously Taken.

The Authority may rescind or repeal any inducement resolution previously adopted by it or any other action taken by the Authority because of failure of the Applicant to comply with the provisions of these Rules or because of substantial changes in the management, ownership, Project plan, or financial circumstances of the Applicant; provided; however, no inducement resolution or action taken by the Authority shall be repealed or rescinded unless prior written notice of such proposed action shall have been mailed to the Applicant at least three weeks before the date upon which such action is proposed to be taken. Notwithstanding the foregoing, no such action shall be taken by the Authority, which will impair or adversely affect the interests of the holders of the Authority's Bonds.

# Rules and Procedures Of The Industrial Development Authority Of The Clarke County, Virginia

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## Article VIII

### Statements of Policy

#### Section 8.1: Construction, Operation, and Effect of Rules.

These Rules are intended as guidelines to promote and insure the orderly and consistent consideration of Applications, Financing Documents and other matters brought before the Authority. For good cause, Application of these Rules may be modified and waived upon a case by case basis upon the consent of the Authority. Any action taken by the Authority not in conformity with these Rules shall, nevertheless, be fully effective as if taken in compliance with these Rules. It is, however, the policy of the Authority that each Applicant comply fully and completely with these Rules, and failure to comply with these Rules may constitute grounds for refusal by the Authority to take any action requested.

#### Section 8.2: Approval of Inducement Resolution not to Constitute an Endorsement of Applicant.

The purpose of the Authority, as set forth in the Act, is to promote industry and develop trade by inducing manufacturing, industrial, governmental, commercial and non-profit enterprises to locate in or remain in the Commonwealth of Virginia. Pursuant to the Act, the Authority's powers shall be exercised for the benefit of the inhabitants of Virginia through the promotion of their safety, health, welfare, convenience or prosperity. Accordingly, the Authority's decision to adopt an inducement resolution or take other action will be based largely upon these factors. Further, the Act prohibits the Authority from operating any enterprise or Project. Since the Authority is a conduit for providing tax exempt financing to promote the commerce and industry of the Commonwealth of Virginia and the County of Clarke, Virginia, and given the express prohibition against operating enterprises or Projects, the Authority believes it is improper for it to inquire into matters relating to the business judgment of the management of any Applicant not relevant to the foregoing factors. The Authority may, however, examine the business decisions and other aspects of management of the Applicant should it deem such matters relevant to the authorization, issuance and sale of its Bonds.

In view of the foregoing limitations, the adoption of an inducement resolution or any other action taken by the Authority is not to be used by any Applicant in any manner whatsoever as an endorsement or approval of the Applicant, its policies or its management.

#### Section 8.3: Security for Payment of Bonds.

The Authority will require a showing that any issue of its Bonds is fully and adequately secured.

## Rules and Procedures Of The Industrial Development Authority Of The Clarke County, Virginia

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### Section 8.4: Compliance with Rules.

These Rules were adopted by the Authority to assist in the orderly and expeditious conduct of its business. As stated in 3.2 of these Rules, the Authority has reserved the right to require that any Applicant strictly conforms to the requirements of the Rules. Among other things, the Rules require that each Applicant inform the Authority of any new developments or material changes in information which has been submitted to the Authority, either orally or in writing. Matters concerning the structure of the financing, the prospective purchasers of the Bonds, and the security for payment of the Bonds are items of particular interest to the Authority; however, the Authority expects to be kept informed of all material changes to information submitted to it.

By submitting an Application to the Authority, the Applicant agrees to abide by these Rules. Thus, the burden is placed upon the Applicant to review and to comply with these Rules. The principal sanction which may be applied by the Authority against any Applicant for failure to comply with the Rules would be a refusal to take any action requested by the Applicant. Such a refusal might result in embarrassment to or considerable financial expenses on the part of the Applicant. To avoid such embarrassment or expense, the Authority urges each Applicant to keep the Authority fully informed of any new developments or material changes to information previously submitted to the Authority, including in particular, changes in the contemplated financing structure or the proposed security for the Bonds. As noted above, the burden is upon the Applicant to convey this information to the Authority in a timely manner. What constitutes "timely" depends upon the circumstances of each case; however, each Applicant is urged to provide all such information before considerable time and expense is incurred upon matters which may prove unacceptable to the Authority. Any such communications should be made directly to the Authority's officers, directors and counsel.

## Rules and Procedures Of The Industrial Development Authority Of The Clarke County, Virginia

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### Appendix A: Administrative Fees

An application fee shall accompany each application submitted pursuant to Section 4.1.

#### Application Fees

\$1,000	\$1,000,000 and under
\$5,000	\$1,000,001 and over

The Authority also charges an annual administrative fee equal to:

#### Administrative Fees

1/10 <sup>th</sup> of 1%	\$1,000,000 or less
1/15 <sup>th</sup> of 1%	\$1,000,001 - \$5,000,000
1/20 <sup>th</sup> of 1%	\$5,000,001 or more

Such annual administrative fees shall be payable on the anniversary date of the transaction's closing and shall be computed by multiplying the applicable percentage by the bonds' outstanding principal balance on such date.

The Authority reserves the right to modify the fees described in this section on a case-by-case basis at the Authority's sole discretion.

Fees, upon acceptance by the Authority, are non-refundable.

# **Adoption of Agenda**

# **Approval of Minutes**

– October 27<sup>th</sup>, 2022 – Regular Meeting



Industrial Development Authority of the Clarke County Virginia  
Board of Directors

October 27, 2022

Regular Meeting

1:00 pm

At a regular meeting of the Industrial Development Authority of the Clarke County Virginia, held on Thursday, October 27, 2022, at 1:00 pm in the Main Meeting Room, Berryville-Clarke County Government Center, 101 Chalmers Court, 2<sup>nd</sup> Floor, Berryville, Virginia.

Directors Present: English Koontz, Isreal Preston, William Waite, Ben Cochran, Rodney Pierce, Cabell Williams

Directors Absent: Brian Ferrell

Board of Supervisors David Weiss

Liaison Present:

Staff Present: Felicia Hart, Chris Boies, Catherine Marsten

Press: None

Others Present: James George

1. Call to Order

At 1:00 pm, Vice Chairman Cochran called the meeting to order.

2. Adoption of Agenda

Director Waite made a motion, seconded by Director Preston, to adopt the agenda as presented. The motion carried by the following vote:

Ben Cochran	-	Aye
Brian Ferrell	-	Absent
English Koontz	-	Absent
Rodney Pierce	-	Abstain
William Waite	-	Aye
Isreal Preston	-	Aye
Cabell Williams	-	Aye

Director Koontz entered the meeting at 1:03 pm.

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3. New Members Introduction

David Weiss introduced Cabell Williams, the newest appointed member.

Chris Boies introduced James George, who will be starting a term on 10/31/2022.

David Weiss expressed thanks to English Koontz for her service over the past 8 years.

4. Approval of Minutes

- Remove Rodney Pierce from list of Directors Present, replace with Isreal Preston.

**Director Koontz made a motion, seconded by Vice Chair Cochran, to approve the minutes of the July 27, 2022 regular meeting as amended. The motion carried by the following vote:**

Ben Cochran	-	Aye
Brian Ferrell	-	Absent
English Koontz	-	Aye
Rodney Pierce	-	Aye
William Waite	-	Aye
Isreal Preston	-	Aye
Cabell Williams	-	Aye

5. Secretary/Treasurer Report

Director Waite presented the following:

*FY2023 Year-to-Date Check Log*

- The only expenditures have been directors fees and the Laurel Ridge Small Business Development Center’s Civic Contribution, which was approved at the last meeting. Some bond revenue has been received, which was also discussed at the last meeting.

*FY2023 YTD Budget/Investments Summary*

- Riding the storm, it has been up and down. Currently investments are down a little bit, but in the scope of things have held pretty well. The portfolio is fairly risk-adverse.

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- No corrections or changes suggested at this time.

Director Preston made a motion, seconded by Director Koontz, to adopt the proposed FY2023 Budget as presented. The motion carried by the following vote:

Ben Cochran	-	Aye
Brian Ferrell	-	Absent
English Koontz	-	Aye
Rodney Pierce	-	Aye
William Waite	-	Aye
Isreal Preston	-	Aye
Cabell Williams	-	Aye

## 6. New Business

### *Preliminary Discussion on Grant Opportunity for Commercial Kitchen*

Felicia Hart advised the following:

- The Agritourism Summit held at the Fairgrounds earlier this year determined that a regional commercial kitchen space was a critical need for area farmers and small business owners. Staff has done some preliminary reviews of grant opportunities; some of the grants require a dollar-for-dollar match and others require a certain number of new jobs to be created. This is being brought before the IDA board to see if there is an interest.
- Vice Chair Cochran asked if there was a location in mind.
  - o Felicia Hart responded that the fairgrounds is being considered as a centrally located option. The current kitchen would be removed and the commercial kitchen built in its place, which would then be managed by the Ruritans.
- Vice Chair Cochran asked if the Ruritans would be responsible for providing the matching funds.
  - o Felicia Hart responded that she would work with the Ruritans as they are already investing a good amount of money, but that the grants would require matching funds and management from the locality.
- Director Koontz asked who would use the commercial kitchen facility.
  - o Felicia Hart answered that small farm markets that are currently using home kitchens and are experiencing space limitations. Several new businesses are looking at opportunities to expand but would need to utilize a commercial kitchen space to do so. This would be advertised regionally and could bring in people from Winchester, Frederick County and other surrounding areas.

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- Director Koontz stated that there is a big trend for renting commercial kitchen space especially in big cities, but she is concerned about the actual local demand.
- Vice Chair Cochran asked if it would be viable for Rosemont to rent out their kitchen space.
  - o Felicia Hart answered probably not; Rosemont manages their own kitchens and uses them frequently. With the health department’s strict rules and regulations, commercial use rental is probably not feasible for them. Smithfield Farm has a much smaller space but in the past, has been willing to allow use of the space during downtimes.
- Director Preston asked if the Ruritans would manage the space.
  - o Felicia Hart answered that this would be part of the on-going discussion. A lot of research needs to be done on the front end to determine details.
- Vice Chair Cochran asked how the IDA would be involved.
  - o Felicia Hart answered that these are very preliminary discussions but that the IDA may need to help with financing and managing the grant.
- Director Waite asked what the expected financial range is.
  - o Felicia Hart answered that this is something that requires research; these are still very early stage discussions. Staff would like to start by speaking with farmers and small businesses to identify their specific needs and researching the grant opportunities and what would be required of the locality and the IDA.
- Vice Chair Cochran queried if a commercial kitchen was defined by its equipment or by a certification.
  - o Felicia Hart answered both.
- Director Pierce asked if the kitchen at Parks & Recreation was considered.
  - o Chris Boies answered that the kitchen there is actually operated by the senior center and not the county.
- Director Williams asked how a commercial kitchen works.
  - o Felicia Hart answered that a commercial kitchen facility is essentially an event space: businesses would rent the facility and use it to produce their own wares.
- Director Williams asked if the kitchen would be available on a first-come, first-served basis and who would clean it.
  - o Felicia Hart answered - whoever uses the space is responsible for cleaning up after themselves; that would be part of the rules and regulations once everything is up and running.
- Director Williams asked if the commercial viability and/or the ability to get a return on the investment is a concern.
  - o Bill Waite responded that the IDA has an obligation to the County to provide opportunities for jobs and provide tax benefits through investments. There were significant inquiries about a commercial kitchen

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made at the Agritourism Summit that indicated lots of interest from surrounding areas.

- Director Koontz observed that the Sweet Elephant started its business baking out of their own kitchen, then grew the business and established their own commercial kitchen.
  - o Director Koontz added she is unsure if people will travel to use a regional commercial kitchen for catering preparation or personal chef uses.
- David Weiss asked what the rules and zoning regulations are in relation to commercial kitchens.
  - o Chris Boies answered - a farm can have a commercial kitchen if it is part of the farming operation, but would generally need to be zoned commercial to be able to have the space available for public use.
- David Weiss added that for a home food occupation you are limited to 25% of your home, which makes it more difficult for these types of business to grow. Would this commercial kitchen be a useful step in that process? The details would still need to be worked out to a huge degree.
  - o Chris Boies added that when you talk to the state about the future of agriculture, they tell these small farmers they must create a value-added product to sell in order to succeed. Not having access to a commercial kitchen is a significant limitation.
- Chris Boies queried if the IDA Board members are willing to use IDA funds for the local match. If no, then taking the time to research and see if it is a viable project is not worth it.
- Director Preston asked if it would cost anything to do the research; he is interested but the group would need to determine costs and logistics for the use of the space.
  - o Chris Boies responded that it would be staff time, which is limited.
- Director Williams asked if there is an example of a successful commercial kitchen somewhere else.
  - o Felicia Hart answered that the kitchen Augusta County is starting was borne of needs during COVID. When farm markets were shut down, they had no place to get their meats processed and it hindered them because they had no other resources. There is no local example, but Fauquier County was able to get some classes set up and Augusta County is doing well with their development, including providing training for meat processing personnel.
- Director Waite added that from his perspective it is a good idea to go further and understand what decisions need to be made. There is value here that the community sees, and economical value if done right, and we certainly ought to look at more detailed information.
- Vice Chair Cochran agreed and stated, he would like to see the IDA get involved with this project if it makes sense.

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- o Chris Boies added there seems to be several commercial kitchens in operation today in NOVA, it may be an idea to talk with them and get some insight on how they manage schedules and fairness of time slots, etc.
- Director Williams questioned if Clarke County has a significant need for meat processing space.
  - o Felicia Hart answered that there is a need. Frederick County has recently approved 26 acres in Star Tannery, which will be opening up soon, and another smaller space opened up in Warren County. That has helped to relieve the some of the pressure for our farm markets.
- Director Waite added that having a meat-processing place in Clarke County would be a win.
  - o David Weiss added that a meat processing place at the Fairgrounds would not be suitable
- Director Pierce added that Fauquier County is studying a property next to the livestock ring in Marshal, and are looking at having a meat processing facility there; currently just in the studying stage.
  - o Felicia Hart added that she will reach out to their EDA
- David Weiss added that between state and federal regulations, meat processing is very complex
- Director Koontz asked if counties were doing the meat processing specifically or just allowing private businesses to do it.
  - o Felicia Hart responded that some localities are doing it themselves, such as Anne Arundel County, who invested in and developed mobile processing units that are delivered to the farms so meat processing can be carried out on site. These other localities are investing heavily in meat processing because the agritourism is there

**By consensus, the Board instructed staff to research possible grant opportunities and requirements for a commercial kitchen space.**

- Felicia Hart added that we would work with the Economic Development Advisory Committee as well, and get their feedback, as they are interested in this project.

#### *Economic Development & Tourism Update*

Felicia Hart, Director of Economic Development & Tourism, presented the following:

- VATI grant update call happened today; All Points will be speaking at the Board of Supervisors Regular Meeting on December 20<sup>th</sup>
  - o Chris Boies added that the broadband project is moving forward. Lines will start being put up in the spring of 2023 and customers will start being hooked

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up maybe as soon as the fall. The project will provide infrastructure for the whole county, even if places are not specifically in the project area. The project is on schedule, albeit a slow schedule, but this is the largest broadband project in Virginia history. We will receive quarterly progress updates, and this information will be shared as it becomes available. This project is a partnership, being funded by federal, state and local money.

- Planning to host a half-day USDA training locally, partnering with other localities and the Northern Shenandoah Valley Regional Commission and Blue Ridge Association of Realtors. This would be a good class for Directors of Finance, Realtors and small business owners to understand the opportunities that are available. More information will go out as it becomes available and we will look at bringing in the extension office.
  - o Director Koontz added this might be a good event to invite a few local commercial bankers to. Director Koontz added that after speaking recently with a regional officer at the USDA out of Lexington she found the number of programs and funding available astonishing, and thinks it could be good to have all of the constituencies in the same region learn it at once.
- We continue to work one-on-one with the Laurel Ridge Small Business Development Center; the numbers on page 28 of the packet highlight how many small businesses in the local area they have helped. They are also managing the GOVirginia grant, which is money for small business owners to help with any additional financing needs, assistance with training, social media, etc. – those programs are available to the small business owners free of charge
- Recently completed the Worlds of Work program in partnership with Frederick, Page and Warren Counties and the City of Winchester. The event was hosted at the Shenandoah University Event Center; there were five businesses from Clarke County at the event, including Berryville Chiropractic. Over 3000 eighth graders went through, and the businesses that were there provided hands-on activities for the children to showcase future career options. There was a wide array of businesses present, including first responders and nursing. The event received positive feedback from the schools and we look forward to participating again next year.
- ARPA funds plan/allocation of \$30k was approved. Part of those funds will be allocated to a Love Local campaign, which will highlight products that are made in Clarke County. A logo will be designed and stickers will be created for business owners to use on their merchandise. Another campaign being looked at is a Restaurant Week, working with local restaurants to help remind the public of what is available in Clarke County. We will work with the restaurants to determine a time that works best for them. Additionally, enhancements will be made to the Berryville/Clarke County Visitor Centers internal products and exterior flags to make it appear more welcoming. After visiting some of the tourism spots, a need for a map was identified particularly for folks in Pine Grove. We will be producing a

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map, one side will be a full map of Clarke County, and the other side will be a map of the Town of Berryville. ARPA funds will also be used to enhance the fairgrounds signage, as well as produce a community bulletin board and community calendar. The Lucketts Show brought in close to 15,000 people, some stayed for the entire week, they are a captive audience and we need to market to them whilst they're here, instead of trying to capture them all the time. We are also looking at bringing back the farm tour that was done previously.

- Small Business Saturday is November 26<sup>th</sup>. We are signed up as a neighborhood champion; American Express will send door prizes, banners and other swag, which will be distributed to businesses to use during the event.

7. Next Meeting

- Thursday, January 26, 2023 – Organizational Meeting

8. Adjournment

At 2:05 pm, Vice Chair Cochran adjourned the meeting.

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Minutes recorded by Catherine D. Marsten and transcribed by Indea G. Ford



# **Secretary/Treasurer Report**

- FY2023 YTD Check Log
- Investments YTD Summary
- FY2023 Budget

# FY2023 YTD Check Log

## Industrial Development Authority of the Clarke County Virginia - Check Log

Fiscal Year	Check Number	Date	Description	Category	Clear	Debit (-)	Credit (+)	Balance	Additional Information	Column1
2017			Balance		C		\$66,061.93	\$66,061.93		
2017	536	6/28/17	VACorp	Insurance	C	\$1,333.00		\$64,728.93		
2018	537	7/28/17	Mark Cochran	Director Fees	C	\$150.00		\$64,578.93	Meetings Paid 02/20, 04/27, & 07/27	
2018	538	7/28/17	David Juday	Director Fees	C	\$150.00		\$64,428.93	Meeting Paid 02/20, 04/27, & 07/28	
2018	539	7/27/17	English Kooztz	Director Fees	C	\$100.00		\$64,328.93	Meeting Paid 04/27, 07/27	
2018	540	7/28/17	Rodney Pierce	Director Fees	C	\$100.00		\$64,228.93	Meetings Paid 02/20, 04/27, Attended 07/27 - not paid	
2018	541	7/28/17	Brian Ferrell	Director Fees	Void	\$100.00	\$100.00	\$64,228.93	Meeting 02/20, 07/27; Check not presented voided 07/11/2018	
2018	542	7/28/17	Alan Frederickson	Director Fees	C	\$50.00		\$64,178.93	Meeting 07/27	
2018	543	8/14/17	Lord Fairfax Small Business Development Center	Civic Contribution	C	\$6,000.00		\$58,178.93	Annual Civic Contribution	
2018		9/13/17	Grafton School	Bond Fees	C		\$18,322.50	\$76,501.43	Bond fees due	
2018		9/18/17	Lord Fairfax Community College	Bond Fees	C		\$16,147.00	\$92,648.43	Bond fees due	
2018	544	11/16/17	Mark Cochran	Director Fees	C	\$50.00		\$92,598.43	Meeting 10/26/17	
2018		10/31/17	Bank of Clarke County	Bank Fees	C	\$18.00		\$92,580.43	Duplicate Bank Statements	
2018	545	11/16/17	Robinson Farmer Cox	Audit	C	\$1,635.00		\$90,945.43	FY16 Audit	
2018	546	11/16/17	Brian Ferrell	Director Fees	C	\$50.00		\$90,895.43	Meeting 10/26/17	
2018	547	11/16/17	Paul Jones	Director Fees	C	\$50.00		\$90,845.43	Meeting 10/26/17	
2018	548	11/16/17	David Juday	Director Fees	C	\$50.00		\$90,795.43	Meeting 10/26/17	
2018	549	11/16/17	English Kooztz	Director Fees	C	\$50.00		\$90,745.43	Meeting 10/26/17	
2018	550	11/16/17	Rodney Pierce	Director Fees	C	\$50.00		\$90,695.43	Meeting 10/26/17	
2018		11/16/17	Transfer Checking into Infinex Investments	Investments	C	\$50,000.00		\$40,695.43	Investments	
2018		12/5/17	Shenandoah University	Bond Fees	C		\$19,537.50	\$60,232.93	Outstanding Dues	
2018		12/29/17	Shenandoah University	Bond Fees	C		\$3,907.50	\$64,140.43	2017 Bond Fees, Check #0160688	
2018	551	1/25/18	Robinson Farmer Cox	Audit	C	\$1,675.00		\$62,465.43	FY17 Audit	
2018		2/8/18	Lord Fairfax Community College	Bond Fees	C		\$3,563.49	\$66,028.92	2017 Bond Fees, Check #4263 Dated 02/01/18	
2018		3/15/18	MMDA Account Closure	Investments	C		\$1,532.45	\$67,561.37	Account Closure	
2018		4/26/18	Grafton School	Bond Fees	C		\$1,517.50	\$69,078.87	Bond fees due	
2018	552	4/27/18	Mark Cochran	Director Fees	C	\$50.00		\$69,028.87	Meeting 4/26/18	
2018	553	4/27/18	Brian Ferrell	Director Fees	C	\$50.00		\$68,978.87	Meeting 4/26/18	
2018	554	4/27/18	David Juday	Director Fees	C	\$50.00		\$68,928.87	Meeting 4/26/18	
2018	555	4/27/18	English Kooztz	Director Fees	C	\$50.00		\$68,878.87	Meeting 4/26/18	
2018	556	4/27/18	William Waite	Director Fees	C	\$50.00		\$68,828.87	Meeting 4/26/18	
2018	557	4/30/18	Mark Cochran	Director Fees	C	\$50.00		\$68,778.87	Meeting 01/25/18	
2018	558	4/30/18	Paul Jones	Director Fees	C	\$50.00		\$68,728.87	Meeting 01/25/18	
2018	559	4/30/18	David Juday	Director Fees	C	\$50.00		\$68,678.87	Meeting 01/25/18	
2018	560	4/30/18	Rodney Pierce	Director Fees	C	\$50.00		\$68,628.87	Meeting 01/25/18	
2018	561	4/30/18	William Waite	Director Fees	C	\$50.00		\$68,578.87	Meeting 01/25/18	
2018		5/7/18	Checking into Infinex Investments	Investments	C	\$15,000.00		\$53,578.87	Transfer into investment account	
2018		5/9/18	Harland Clarke Check Order	Bank Fees	C	\$28.50		\$53,550.37	Checks	
2019	562	7/5/18	VACorp	Insurance	C	\$1,338.00		\$52,212.37	Insurance for 07/26/18-06/30/19	
2019	563	8/1/18	Mark Cochran	Director Fees	C	\$50.00		\$52,162.37	Meeting 7/26/18	
2019	564	8/1/18	English Kooztz	Director Fees	C	\$50.00		\$52,112.37	Meeting 7/26/18	
2019	565	8/1/2020	Brian Ferrell	Director Fees	Void	\$50.00	\$50.00	\$52,112.37	Meeting 7/26/18, Check Voided 10/08/19	
2019	566	6/11/18	VACorp	Insurance	Void	\$1,338.00	\$1,338.00	\$52,112.37	Check voided, reissued 07/05/18	
2019	567	8/1/18	Bill Waite	Director Fees	C	\$50.00		\$52,062.37	Meeting 07/26/18	
2019	568	10/25/18	William Waite	Director Fees	C	\$50.00		\$52,012.37	Meeting 10/25/18	
2019	569	10/25/18	David Juday	Director Fees	C	\$50.00		\$51,962.37	Meeting 10/25/18	
2019	570	10/25/18	Mark Cochran	Director Fees	C	\$50.00		\$51,912.37	Meeting 10/25/18	
2019	571	10/25/18	Void		Void	\$0.00		\$51,912.37		
2019	572	10/25/18	English Kooztz	Director Fees	C	\$50.00		\$51,862.37	Meeting 10/25/18	
2019	573	10/25/18	Rodney Pierce	Director Fees	C	\$50.00		\$51,812.37	Meeting 10/25/18	
2019	574	11/19/18	Lord Fairfax Small Business Development Center	Civic Contribution	C	\$6,000.00		\$45,812.37	Annual Civic Contribution	
2019		12/26/18	Grafton School	Bond Fees	C		\$1,072.50	\$46,884.87	2018 Bond Fees Due	
2019		12/31/18	Lord Fairfax Community College	Bond Fees	C		\$3,228.18	\$50,113.05	2018 Bond Fees Due	
2019		1/24/19	Shenandoah University	Bond Fees	C		\$3,907.50	\$54,020.55	2018 Bond Fees Due	
2019	575	7/28/01	Mark Cochran	Director Fees	C	\$50.00		\$53,970.55	Meeting 1/24/19	
2019	576	1/24/19	Brian Ferrell	Director Fees	C	\$50.00		\$53,920.55	Meeting 1/24/19	
2019	577	1/24/19	English Kooztz	Director Fees	C	\$50.00		\$53,870.55	Meeting 1/24/19	
2019	578	1/24/19	Void		Void	\$0.00		\$53,870.55		
2019	579	1/24/19	William Waite	Director Fees	C	\$50.00		\$53,820.55	Meeting 1/24/19	
2019	580	4/25/19	Mark Cochran	Director Fees	C	\$50.00		\$53,770.55	Meeting 4/25/19	
2019	581	4/25/19	Brian Ferrell	Director Fees	C	\$50.00		\$53,720.55	Meeting 4/25/19	
2019	582	4/25/19	Rodney Pierce	Director Fees	C	\$50.00		\$53,670.55	Meeting 4/25/19	
2019	583	4/25/19	William Waite	Director Fees	C	\$50.00		\$53,620.55	Meeting 4/25/19	
2019	584	4/25/19	Berryville Main Street	Civic Contribution	C	\$4,750.00		\$48,870.55	Hotel Feasibility Study	
2019	585	4/25/19	Isreal Preston	Director Fees	Void	\$50.00	\$50.00	\$48,870.55	Meeting 4/25/19, Check not cashed, Voided 01/06/20	
2019	586	4/25/19	English Kooztz	Director Fees	C	\$50.00		\$48,820.55	Meeting 4/25/19	

# FY2023 YTD Check Log

Fiscal Year	Check Number	Date	Description	Category	Clear	Debit (-)	Credit (+)	Balance	Additional Information	Column1
2019	587	6/4/19	Robinson Farmer Cox	Audit	C	\$1,675.00		\$47,145.55	FY2018 Audit	
2019	588	6/28/19	VACorp	Insurance	C	\$1,340.00		\$45,805.55	FY20 - 07/01/19 - 6/30/20	
2019	589	6/28/19	Mark Cochran	Director Fees	C	\$50.00		\$45,755.55	Meeting 6/13/19	
2019	590	6/28/19	English Kooontz	Director Fees	C	\$50.00		\$45,705.55	Meeting 6/13/19	
2019	591	6/28/19	Rodney Pierce	Director Fees	C	\$50.00		\$45,655.55	Meeting 6/13/19	
2019	592	6/28/19	Isreal Preston	Director Fees	C	\$50.00		\$45,605.55	Meeting 6/13/19	
2019	593	6/28/19	William Waite	Director Fees	C	\$50.00		\$45,555.55	Meeting 6/13/19	
2020		7/1/19	Shenandoah University	Bond Fees	C		\$1,000.00	\$46,555.55	Bond Modification 6/13/19; Check #0176551	
2020	594	7/25/19	Mark Cochran	Director Fees	C	\$50.00		\$46,505.55	Meeting 7/25/19	
2020	595	7/25/19	Brian Ferrell	Director Fees	C	\$50.00		\$46,455.55	Meeting 7/25/19	
2020	596	7/25/19	Bill Waite	Director Fees	C	\$50.00		\$46,405.55	Meeting 7/25/19	
2020	597	7/25/19	Bill Wolfe	Director Fees	Void	\$50.00	\$50.00	\$46,405.55	Meeting 7/25/19	
2020	598	10/24/19	William Waite, Richmon Meeting	Director Fees	C	\$425.00		\$45,980.55	Conference - Richmond, VA	
2020	599	7/25/19	Berryville Main Street	Civic Contribution	C	\$4,750.00		\$41,230.55	Hotel Feasibility Study	
2020	600	7/25/19	English Kooontz	Director Fees	C	\$50.00		\$41,180.55	Meeting 7/25/19	
2020	601	8/6/19	Lord Fairfax Small Business Development Center	Civic Contribution	C	\$6,000.00		\$35,180.55	Annual Civic Contribution	
2020	602	10/24/19	William Waite	Director Fees	C	\$50.00		\$35,130.55	Meeting 10/24/19	
2020	603	10/24/19	Brian Ferrell	Director Fees	C	\$50.00		\$35,080.55	Meeting 10/24/19	
2020	604	10/24/19	English Kooontz	Director Fees	C	\$50.00		\$35,030.55	Meeting 10/24/19	
2020	605	10/24/19	Isreal Preston	Director Fees	C	\$50.00		\$34,980.55	Meeting 10/24/19	
2020		1/6/2020	Grafton School	Bond Fees	C		\$562.50	\$35,543.05	2019 Bond Fees	
2020		1/30/2020	Lord Fairfax Community College	Bond Fees	C		\$2,988.90	\$38,531.95	2019 Bond Fees	
2020	606	1/26/2020	Brian Ferrell	Director Fees	C	\$50.00		\$38,481.95	Meeting 1/23/20	
2020	607	1/26/2020	English Kooontz	Director Fees	C	\$50.00		\$38,431.95	Meeting 1/23/20	
2020	608	1/26/2020	Rodney Pierce	Director Fees	C	\$50.00		\$38,381.95	Meeting 1/23/20	
2020	609	1/26/2020	Isreal Preston	Director Fees	Void	\$50.00	\$50.00	\$38,381.95	Meeting 1/23/20, Check not cashed - Voided 8/11/20	
2020	610	1/26/2020	Bill Waite	Director Fees	C	\$50.00		\$38,331.95	Meeting 1/23/20	
2020	611	1/26/2020	William Wolfe	Director Fees	C	\$50.00	\$50.00	\$38,331.95	Meeting 1/23/20, Check not cashed - Voided 8/11/20	
2020	612	1/30/2020	Ben Cochran	Director Fees	C	\$50.00		\$38,281.95	Meeting 1/23/20	
2020		3/9/2020	Shenandoah University	Bond Fees	C		\$3,907.50	\$42,189.45	2019 Bond Fees, Notice given 2/3/20, Reminder 3/6/20, Received 3/9/20	
2020	613	3/4/2020	Robinson Farmer Cox	Audit	C	\$1,675.00		\$40,514.45	FY19 Audit, Invoice #68603 Received 3/9, Mailed 3/10	
2020	614	3/8/2020	VACorp	Insurance	C	\$1,340.00		\$39,174.45	FY21 Insurance 07/01/20 - 06/30/21	
2020		6/30/2020	<b>Balance</b>	<b>Balance</b>				<b>\$39,174.45</b>	<b>Ending FY20 Balance</b>	
2021	615	7/23/2020	Bill Waite	Director Fees	C	\$50.00		\$39,124.45	Meeting 7/23/20, check cut 7/23/20, check cleared 7/28/20	
2021	616	7/23/2020	Brian Ferrell	Director Fees	C	\$50.00		\$39,074.45	Meeting 7/23/20, check cut 7/23/20, check cleared 7/29/20	
2021	617	7/23/2020	Ben Cochran	Director Fees	Void	\$50.00	\$50.00	\$39,074.45	Meeting 7/23/20; Not in attendance, check destroyed	
2021	618	7/23/2020	English Kooontz	Director Fees	Void	\$50.00	\$50.00	\$39,074.45	Meeting 7/23/20; Not in attendance, check destroyed	
2021	619	7/23/2020	Rodney Pierce	Director Fees	C	\$50.00		\$39,024.45	Meeting 7/23/20, check cut 7/23/20, check cleared 7/27/20	
2021	620	7/23/2020	Isreal Preston	Director Fees	C	\$50.00		\$38,974.45	Meeting 7/23/20, check cut 7/23/20, check cleared 8/18/20	
2021	621	7/23/2020	William Wolfe	Director Fees	C	\$50.00		\$38,924.45	Meeting 7/23/20, check cut 7/23/20, check cleared 9/4/20	
2021	622	8/24/2020	Lord Fairfax Small Business Development Center	Civic Contribution	C	\$6,000.00		\$32,924.45	FY21 Annual Civic Contribution, check cleared 9/1/20	
2021		11/5/2020	<b>Balance from statement</b>	<b>Balance</b>				<b>\$32,924.45</b>	<b>Statement ending 10/31/2020; received 11/5/20 TRK</b>	
2021	624	11/12/2020	Rodney Pierce	Director Fees	C	\$50.00		\$32,874.45	Meeting 10/22/20, Check Cut 11/12/20, Check Cleared 11/24/20	
2021	625	11/12/2020	William Wolfe	Director Fees	C	\$50.00		\$32,824.45	Meeting 10/22/20, Check Cut 11/12/20, Check Cleared 11/24/20	
2021		12/7/2020	<b>Balance from statement</b>	<b>Balance</b>				<b>\$32,824.45</b>	<b>Statement ending 11/30/2020; received 12/7/20 TRK</b>	
2021	623	11/12/2020	Brian Ferrell	Director Fees	C	\$50.00		\$32,774.45	Meeting 10/22/20, Check Cut 11/12/20, Check Cleared 12/01/20	
2021	626	11/12/2020	Ben Cochran	Director Fees	C	\$50.00		\$32,724.45	Meeting 10/22/20, Check Cut 11/12/20, Check Cleared 12/02/20	
2021		1/8/2021	<b>Balance from statement</b>	<b>Balance</b>				<b>\$32,724.45</b>	<b>Statement ending 12/31/2020; received 01-08-2021 TRK</b>	
2021		2/4/2021	<b>Balance from statement</b>	<b>Balance</b>				<b>\$32,724.45</b>	<b>Statement ending 1/31/2021; received 02-04-2021 TRK</b>	
2021	627	1/30/2021	Bill Waite	Director Fees	C	\$50.00		\$32,674.45	Meeting 1/28/21, Check Cut 1/30/21, Check Cleared 2/4/21	
2021	628	1/30/2021	Brian Ferrell	Director Fees	C	\$50.00		\$32,624.45	Meeting 1/28/21, Check Cut 1/30/21, Check Cleared 2/11/21	
2021	629	1/30/2021	Ben Cochran	Director Fees	C	\$50.00		\$32,574.45	Meeting 1/28/21, Check Cut 1/30/21, Check Cleared 2/17/21	
2021	630	1/30/2021	Rodney Pierce	Director Fees	C	\$50.00		\$32,524.45	Meeting 1/28/21, Check Cut 1/30/21, Check Cleared 2/9/21	
2021	631	1/30/2021	English Kooontz	Director Fees	C	\$50.00		\$32,474.45	Meeting 1/28/21, Check Cut 1/30/21, Check Cleared 2/10/21	
2021	632	1/30/2021	Isreal Preston	Director Fees	C	\$50.00		\$32,424.45	Meeting 1/28/21, Check Cut 1/30/21, Check Cleared 2/11/21	
2021	633	1/30/2021	Bill Wolfe	Director Fees	C	\$50.00		\$32,374.45	Meeting 1/28/21, Check Cut 1/30/21, Check Cleared 2/17/21	
2021		2/4/2021	Shenandoah University	Bond Fees	C		\$3,907.50	\$36,281.95	Shenandoah University Bond Dues Deposited 2/4/21 by Director Waite	
2021		2/4/2021	Lord Fairfax Community College	Bond Fees	C		\$2,864.52	\$39,146.47	Lord Fairfax Community College Bond Dues Deposited 2/4/11 by Director Waite	
2021		2/28/2021	<b>Balance from statement</b>	<b>Balance</b>				<b>\$39,146.47</b>	<b>Statement ending 02/28/2021; received 03/05/2021 TRK</b>	
2021		3/31/2021	<b>Balance from statement</b>	<b>Balance</b>				<b>\$39,146.47</b>	<b>Statement ending 03/31/2021; received on 04/05/2021 TRK</b>	
2021	635	4/22/2021	Brian Ferrell	Director Fees	C	\$50.00		\$39,096.47	Meeting 4/22/21, Check Cut 4/22/21, Check Cleared 4/23/21	
2021	637	4/22/2021	Ben Cochran	Director Fees	C	\$50.00		\$39,046.47	Meeting 4/22/21, Check Cut 4/22/21, Check Cleared 4/28/21	
2021	638	4/22/2021	Rodney Pierce	Director Fees	C	\$50.00		\$38,996.47	Meeting 4/22/21, Check Cut 4/22/21, Check Cleared 4/23/21	
2021	640	4/22/2021	English Kooontz	Director Fees	C	\$50.00		\$38,946.47	Meeting 4/22/21, Check Cut 4/22/21, Check Cleared 4/26/21	
2021		4/30/2021	<b>Balance from statement</b>	<b>Balance</b>				<b>\$38,946.47</b>	<b>Statement ending 04/30/2021; received 05/06/2021 TRK</b>	
2021	639	5/11/2021	Bill Wolfe	Director Fees	C	\$50.00		\$38,896.47	Meeting 4/22/21, Check Cut 4/22/21, Check Cleared 5/11/21	
2021	634	5/12/2021	Bill Waite	Director Fees	C	\$50.00		\$38,846.47	Meeting 4/22/21, Check Cut 4/22/21, Check Cleared 5/12/21	
2021		5/31/2021	<b>Balance from statement</b>	<b>Balance</b>				<b>\$38,846.47</b>	<b>Statement ending 05/31/2021; Received 06/04/2021 TRK</b>	
2021	641	6/14/2021	VACorp	Insurance	C	\$1,327.00		\$37,519.47	FY22 Insurance, Check cut 6/2/2021, cleared 6/14/2021	

C  
Void

# FY2023 YTD Check Log

Fiscal Year	Check Number	Date	Description	Category	Clear	Debit (-)	Credit (+)	Balance	Additional Information	Column1
2021		6/30/2021	Balance from statement	Balance				\$37,519.47	Statement ending 6/30/2021, Received 7/9/2021 TRK	
2021	636		Isreal Preston	Director Fees	Void	\$50.00		\$37,519.47	Meeting 4/22/2021, Check Cut 4/22/2021, Check Not Yet Cleared as of 6/30/2021 Statement - check lost, reissued as Check # 649	
2022	642	7/28/2021	William Waite	Director Fees	C	\$50.00		\$37,469.47	Meeting 7/22/2021; Check Cut 07/28/21, cleared 07/28/2021	
2022		7/31/2021	Balance	Balance				\$37,469.47	Statement ending 07/31/2021, Received 8/6/2021 TRK	
2022	643	7/28/2021	Brian Ferrell	Director Fees	C	\$50.00		\$37,419.47	Meeting 7/22/2021; Check Cut 07/28/21, cleared	
2022	644	7/28/2021	English Koontz	Director Fees	C	\$50.00		\$37,369.47	Meeting 7/22/2021; Check Cut 07/28/21, cleared	
2022	645	7/28/2021	William Wolfe	Director Fees	C	\$50.00		\$37,319.47	Meeting 7/22/2021; Check Cut 07/28/21, cleared	
2022	646	7/28/2021	Ben Cochran	Director Fees	C	\$50.00		\$37,269.47	Meeting 7/22/2021; Check Cut 07/28/21, cleared	
2022	647	7/28/2021	Rodney Pierce	Director Fees	C	\$50.00		\$37,219.47	Meeting 7/22/2021; Check Cut 07/28/21, cleared	
2022	648	7/28/2021	Isreal Preston	Director Fees		\$50.00			Meeting 7/22/2021; Check Cut 07/28/21, VOIDED 07/28/2022	
2022	649	7/28/2021	Isreal Preston	Director Fees		\$50.00			Replacement check for Meeting 4/22/2021, cut 7/28/21, VOIDED 07/28/2022	
2022		8/31/2021	Balance	Balance				\$37,219.47	Statement ending 08/31/2021, Received 9/10/2021 TRK	
2022		9/31/2021	Balance	Balance				\$37,219.47	Statement ending 09/30/2021, Received 10/18/2021 BRT	
2022		10/31/21	Balance	Balance				\$37,219.47	Statement ending 10/31/2021, Received 11/05/2021 BRT	
2022		11/9/21	Grafton School	Bond Fees			\$647.63	\$37,867.10	Grafton School 2020 and 2021 Bond Fees Check Number 006524, Bill Waite Deposited 11/10/2021	
2022		12/7/21	Balance	Balance				\$37,867.10	Statement ending 11/30/2021; Received 12/7/2021 TRK	
2022	650	12/8/21	Ben Cochran	Director Fees	C	\$50.00		\$37,817.10	Meeting 12/8/21; Check Cut 12/8/21; cleared	
2022	651	12/8/21	Rodney Pierce	Director Fees	C	\$50.00		\$37,767.10	Meeting 12/8/21; Check Cut 12/8/21; cleared	
2022	652	12/8/21	Isreal Preston	Director Fees	C	\$50.00		\$37,717.10	Meeting 12/8/21; Check Cut 12/8/21; cleared	
2022	653	12/8/21	William Waite	Director Fees	C	\$50.00		\$37,667.10	Meeting 12/8/21; Check Cut 12/8/21; cleared	
2022	654	12/7/21	Lord Fairfax Small Business Development Center	Civic Contribution	C	\$6,000.00		\$31,667.10	FY22 Annual Civic Contribution, Check cleared	
2022		12/31/21	Balance - Statement	Balance				\$31,667.10	Statement ending 12/31/2021; Received 01/07/2022 CDM	
2022	655	1/27/22	William Waite	Director Fees	C	\$50.00		\$31,617.10	Meeting 1/27/22; Check Cut 1/27/22; cleared 02/16/22	
2022	656	1/27/22	Brian Ferrell	Director Fees	C	\$50.00		\$31,567.10	Meeting 1/27/22; Check Cut 1/27/22	
2022	657	1/27/22	Ben Cochran	Director Fees	C	\$50.00		\$31,517.10	Meeting 1/27/22; Check Cut 1/27/22; cleared 02/09/22	
2022	658	1/27/22	Rodney Pierce	Director Fees	C	\$50.00		\$31,467.10	Meeting 1/27/22; Check Cut 1/27/22; cleared 01/27/22	
2022	661	1/27/22	English Koontz	Director Fees	C	\$50.00		\$31,417.10	Meeting 1/27/22; Check Cut 1/27/22; cleared 01/31/22	
2022		1/31/22	Balance - Statement	Balance				\$31,417.10	Statement ending 01/31/2022; Received 02/07/2022 TRK	
2022		2/24/22	Lord Fairfax Community College	Bond Fees			\$2,736.14	\$34,153.24	Lord Fairfax Community College Bond Dues Deposited 2/24/22 by Director Waite	
2022			Balance - actual funds	Balance				\$34,153.24	Actual funds balance, Statement balance below includes outstanding check #656	
2022		2/24/22	Balance - Statement	Balance				\$34,203.24	Statement ending 02/24/2022; Received 03/04/22 CDM	
2022		3/31/22	Balance - Statement	Balance				\$34,203.24	Statement ending 03/31/2022; Received 04/14/22 CDM	
2022			Shenandoah University	Bond Fees			\$3,907.50	\$38,060.74	Check #0205964 rec'd 04-14-22; deposited 04-14-22 by Director Waite	
2022	659	4/28/22	Ben Cochran	Director Fees	C	\$50.00		\$38,010.74	Meeting 04/28/22; Check cut 04/28/22; cleared 04/29/22	
2022	660	4/28/22	Brian Ferrell	Director Fees	C	\$50.00		\$37,960.74	Meeting 04/28/22; Check cut 04/28/22; check cleared 06/06/22	
2022	662	4/28/22	English Koontz	Director Fees	C	\$50.00		\$37,910.74	Meeting 04/28/22; Check cut 04/28/22; cleared 04/29/22	
2022	663	4/28/22	Rodney Pierce	Director Fees	C	\$50.00		\$37,860.74	Meeting 04/28/22; Check cut 04/28/22; cleared 05/02/22	
2022	664	4/28/22	William Waite	Director Fees	C	\$50.00		\$37,810.74	Meeting 04/28/22; Check cut 04/28/22; cleared 05/02/22	
2022		4/30/22	Balance - Statement	Balance				\$38,010.74	Statement balance 04/30/22, outstanding checks 656,660,663,664 (\$200 total)	
2022	ACH	5/18/22	Harland Clarke	Check Order	C	\$30.95				
2022	665	5/25/22	VACorp	Insurance	C	\$1,324.00			FY23 Insurance payment to VACorp; check cleared 06/06/22	
2022		5/25/22	Balance - actual funds					\$36,455.79	Actual funds balance 5/25	
2022		5/31/22	Balance - Statement	Balance				\$37,879.79	Statement Balance 05/31/22; received 06/07/22 CDM; outstanding checks 656,660,665 (\$1,424 total)	
2022		6/30/22	Balance - Actual funds					\$36,455.79	Actual funds balance 06/30/22	
2022		6/30/22	Balance - Statement	Balance				\$36,505.79	Statement Balance 06/30/22; received 7/11/22 CDM, outstanding check 656 (\$50 total)	
2022	666	7/28/22	Bill Waite	Director Fees	C	\$50.00			Meeting 7/28/22; cleared 07/28/22	
2022	667	7/28/22	Brian Ferrell	Director Fees	C	\$50.00			Meeting 7/28/22	
2022	668	7/28/22	Ben Cochran	Director Fees	C	\$50.00			Meeting 7/28/22	
2022	669	7/28/22	English Koontz	Director Fees	C	\$50.00			Meeting 7/28/22	
2022	670	7/28/22	Rodney Pierce - VOID	Director Fees					VOID - did not attend meeting	
2022	671	7/28/22	Isreal Preston	Director Fees	C	\$150.00			Meetings 07/22/2021, 04/22/2021, 07/28/2022; cleared 07/29/22	
2022	672	7/28/22	Laurel Ridge Small Business Development Center	Civic Contribution	C	\$6,000.00			FY23 annual civic contribution	
2022		7/28/22	Balance - actual funds					\$30,105.79	Actual funds balance 07/28/22	
2022		7/31/22	Balance - Statement	Balance				\$36,305.79	Statement Balance 07/31/22; received 08/09/22 CDM; outstanding checks 656, 667, 668, 669, 671, 672 (\$6200)	
2022		8/31/22	Balance - Statement	Balance				\$30,155.79	Statement Balance 08/31/22; received 09/12/22 CDM; outstanding check 656 (\$50)	
2022		9/30/22	Balance - Statement	Balance				\$30,155.79	Statement Balance 09/30/22; received 10/13/22 CDM; outstanding check 656 (\$50)	
2022		9/30/22	Balance - Actual funds					\$30,105.79	Actual funds balance 09/30/22	
2022		10/6/22	Virginia Small Business Financing Authority	Bond Fee Sharing			\$368.02		Check #6624 from VSBFA for Grafton School Bond Fee Share deposited 10/06/22	
2022		10/13/22	Balance - actual funds					\$30,473.81	Actual funds balance 10/13/22	
2022	673	10/27/22	Isreal Preston	Director Fees	C	\$50.00			Meeting 10/27/22; check cleared 10/28/22	
2022	674	10/27/22	Bill Waite	Director Fees		\$50.00			Meeting 10/27/22; check cleared 11/01/22	
2022	675	10/27/22	Ben Cochran	Director Fees		\$50.00			Meeting 10/27/22; check cleared 11/03/22	
2022	676	10/27/22	Rodney Pierce	Director Fees		\$50.00			Meeting 10/27/22; check cleared 11/01/22	
2022	677	10/27/22	English Koontz	Director Fees	C	\$50.00			Meeting 10/27/22; check cleared 10/31/22	
2022		10/27/22	Balance - actual funds					\$30,223.81	Actual funds balance 10/27/22	
2022		10/31/22	Balance - Statement	Balance				\$30,423.81	Statement Balance on 10/31/2022; received 11/10/2022 IGF; outstanding checks 656, 674, 675, 676	
2022		11/30/22	Balance -Statement	Balance				\$30,273.81	Statement Balance on 11/30/2022; received 12/12/2022 IGF; outstanding checks 656	
2022		12/31/22	Balance - Statement	Balance				\$30,273.91	Statement Balance on 12/31/2022; received 01/06/2023 IGF; outstanding checks 656	

# FY23 YTD Budget Summary

Investment	Estimated Amount	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	YTD Total	Variance
Beginning Balance		\$ 113,087.85	\$ 118,237.61	\$ 115,685.46	\$ 110,331.30	\$ 114,987.76	\$ 119,878.46								
Investment Income	\$ 2,100.00	\$ 260.15	\$ 155.47	\$ 208.94	\$ 240.97	\$ 219.77	\$ 1,917.81							\$ 3,003.11	\$ 903.11
Net Change in Portfolio		\$ 4,889.61	\$ (2,707.62)	\$ (5,563.10)	\$ 4,415.49	\$ 4,670.93	(\$3,824.74)								
Ending Balance		\$ 118,237.61	\$ 115,685.46	\$ 110,331.30	\$ 114,987.76	\$ 119,878.46	\$ 117,971.53	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	

# FY23 YTD Budget Summary

FY2023 Budget - Clarke County Industrial Development Authority															
Expenditure	ADOPTED Budget	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	YTD Total	Remaining Balance
Advertising	\$ 400													\$ -	\$ 400
Audit	\$ 1,680													\$ -	\$ 1,680
Civic Contributions	\$ 6,000	\$ 6,000.00												\$ 6,000.00	\$ -
Director Fees	\$ 1,400	\$ 250.00			\$ 250.00									\$ 500.00	\$ 900
Insurance	\$ 1,345													\$ -	\$ 1,345
Postage	\$ 25													\$ -	\$ 25
Professional Services	\$ 1,250													\$ -	\$ 1,250
Professional Services	\$ 15,000													\$ -	\$ 15,000
<b>Total Expenditures:</b>	<b>\$ 27,100</b>	<b>\$ 6,250</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 250</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 6,500</b>	<b>\$ 20,600</b>

Revenue	Estimated Amount	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	YTD Total	Variance
Bonds:															
Grafton School	\$ -				\$ 368.02									\$ 368.02	\$ 368.02
Laurel Ridge Community College	\$ 2,729.00													\$ -	(\$ 2,729.00)
Shenandoah University	\$ 3,772.00													\$ -	(\$ 3,772.00)
<b>Bonds Total:</b>	<b>\$ 6,501.00</b>													\$ -	\$ (6,501.00)
Investment Income:	\$ 2,100.00	\$ 260.15	\$ 155.47	\$ 208.94	\$ 240.97									\$ 865.53	\$ (1,234.47)
<b>Total Revenue:</b>	<b>\$ 8,601.00</b>	<b>\$ 260.15</b>	<b>\$ 155.47</b>	<b>\$ 208.94</b>	<b>\$ 608.99</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,233.55</b>	<b>\$ (7,367.45)</b>

# **New Business**

- Presentation by Shaine Coleman
- Economic Development and Tourism Update

**Other projects:**

**Economic Development**

Clarke County hosted a half-day USDA training at the Barns of Rose Hill in early December. This was a regional event in partnership with Frederick County and the City of Winchester, along with the Blue Ridge Association of Realtors and the Northern Shenandoah Valley Regional Commission. We had over 100 attendees who asked great questions. We followed up with e-mails of all the presentations and made numerous one-on-one contacts. Conversations are still coming out of this and a potential for follow up training is possible. *A copy of the invite and some attendance photos are attached as pages 5-10.*

Following up on the discussion of a possible commercial kitchen, I was able to talk directly with our point person at the USDA training. He thought it was a viable project and I'll be working more with him as some of the rules have just recently changed.

I continue to work one-on-one with the Laurel Ridge Small Business Development Center (LRSBDC). Our GOVirginia Small Business Resiliency Team grant is also being managed through the LRSBDC. *A copy of the flyer is attached on page 11.* Just as a reminder, this program assists small businesses with free access to marketing, financial guidance, creation of an e-commerce website and accounting software. We have had another Berryville business sign up. *A copy of their monthly report regarding regional support is also attached as pages 12-15.*

We are already working on the next WoW! Event. With 8 Clarke County businesses participating, this appears to be a good regional partnership. In talking with Shaine Coleman with Clarke County High School, he hosted his own trade fair at the high school by inviting the businesses from WoW! He had almost 50 businesses participate. His event was open to the entire high school. Shaine and I are currently looking at partnership opportunities to enhance his event. He is also hosting a Health and Wellness trade fair in April of this year that I will be assisting him.

I continue to work directly with Shaine Coleman to make introductions to our local businesses for those students who may not be attending college. This includes working to find potential jobs in our area, and also allows the students to "shadow" an employee.

We continue to update citizens as they call/e-mail in regarding the VATI grant. Also note that All Points broadband will be presenting to the Board of Supervisors at their February meeting.

Work continues at the LGV Group site. Their plans are to build 2- 60,000 square foot warehouses – one of which will, when completed, house their new facility. Upon completion, their current facility on Station Road will be moved to this new warehouse and then that facility closed. *See pictures included in this packet on pages 16-18.*

Virginia Unemployment Insurance Weekly Initial Claims press release is also *included in this packet on pages 19-21.*

I continue hosting weekly meetings with Frederick County and City of Winchester EDAs. Also part of the group is Christine Kriz with Laurel Ridge Small Business Development Center and Cynthia Snyder with the Top of Virginia Chamber.



Work continues on the regional "talent website." This site provides an overview of our area and the quality of life that we offer. We are starting to work on production of new videos highlighting quality of life in our localities.

I recently hosted a get together with local realtors to get a heads up of properties that will be coming on the market. This allows us to work one on one with them and make introductions to appropriate potential business owners.

The Agritourism Summit sub groups in partnership with Winchester/Frederick County still continues to meet. We are working on putting together manageable goals.

We are already working on the next "field trips" for the Economic Development Advisory Committee.

I am also planning two days of trips for the upcoming Citizens Academy regarding economic development and tourism.

We are already working on our next regional Employer Expo. Last years' was very successful and included 6 Clarke County businesses.

I continue to have monthly phone calls with representatives of the Virginia Economic Developers Association (VEDA).

I continue to have monthly phone calls with representatives of the Virginia Economic Developers Partnership (VEDP).

Continue to meet with Christy Dunkle for updates/catch up.

Continue to meet regularly with Clarke County's Planning and Zoning Director for updates.

We continue to make introductions for local companies who have an immediate hiring need. Introductions include Clarke County High School, Top of Virginia Chamber, Christine Kriz at Laurel Ridge Small Business Development Center, United Way, Clarke County Department of Social Services and numerous local and state agencies. We are also working directly with the Virginia Employment Commission to get jobs listed.

I continue to have discussions regarding Berryville Main Street and their next steps. Their President is stepping down to take advantage of personal job growth and they are looking for new board members.

## **Tourism**

Clarke County will be hosting our first annual Groundhog Day Celebration. It will be held on Thursday, February 2<sup>nd</sup> at the Clarke County Fairgrounds. Partners include Valley Wildlife Care, Blue Ridge Wildlife Center, the Virginia Tourism Corporation, iHeart Media (Q102) and others. This event, in addition to having the groundhog make his prediction, will also serve as an educational opportunity regarding our local wildlife. A flyer is in the works now along with a social media campaign for all partners involved. See pages 22-24 attached.

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I have already reached out to the Clarke County Farmer's Market to not only help promote their events, but assist them with regional/state/federal events and potential funding for their members. I will also be working directly with them regarding our new "Love Local" campaign. See the logo sheet included in this packet on pages 25-26. This program is utilizing monies from our ARPA state grant. I've given them the information for the Virginia Tourism Corporation's newest grant. Members of this group and I talk regularly about needs and opportunities.

As a follow up to our state approved \$30,000 ARPA grant request from the Virginia Tourism Corporation (VTC) I have met with the organizations who we have allocated funding to. I've met with Finance Director Brenda Bennett to discuss how funding will be reimbursed and instructions have been passed along to those organizations.

Our approved request includes:

- Love Local campaign – a logo designed to showcase locally made (Clarke County) product. Full color stickers will be produced and provided to local businesses (including the farm markets) to showcase their County pride. The logo will also be made available for website and social media use.
- Restaurant Week campaign – working with all County restaurants, a week will be determined by them to showcase what our restaurants have to offer. Social media and a print campaign will be included. Date to be determined by local restaurants. See attached page 27.
- Berryville/Clarke County Visitors Center enhancements – campaign includes flags to show they are open, a "selfie" backdrop, production of town/county map for distribution to businesses to be able to provide to tourists, table display pieces will be purchased for their participation at off-site events – like those at the fairgrounds, and a social media campaign through iHeart that will be tied in to a larger event at the fairgrounds for capturing tourist data is also included.
- Clarke County Ruritan Fairgrounds campaign – includes on-site community calendar highlighting upcoming events, website enhancement and additional signage to help showcase what Berryville/Clarke County has to offer.
- Farm Tour – a program that will play off the previously successful farm tour.

As a follow up to the VA250 Commemoration Committee, we've participated in their training conference call. This is the Virginia American Revolution 250 Commission that is working in partnership with the Virginia Tourism Corporation. Regionally we are looking at opportunities. In meeting with the Clarke County Historical Association (CCHA), one opportunity is to enhance their Slave Dwellings program. This would showcase Blandy Experimental Farm in partnership with Belle Grove and the National Park Service. I am working with CCHA Director Nathan Stalvey on projected costs and overall timeline. In order to acquire grant funding for this program, Clarke County will have to pass a Resolution regarding participation in the VA250.

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We continue to showcase the fair grounds and the rental opportunities there.

- HamFest will be back
  - Watermelon Pickers is expected to be back
  - Lockett's Fair will be back for two events
  - Fiber Festival is expected to be back
- 
- I have already reached out and spoken with everyone who has signed agreements with the Ruritans
  - We can provide them links to "Places to Stay" and "Things to Do" while their vendors and attendees are here – and share any specials or discounts, local businesses would like to offer.
  - A "Welcome" piece was developed and given to the Ruritans to hand out to organizations who are renting/leasing fairground space. It provides my contact information and gives ideas on ways that I can assist them in not only promoting their event, but making introductions to local businesses who can be of assistance to them.
  - The Ruritans have recently invested a considerable amount to clean up buildings and the grounds there. A number of buildings have been pressured washed and painted, the recent damage from a storm to the Horticulture Building has been rebuilt, fencing repaired, plans have been approved for extending the Show Barn and adding additional bleachers. The Horticulture building is being renovated to add heating and air conditioning so it can be used year round. This will provide additional meeting space that can be rented out. The bathrooms in the Ruritan building are also being completely remodeled. Numerous other projects to enhance the facilities have been completed - but still a work in progress. Fund raising has begun for the dairy barn.
  - As a reminder, the Board of the Ruritans have approved my request to house the LOVE artwork on permanent display there along the Rt. 7 side for enhanced visibility. This will allow Clarke County to be a participant in the State LOVE Trail through Virginia Tourism. Now, I just have to work with local artists/craftsmen to get it designed and built.
  - A new regional campaign (W/FC/CC) is in the works. It will be called Hungry for History – Food Week and will include the Josephine School Museum and the Clarke County Historical Association. We'll be partnering with W/FC Historical Society, Belle Grove, NPS, Kernstown Battlefield Association and others. This event will showcase the history of food production and how meals were produced.

I continue to write blogs for state, regional and local use.

We have expanded blog opportunities listings with the Shenandoah Valley Tourism Partnership (SVTP) and the Shenandoah Valley Travel Association (SVTA) and are sharing these with the Virginia Tourism Corporation (VTC).

Questions?

4

**USDA Rural Development Training/Updates**  
on all their programs and services

In partnership with the  
Economic Developers of Clarke County,  
Frederick County and the City of Winchester, the  
Laurel Ridge Small Business Development Center,  
The Blue Ridge Association of Realtors, and the  
Northern Shenandoah Valley Regional Commission

We are pleased to offer a unique presentation  
by the USDA Rural Development and the  
Laurel Ridge Small Business Development Center.  
The USDA Rural Development will provide updates and  
information on their programs – including loans  
and grants. You will have an opportunity to talk one-on-  
one with those responsible for each of their programs.

This presentation is intended for all of our local officials,  
finance directors, city/county administrators, realtors,  
landowners, farmers and those operating farm markets,  
bankers, and small and large business owners who are  
looking at expansion or new equipment opportunities.  
*Please feel free to pass along this invitation.*

**Tuesday, December 13th**  
**9:00 am to noon**  
**Barns of Rose Hill**  
**95 Chalmers Court, Berryville**

Should you have any questions, feel free to contact  
Felicia Hart  
Director of ED and Tourism for Clarke County  
540-533-5561

**RSVP by December 9<sup>th</sup>**     [fhart@clarkecounty.gov](mailto:fhart@clarkecounty.gov)

5





**Guaranteed Loans**

Providing guaranteed to private lenders for  
Small Business Loans for property, working capital,  
and equipment, used vehicle, inventory, energy, &  
technology projects, and for lease lines.  
collateral.

**Partners and Industry Relationships**

• Local Energy for Energy Program Guaranteed Loans

7





# Area III Community Facilitation Program

USDA Rural Development - Virginia

USDA Rural Development  
U.S. DEPARTMENT OF AGRICULTURE

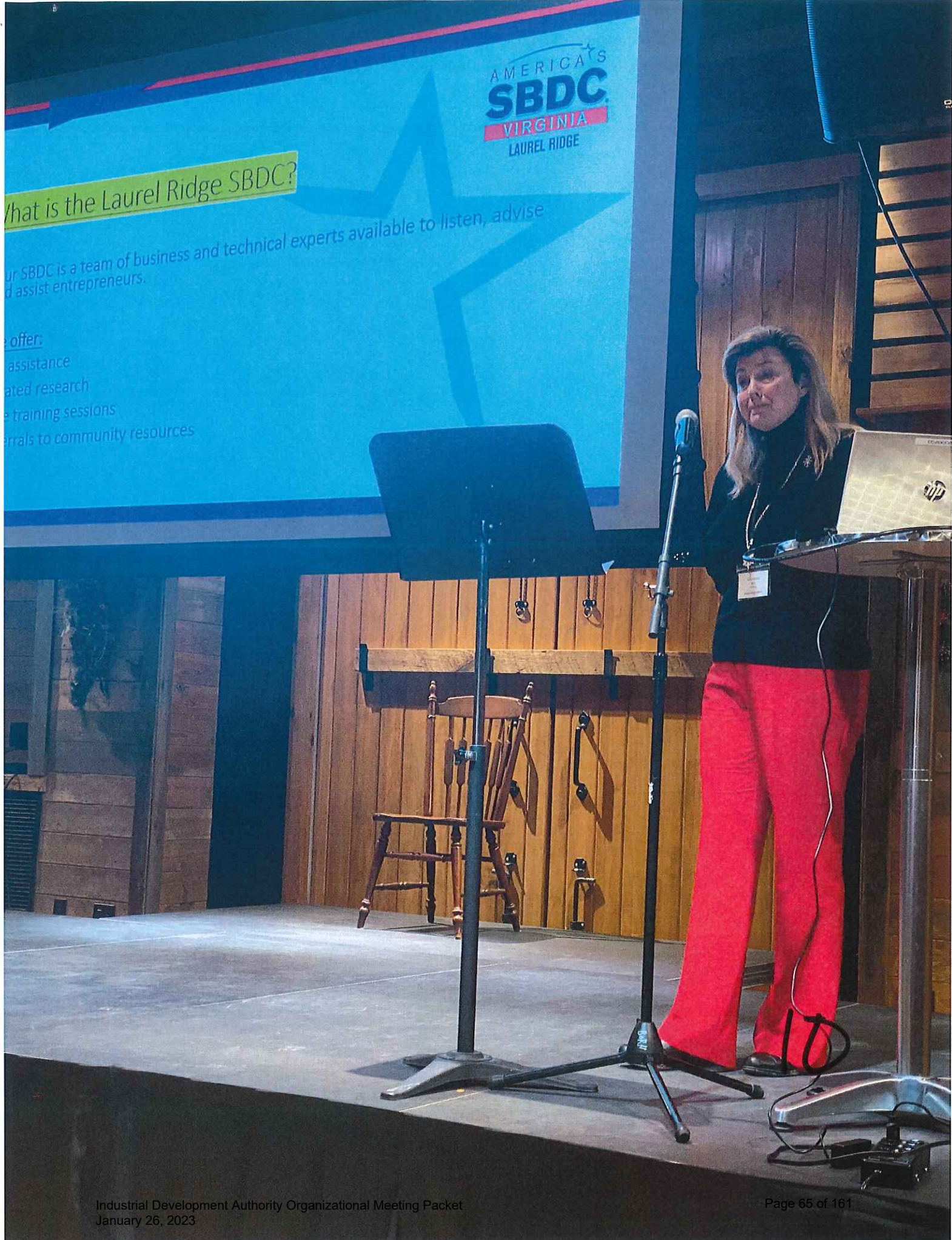


# What is the Laurel Ridge SBDC?



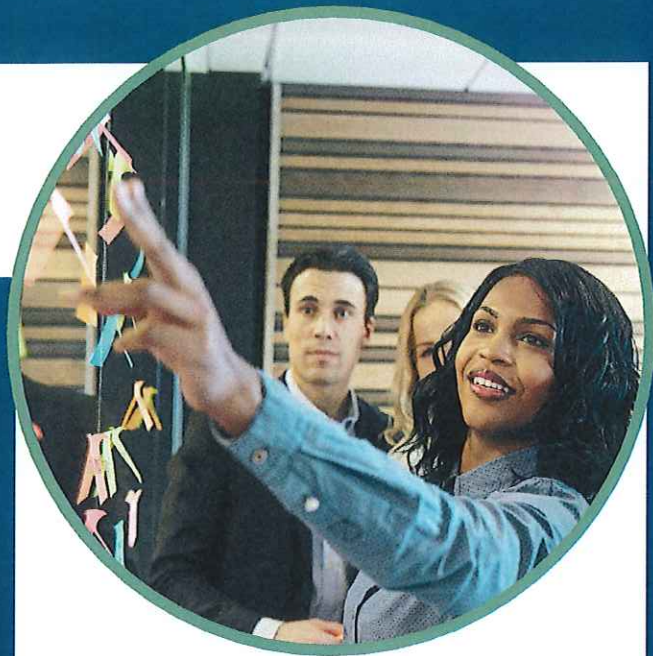
Our SBDC is a team of business and technical experts available to listen, advise and assist entrepreneurs.

- We offer:
- assistance
  - market research
  - training sessions
  - referrals to community resources





VIRGINIA INITIATIVE FOR  
**GROWTH & OPPORTUNITY**  
IN EACH REGION



# SMALL BUSINESS RESILIENCY TEAMS (SBRT) ROUND 2 GRANT

Providing SBDC Counseling and specific technical expertise for an approved small business in need of assistance for growth.

### Here's how it works:

1. Sign up at this link:  
<https://forms.gle/zAVXSVph2adC1yt3A>
2. An SBDC team member will contact you to set up an initial consultation meeting with you.
3. If approved for the program, you will meet with your SBDC Navigator who will help you connect with an approved technical expert to perform services for you in one of the three program areas while being consulted by the SBDC.

### Have questions? Contact:

Christine Kriz 540.868.7094  
ckriz@laurelridge.edu  
Joyce Krech 540.568.3227  
krechjh@jmu.edu

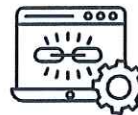
### Key SBRT Program Assistance:



**eCommerce and Marketing**



**Finance**



**Operational Efficiencies**

### Participating Localities

Your business must be located in one of the localities below and you must be a client of one of the SBDC's below to be considered for this grant:



Clarke County  
Frederick County  
Shenandoah County  
Warren County  
City of Winchester



Augusta County  
Highland County  
Page County  
Rockbridge County  
Rockingham County  
City of Buena Vista  
City of Harrisonburg



U.S. Small Business Administration



VIRGINIA INITIATIVE FOR  
**GROWTH & OPPORTUNITY**  
IN EACH REGION

This program is made possible through a grant from Virginia Initiative for Growth and Opportunity (GO Virginia) which is a business-led initiative formed to foster private sector business growth along with the participating localities, the SBA, and the VASBDC.



Individual Client Consultations

As of December 31, 2022

**Fiscal YTD:**

	<u># of clients</u>	<u>Hours</u>	<u>Start-ups</u>	<u>J/C</u>	<u>J/R</u>	<u>Capital Formed</u>	<u>Annual P/L \$ Max</u>	<u>% of total funding</u>	<u>% of clients</u>	<u>% of time</u>
<b>July 1, 2022 to Dec. 31, 2022</b>										
<u>Location:</u>										
VA: Clarke	33	71	1	5	5	\$ 92,000.00		7%	5%	6%
VA: Fauquier	119	158	1	10	13	\$ 303,100.00	\$ 130,000.00	7%	16%	14%
VA: Frederick	199	370	4	26	35	\$ 649,135.00	\$ 800,000.00	40%	28%	33%
VA: Shenandoah	128	112	5	33	30	\$ 949,500.00	\$ 60,000.00	13%	18%	10%
VA: Warren	52	53	1	7	2	\$ 198,300.00	\$ 210,000.00	0%	7%	5%
VA: Winchester City	<u>192</u>	<u>346</u>	<u>1</u>	<u>17</u>	<u>24</u>	<u>\$ 242,000.00</u>	<u>\$ 120,000.00</u>	<u>32%</u>	<u>27%</u>	<u>31%</u>
	723	1,109	11	83	109	\$ 2,434,035.00	\$ 1,320,000.00	100%	100%	100%

**Monthly Reports:**

	<u># of clients</u>	<u>Hours</u>	<u>Start-ups</u>	<u>J/C</u>	<u>J/R</u>	<u>Capital Formed</u>	<u>Annual P/L \$</u>	<u>% of total funding</u>	<u>% of clients</u>	<u>% of time</u>
<b>Dec. 1, 2022 to Dec. 31, 2022</b>										
<u>Location:</u>										
VA: Clarke	5	5				\$		7%	6%	3%
VA: Fauquier	13	19	1	1		\$ 40,000.00		7%	16%	12%
VA: Frederick	25	57				\$ 30,000.00	\$ 30,000.00	40%	31%	37%
VA: Shenandoah	12	26				\$ 10,000.00	\$ 10,000.00	13%	15%	17%
VA: Warren	4	6						0%	5%	4%
VA: Winchester City	<u>21</u>	<u>41</u>				<u>\$ 120,000.00</u>	<u>\$ 120,000.00</u>	<u>32%</u>	<u>26%</u>	<u>27%</u>
	80	153				\$ 40,000.00	\$ 160,000.00	100%	100%	100%

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<b>Nov. 1, 2022 to Nov. 30, 2022</b>									
<u>Location:</u>	<u># of clients</u>	<u>Hours</u>	<u>Start-ups</u>	<u>J/C</u>	<u>J/R</u>	<u>Capital Formed</u>	<u>% of total funding</u>	<u>% of clients</u>	<u>% of time</u>
VA: Clarke	6	7					7%	6%	4%
VA: Fauquier	18	25				\$ 25,000.00	7%	19%	13%
VA: Frederick	28	66					40%	29%	35%
VA: Shenandoah	19	16	2	4	1	\$ 109,000.00	13%	20%	8%
VA: Warren	8	10					0%	8%	5%
VA: Winchester City	18	63					32%	19%	34%
	97	187	2	4	1	\$ 134,000.00	100%	100%	100%

<b>Oct. 1, 2022 to Oct. 31, 2022</b>									
<u>Location:</u>	<u># of clients</u>	<u>Hours</u>	<u>Start-ups</u>	<u>J/C</u>	<u>J/R</u>	<u>Capital Formed</u>	<u>A % of total funding</u>	<u>% of clients</u>	<u>% of time</u>
VA: Clarke	4	9					7%	3%	4%
VA: Fauquier	20	22					7%	16%	10%
VA: Frederick	38	79	2	4	2	\$ 368,800.00	40%	30%	37%
VA: Shenandoah	24	25	1	1			13%	19%	12%
VA: Warren	15	10					0%	12%	4%
VA: Winchester City	25	68	1	1		\$ 75,000.00	32%	20%	32%
	126	211	4	6	2	\$ 443,800.00	100%	100%	100%

<b>Sept 1, 2022 to Sept 30, 2022</b>									
<u>Location:</u>	<u># of clients</u>	<u>Hours</u>	<u>Start-ups</u>	<u>J/C</u>	<u>J/R</u>	<u>Capital Formed</u>	<u>A % of total funding</u>	<u>% of clients</u>	<u>% of time</u>
VA: Clarke	2	6					7%	2%	4%
VA: Fauquier	22	37					7%	23%	26%
VA: Frederick	28	46	1	1	3	\$ 23,000.00	40%	30%	33%
VA: Shenandoah	15	14					13%	16%	10%
VA: Warren	6	8					0%	6%	6%
VA: Winchester City	21	30					32%	22%	21%
	94	140	1	1	3	\$ 23,000.00	100%	100%	100%

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August 1, 2022 to August 31, 2022

Location:	# of clients	Hours	Start-ups	J/C	J/R	Capital Formed	A % of total funding	% of clients	% of time
VA: Clarke	9	16	1	5	5	\$ 92,000.00	7%	6%	8%
VA: Fauquier	24	26	1	6	11	\$ 278,100.00	7%	15%	13%
VA: Frederick	48	59	1	24	32	\$ 257,335.00	40%	30%	30%
VA: Shenandoah	27	14	2	29	29	\$ 840,500.00	13%	17%	7%
VA: Warren	13	16	1	7	2	\$ 198,300.00	0%	8%	8%
VA: Winchester City	<u>39</u>	<u>65</u>	<u>4</u>	<u>16</u>	<u>24</u>	<u>\$ 167,000.00</u>	<u>32%</u>	<u>24%</u>	<u>33%</u>
	160	196	4	76	103	\$ 1,833,235.00	100%	100%	100%

July 1, 2022 to July 31, 2022

Location:	# of clients	Hours	Start-ups	J/C	J/R	Capital Formed	% of total funding	% of clients	% of time
VA: Clarke	7	29					7%	7%	13%
VA: Fauquier	22	30					7%	23%	13%
VA: Frederick	32	63					40%	34%	28%
VA: Shenandoah	7	18					13%	7%	8%
VA: Warren	4	3					0%	5%	1%
VA: Winchester city	<u>23</u>	<u>79</u>					<u>32%</u>	<u>24%</u>	<u>36%</u>
	95	222				\$ -	100%	100%	100%

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Training Statistics

July 1, 2022 – November 30, 2022

	<u>Seminar Attendees</u>	<u>Total Number of Seminars</u>
July	58	21
August	75	13
September	69	17
October	50	19
November	61	13
December	<u>43</u>	<u>14</u>
	356	97

Number of Attendees by County/per Month:

	<u>July</u>	<u>August</u>	<u>September</u>	<u>October</u>	<u>November</u>	<u>December</u>	<u>Total</u>
Clarke	1		0	1	3	8	13
Fauquier	14	20	9	12	16	10	81
Frederick	16	28	31	15	13	13	116
Shenandoah	6	12	12	10	19	6	65
Warren	9	3	1	3	6	2	24
Winchester	<u>12</u>	<u>12</u>	<u>16</u>	<u>9</u>	<u>4</u>	<u>4</u>	<u>57</u>
	58	75	69	50	61	43	356



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**PAT**  
INDUSTRIAL  
85,000 SF INDUSTRIAL  
SPACE AVAILABLE  
703-226-2100







COMMONWEALTH of VIRGINIA  
Virginia Employment Commission

Carrie Roth  
Commissioner  
Advisor to the Governor for Strategic Initiatives

Post Office Box 26441  
Richmond, VA 23261-6441

For Release: January 5, 2023

Contact: Timothy Aylor, Senior Economist  
Economic Information & Analytics Division  
(804) 786-3976 or (804) 786-7496

Follow us on Twitter: @VirginiaLMI

**Virginia Unemployment Insurance Weekly Initial Claims at 1,361;  
Manufacturing Leading Industry for Claims**

— Seasonally unadjusted weekly initial unemployment insurance claims increased from the previous filing week, with continued claims also higher over that period —

RICHMOND—The Virginia Employment Commission (VEC) announced today that the number of initial claims increased in the latest filing week to 1,361, remaining at levels typically seen earlier in the year.

For the filing week ending December 31, the figure for seasonally unadjusted initial claims in Virginia was 1,361, which is an increase of 172 claimants from the previous week. Over half of initial claims with a self-reported industry from manufacturing, construction, accommodation and food services, and administrative support and waste management. Continued weeks claimed totaled 9,545, which was an increase of 259 claims from the previous week, but a reduction of 15% from the 11,262 continued claims from the comparable week last year.

Eligibility for benefits is determined on a weekly basis, and so not all weekly claims filed result in a benefit payment. This is because the initial claims numbers represent claim applications; claims are then reviewed for eligibility and legitimacy.

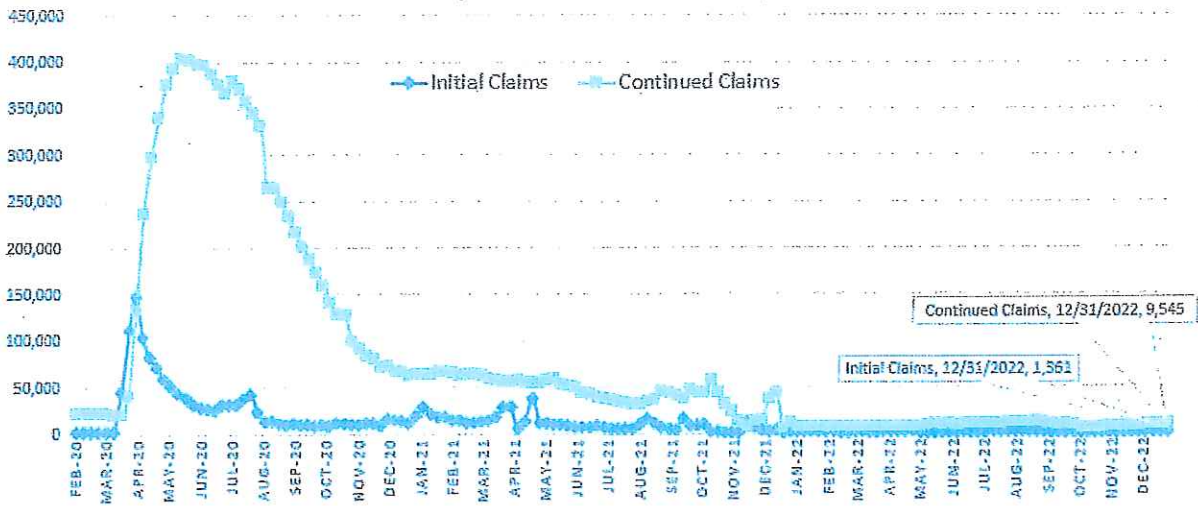
(more)

Toll Free: 1 (866) 832-2363  
E-Mail: [customerservice@vec.virginia.gov](mailto:customerservice@vec.virginia.gov)

VRC/TDD VA Relay 711  
Equal Opportunity Employer/Program

### Virginia Weekly Unemployment Insurance Claims Activity

February 1, 2020 - December 31, 2022 Filing Weeks

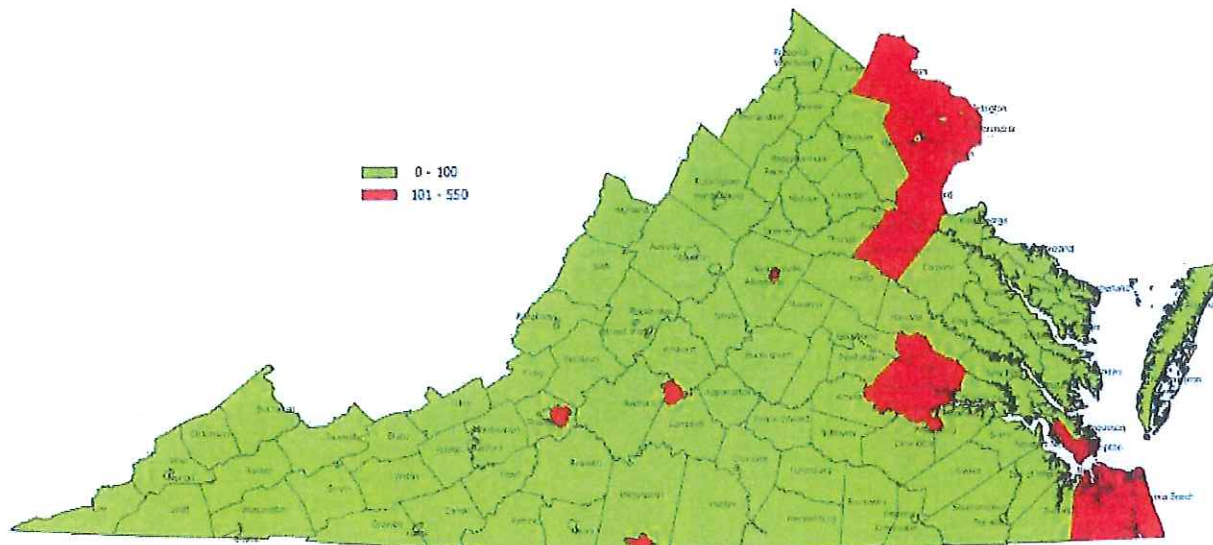


Source: The Virginia Employment Commission. Not seasonally adjusted.

In the week ending December 31, the advance U.S. figure for seasonally adjusted initial claims was 204,000, a decrease of 19,000 from the previous week's revised level. The previous week's level was revised down by 2,000 from 225,000 to 223,000. The advance number of actual initial claims under state programs, unadjusted, totaled 275,552 in the week ending December 31, an increase of 5,703 (or 2.1 percent) from the previous week. There were 315,753 initial claims in the comparable week in 2022. Looking at preliminary data, most U.S. states reported decreases on a seasonally unadjusted basis. Kentucky's preliminary weekly change (-3,782) was the largest decrease. Texas's weekly change (-3,428) was the second largest decrease. Illinois's preliminary weekly change (-3,416) was the third largest decrease. Missouri's weekly change (-3,234) was the fourth largest decrease. Virginia's preliminary weekly change (+333) was the 16<sup>th</sup> largest increase.

(more)

### Continued Unemployment Insurance Claims by County and City Week Ending December 31, 2022



Map produced by the Virginia Employment Commission, Economic Information & Analytics Division, January 2023

###

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Announcing...

# Clarke County's First Ever Groundhog Day Celebration



## Thursday, Feb. 2nd, 2023

### Clarke County Fairgrounds, Ruritan Building

*(look for the sign at the entrance)*

### 890 West Main Street, Berryville, VA

**The free fun starts at 9:30 am with the Groundhog's prediction at 10 am.**

Clarke County Tourism, working with all these amazing partners, is hosting our first Groundhog Day Celebration. Not only will you be able to learn the groundhog's prediction, but you'll also be able to see and learn about other Ambassador wild animals.

## Come join the fun!

Questions? Call Felicia Hart at 540-533-5561



Sponsored by:

EXPERIENCE.



### CLARKE COUNTY



Special thanks to the Clarke County Ruritan's for use of their building.

# HAPPY GROUNDHOG DAY



**CLARKE COUNTY**  
VIRGINIA

See coloring contest submission instructions on back

Child's name: \_\_\_\_\_

Parent's name: \_\_\_\_\_

Age group (circle):      1-6              7-12              13-16

Address: \_\_\_\_\_

\_\_\_\_\_

Phone #: \_\_\_\_\_

Email: \_\_\_\_\_

Drop off or mail your submission to:

**Clarke County Tourism**

c/o Felicia Hart

101 Chalmers Court

Berryville, VA 22611

or e-mail to: fhart@clarkecounty.gov

All submissions must be received  
**by February 3rd**

All submissions will be posted on the  
Clarke County Tourism Facebook page  
**on February 7th**

Public voting will close  
**on February 10th**

Winners will be announced  
**on February 13th**



Clarke County "Love Local" logo - final





Clarke County "Love Local" logo - sample promo use



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Clarke County "Restaurant Week" logo - final



tbd

## **Closed Session Pursuant to §2.2-3711-A3**

- Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

## **Next Meeting**

- April 27, 2023 – Regular Meeting
- *April 19, 2023 – Spring Tour with EDAC, if approved*

—

*Industrial Development Authority of the Clarke County Virginia  
Board of Directors*

---

# Adjourn

## **Distributed in Packet:**

- 2022 Building Department Reports
  - 2022 New Single Family Dwellings
  - December 2022 Building Inspections Report
  - December 2022 Project Application Report
- 2022 IDA Annual Report
- Economic Development Advisory Committee
  - November 16, 2022, Regular Meeting Minutes
- Annual Distribution
  - Code of Clarke, Virginia 1997 as amended Chapter 36 Industrial Development Authority
  - Code of Virginia Title 15.2 Counties, Cities and Towns Chapter 49. Industrial Development and Revenue Bond Act

- Code of Virginia Title 2.2. Administration of Government Chapter 37. Virginia Freedom of Information Act
- Code of Virginia Title 42.1. Libraries Chapter 7. Virginia Public Records Act

Building Department - Clarke County  
New Single Family Dwellings 2022

	Battletown	Berryville	Boyce	Chapel	Greenway	Longmarsh	TOTAL
January	1	8	0	0	1	1	11
February		3	0	0	0	0	3
March	1	17	0	2	0	2	22
April	0	7	0	0	0	0	7
May	1	2	0	2	2	2	9
June	1	10	0	0	0	1	12
July	0	19	0	0	0	1	20
August	0	0	0	1	0	0	1
September	1	2	0	0	0	0	3
October	0	1	0	0	0	0	1
November	0	0	0	1	0	0	1
December	0	0	1	1	0	1	3
<b>TOTAL</b>	<b>5</b>	<b>69</b>	<b>0</b>	<b>7</b>	<b>3</b>	<b>8</b>	<b>93</b>

**COMMENTS**



INSPECTION REPORT

Building Inspections

INSPECTIONS PERFORMED: 12/01/22 to 12/31/22

INSPECTION	DATE	BY	RSLT	PROJECT	CITY	AREA	LOCATION	OWNER	INSP ID	T
Framing	12/05/22	DS	P	Rmdl Res	BVL	LNGM	1520 TRAPP HILL RD	KELLY JAMES B & JEANNE	29326	A
Electrical Rough In	12/05/22	DS	P	Rmdl Res	BVL	LNGM	1520 TRAPP HILL RD	KELLY JAMES B & JEANNE	29327	A
Electric Service	12/05/22	DS	P	ELEC RES	BVL	BVL	200 WEST MAIN ST	KERNS ALISA MARIE & WIL	29321	A
Framing	12/05/22	DS	F	Deck/Porch	BVL	BVL	23 EAST MAIN ST	HUDSON JOHN	29057	A
Final Closing Buildi	12/05/22	DS	F	Deck/Porch	BVL	BVL	23 EAST MAIN ST	HUDSON JOHN	29058	A
Framing	12/06/22	DS	P	Deck/Porch	BVL	BVL	23 EAST MAIN ST	HUDSON JOHN	29430	A
Final Closing Buildi	12/06/22	DS	P	Deck/Porch	BVL	BVL	23 EAST MAIN ST	HUDSON JOHN	29431	A
Final Closing Buildi	12/06/22	DS	P	Rmdl Res	BLMT	BLTN	416 LAUREL LN	CAPPERT JEREMY	28198	A
Insulation	12/06/22	DS	P	Add Res	BVL	BLTN	830 PARSHALL RD	OHARA DANIEL J & MONICA	29415	A
Final Closing Buildi	12/06/22	DS	P	Rmdl Res	BVL	BLTN	5973 LORD FAIRFAX HWY	GULDE SANDRA	29192	A
Footings	12/06/22	DS	P	Deck/Porch			716 WEEKS CT	KNOX DAVID M	29328	A
Final Closing Buildi	12/06/22	DS	P	Rmdl Res	BLMT	CHPL	36 TOY HILL LN	TAYLOR JAMES	28880	A
Footings	12/06/22	DS	PRT	Deck/Porch	BVL	BVL	832 MCGUIRE CIR	CHOMCHEY WIN & BRENDA W	28905	A
Insulation	12/07/22	DS	P	Add Res	BYC	GNWY	1686 SHENANDOAH RIVER LN	DILLION GERALD KEITH &	27759	A
Mechanical Rough In	12/07/22	DS	P	Add Res	BYC	GNWY	1686 SHENANDOAH RIVER LN	DILLION GERALD KEITH &	29331	A
Insulation	12/07/22	DS	P	Rmdl Res	BVL	LNGM	1520 TRAPP HILL RD	KELLY JAMES B & JEANNE	26556	A
Framing	12/07/22	DS	F	Deck/Porch			716 WEEKS CT	KNOX DAVID M	29329	A
Final Closing Buildi	12/07/22	DS	F	Deck/Porch			716 WEEKS CT	KNOX DAVID M	29330	A
Footings	12/07/22	DS	P	Deck/Porch	BVL	BVL	108 TYSON DR	DANIEL WILLIAM C & MARY	28908	A
Framing	12/07/22	DS	PRT	Deck/Porch	FRYL	GNWY	491 ANAMARIA LN	KELLEY GREGORY R & DOUG	29090	A
Final Closing Plumbi	12/07/22	DS	P	PlumPer-R	BVL	BVL	123 SWAN AVE	BUTLER NADA J	29149	A
Water Line Ditch	12/07/22	DS	P	NRSF	BLMT	CHPL	673 FROGTOWN RD	ELSEA THELMA LOUISE	29455	A
Water Line	12/07/22	DS	P	NRSF	BLMT	CHPL	673 FROGTOWN RD	ELSEA THELMA LOUISE	29480	A
Plumbing Groundworks	12/07/22	DS	P	NRSF	BLMT	CHPL	673 FROGTOWN RD	ELSEA THELMA LOUISE	29185	A
Slab Garage/Carport	12/07/22	DS	P	NRSF	BLMT	CHPL	673 FROGTOWN RD	ELSEA THELMA LOUISE	29333	A
Slab Porch/Deck	12/07/22	DS	P	NRSF	BLMT	CHPL	673 FROGTOWN RD	ELSEA THELMA LOUISE	29481	A
Framing	12/08/22	DS	P	Deck/Porch	BVL	BLTN	3031 CASTLEMAN RD	MABBITT BRUCE & JANET	25438	A
Footings Porch/Deck	12/08/22	DS	P	Deck/Porch	BVL	BLTN	3031 CASTLEMAN RD	MABBITT BRUCE & JANET	29518	A
Final Closing Buildi	12/08/22	DS	F	Deck/Porch	BVL	BLTN	3031 CASTLEMAN RD	MABBITT BRUCE & JANET	25439	A
Final Closing Buildi	12/08/22	DS	F	Rmdl Res	BLMT	BLTN	19094 BLUE RIDGE MTN RD	MALYSHEV PETER Y & JOSE	29357	A
Final Closing Electr	12/08/22	DS	F	Rmdl Res	BLMT	BLTN	19094 BLUE RIDGE MTN RD	MALYSHEV PETER Y & JOSE	29354	A
Final Closing Plumbi	12/08/22	DS	F	Rmdl Res	BLMT	BLTN	19094 BLUE RIDGE MTN RD	MALYSHEV PETER Y & JOSE	29355	A
Final Closing Mechan	12/08/22	DS	P	Rmdl Res	BLMT	BLTN	19094 BLUE RIDGE MTN RD	MALYSHEV PETER Y & JOSE	29356	A
Electric Service	12/08/22	DS	P	NRSF	GNWY	GNWY	841 SHENANDOAH RIVER LN	5309 RIVER LLC	26180	A
Final Closing Gas	12/08/22	DS	P	Gas Per-R	BVL	BVL	212 HERMITAGE BLVD	HLYWIAK SVEN M & ESRA	29437	A
Electric Service	12/08/22	DS	P	ELEC RES	BYC	CHPL	787 CALMES NECK LN	WYATT JIMMY L & KATHLEE	28677	A
Insulation	12/08/22	DS	P	Add Res	BVL	LNGM	2400 KIMBLE RD	SILFIES VALERIE K & RON	29238	A
Final Closing Gas	12/09/22	DS	P	NRSF	BVL		413 NORRIS ST	D R HORTON INC	29368	A
Final Closing Plumbi	12/09/22	DS	P	NRSF	BVL		413 NORRIS ST	D R HORTON INC	24951	A
Final Closing Mechan	12/09/22	DS	P	NRSF	BVL		413 NORRIS ST	D R HORTON INC	24953	A
Final Closing Electr	12/09/22	DS	P	NRSF	BVL		413 NORRIS ST	D R HORTON INC	24948	A
Gas Line	12/09/22	DS	P	Gas Per-R	BYC	CHPL	574 CLAY HILL RD	WILSON KARYN TREBLE	28655	A
Gas Tank	12/09/22	DS	P	Gas Per-R	BYC	CHPL	574 CLAY HILL RD	WILSON KARYN TREBLE	29543	A
Gas Line Pressure Te	12/09/22	DS	P	Gas Per-R	BYC	CHPL	574 CLAY HILL RD	WILSON KARYN TREBLE	28656	A
Footings	12/09/22	DS	P	Accessory	BVL	LNGM	94 ANTIQUE LN	STEPHENS STEPHEN	28911	A
Electric Service	12/09/22	DS	P	ELEC RES	BYC	GNWY	326 GREENSTONE LN	BELL KENNETH U	29115	A
Electric Service	12/09/22	DS	P	ELEC RES	FRYL	GNWY	922 MANOR RD	BROWNSON BRUCE B	29118	A
Electric Service	12/09/22	DS	F	ELEC RES	WHPT	GNWY	755 NATIONS SPRING RD	NATIONS SPRING LLC	29400	A
Electric Service	12/12/22	DS	P	ELEC RES	WHPT	GNWY	755 NATIONS SPRING RD	NATIONS SPRING LLC	29556	A
Final Closing Buildi	12/12/22	DS	F	NRSF	BVL		413 NORRIS ST	D R HORTON INC	24954	A
Final Closing Gas	12/12/22	DS	F	NRSF	BVL		424 DUNLAP DR	D R HORTON INC	29369	A
Final Closing Mechan	12/12/22	DS	F	NRSF	BVL		424 DUNLAP DR	D R HORTON INC	25488	A

INSPECTION REPORT

Building Inspections

INSPECTIONS PERFORMED: 12/01/22 to 12/31/22

INSPECTION	DATE	BY	RSLT	PROJECT	CITY	AREA	LOCATION	OWNER	INSP ID	T
Final Closing Electr	12/12/22	DS	F	NRSF	BVL		424 DUNLAP DR	D R HORTON INC	25483	A
Final Closing Plumbi	12/12/22	DS	F	NRSF	BVL		424 DUNLAP DR	D R HORTON INC	25486	A
Framing	12/12/22	DS	F	Deck/Porch	BVL	BLTN	3374 SHEPHERDS MILL RD	GUDIEL MELINDA	28956	A
Insulation	12/12/22	DS	F	Rmdl Res	BLMT	BLTN	919 PINE GROVE RD	SELLERS LORI	25992	A
Footings	12/12/22	DS	P	Deck/Porch	BVL	BVL	401 JONES CT	DILLA MAXINE WEST & DEV	29059	A
Final Closing Buildi	12/13/22	DS	F	NRSF	BVL		404 NORRIS ST	D R HORTON INC	29290	A
Final Closing Gas	12/13/22	DS	P	NRSF	BVL		404 NORRIS ST	D R HORTON INC	29289	A
Final Closing Electr	12/13/22	DS	P	NRSF	BVL		404 NORRIS ST	D R HORTON INC	29286	A
Final Closing Plumbi	12/13/22	DS	P	NRSF	BVL		404 NORRIS ST	D R HORTON INC	29287	A
Final Closing Mechan	12/13/22	DS	P	NRSF	BVL		404 NORRIS ST	D R HORTON INC	29288	A
Final Closing Gas	12/13/22	DS	P	Gas Per-R	BVL	BVL	405 MADDEN ST	FULMER THOMAS JOY DULAN	28667	A
Final Closing Plumbi	12/13/22	DS	P	PlumPer-R	BVL	BVL	405 MADDEN ST	FULMER THOMAS JOY DULAN	28669	A
Final Closing Buildi	12/13/22	DS	F	NRSF	BVL		424 DUNLAP DR	D R HORTON INC	25489	A
Final Closing Buildi	12/13/22	DS	P	Rmdl Res	BVL	LNGM	420 STRINGTOWN RD	AMUNDSON CARL G & SANDR	28904	A
Footings	12/14/22	DS	P	Accessory	BVL	BVL	111 TREADWELL ST	MORRETTA ROBERT JOSEPH	29066	A
Draintile	12/14/22	DS	P	Add Res	WHPT	GNWY	450 SILVER RIDGE LN	KNITTLE KELLY B & PAUL	29482	A
Backfill	12/14/22	DS	P	Add Res	WHPT	GNWY	450 SILVER RIDGE LN	KNITTLE KELLY B & PAUL	29483	A
Final Closing Buildi	12/15/22	DS	F	Rmdl Res	BLMT	BLTN	19094 BLUE RIDGE MTN RD	MALYSHEV PETER Y & JOSE	29488	A
Final Closing Plumbi	12/15/22	DS	P	Rmdl Res	BLMT	BLTN	19094 BLUE RIDGE MTN RD	MALYSHEV PETER Y & JOSE	29643	A
Final Closing Electr	12/15/22	DS	F	Rmdl Res	BLMT	BLTN	19094 BLUE RIDGE MTN RD	MALYSHEV PETER Y & JOSE	29486	A
Gas Line	12/15/22	DS	P	Add Res	BVL	LNGM	50 CASTLEROCK LN	SOWDER BRETT A & DONNA	29490	A
Gas Line Pressure Te	12/15/22	DS	P	Add Res	BVL	LNGM	50 CASTLEROCK LN	SOWDER BRETT A & DONNA	29491	A
Final Closing Buildi	12/15/22	DS	P	Deck/Porch	BVL	BVL	245 HERMITAGE BLVD	MARSH LYLE L III	29134	A
Final Closing Buildi	12/15/22	DS	P	Rmdl Res	BVL	LNGM	980 LONGMARSH RD	NEWCOMB CYNTHIA COCHRAN	29034	A
Final Closing Buildi	12/16/22	DS	P	NRSF	BVL		404 NORRIS ST	D R HORTON INC	29587	A
Final Closing Electr	12/16/22	DS	P	Accessory	BYC	GNWY	404 CAREFREE LN	RILEY DANIEL W & MARGAR	29557	A
Final Closing Mechan	12/16/22	DS	P	Accessory	BYC	GNWY	404 CAREFREE LN	RILEY DANIEL W & MARGAR	29558	A
Final Closing Buildi	12/16/22	DS	P	Accessory	BYC	GNWY	404 CAREFREE LN	RILEY DANIEL W & MARGAR	28652	A
Framing	12/16/22	DS	P	Deck/Porch			716 WEEKS CT	KNOX DAVID M	29501	A
Final Closing Buildi	12/16/22	DS	P	Deck/Porch			716 WEEKS CT	KNOX DAVID M	29732	A
Gas Line	12/16/22	DS	P	Gas Per-R	BLMT	BLTN	1170 RETREAT RD	COLVARD ANITA L TRUSTEE	29372	A
Gas Line Pressure Te	12/16/22	DS	P	Gas Per-R	BLMT	BLTN	1170 RETREAT RD	COLVARD ANITA L TRUSTEE	29373	A
Mechanical Rough In	12/19/22	DS	P	Rmdl Res	BYC	CHPL	598 CLAY HILL RD	WILLIAMS MICHAEL C	29585	A
Final Closing Buildi	12/19/22	DS	P	NRSF	BVL		413 NORRIS ST	D R HORTON INC	29546	A
Slab	12/19/22	DS	P	Accessory	WHPT	GNWY	3285 BORDENS SPRING RD	MOORE MICHELE M	29584	A
Framing	12/19/22	DS	F	Rmdl Res	BVL	LNGM	86 OLD TAVERN LN	SOLANKI MADHUR & MARYAM	29586	A
Final Closing Mechan	12/19/22	DS	P	MechPer-R	BVL	BVL	115 SWAN AVE	SHEPPARD LISA T	29147	A
Final Closing Electr	12/19/22	DS	PWC	ELEC RES	BVL	BVL	115 SWAN AVE	SHEPPARD LISA T	29462	A
Gas Line	12/19/22	DS	P	Gas Per-R	BVL	CHPL	2221 SPRINGSBURY RD	SAWYER DENNIS A & KRIST	29465	A
Gas Line Pressure Te	12/19/22	DS	P	Gas Per-R	BVL	CHPL	2221 SPRINGSBURY RD	SAWYER DENNIS A & KRIST	29466	A
Gas Tank	12/19/22	DS	P	Gas Per-R	BVL	CHPL	2221 SPRINGSBURY RD	SAWYER DENNIS A & KRIST	29748	A
Final Closing Electr	12/20/22	DS	P	NRSF	BVL		424 DUNLAP DR	D R HORTON INC	29662	A
Final Closing Plumbi	12/20/22	DS	P	NRSF	BVL		424 DUNLAP DR	D R HORTON INC	29663	A
Final Closing Mechan	12/20/22	DS	P	NRSF	BVL		424 DUNLAP DR	D R HORTON INC	29664	A
Final Closing Gas	12/20/22	DS	P	NRSF	BVL		424 DUNLAP DR	D R HORTON INC	29665	A
Final Closing Buildi	12/20/22	DS	F	NRSF	BVL		424 DUNLAP DR	D R HORTON INC	29784	A
Slab Garage/Carport	12/20/22	DS	P	Accessory	BVL	LNGM	94 ANTIQUE LN	STEPHENS STEPHEN	29671	A
Footings	12/20/22	DS	P	Deck/Porch	BVL	BLTN	3374 SHEPHERDS MILL RD	GUDIEL MELINDA	29555	A
Framing	12/20/22	DS	P	Deck/Porch	BVL	BVL	401 JONES CT	DILLA MAXINE WEST & DEV	29060	A
Footings	12/20/22	DS	P	Deck/Porch	BVL	BVL	114 SMITH ST	ROHDE HAROLD L & DOROTH	29334	A
Gas Line	12/20/22	DS	P	Gas Per-R	BVL	BLTN	1337 NORTH HILL LN	LIGGETT WILLIAM & SUZAN	29424	A
Gas Line Pressure Te	12/20/22	DS	F	Gas Per-R	BVL	BLTN	1337 NORTH HILL LN	LIGGETT WILLIAM & SUZAN	29425	A

INSPECTION REPORT

Building Inspections

INSPECTIONS PERFORMED: 12/01/22 to 12/31/22

INSPECTION	DATE	BY	RSLT	PROJECT	CITY	AREA	LOCATION	OWNER	INSP ID	T		
Final Closing Buildi	12/21/22	DS	P	Rmdl Res	BVL	LNGM	86 OLD TAVERN LN	SOLANKI MADHUR & MARYAM	29588	A		
Framing	12/21/22	DS	P	Rmdl Res	BVL		1484 WESTWOOD RD	ROBERTS VINCENT D	29548	A		
Final Closing Electr	12/21/22	DS	F	Rmdl Res	BVL	LNGM	86 OLD TAVERN LN	SOLANKI MADHUR & MARYAM	29590	A		
Final Closing Plumbi	12/21/22	DS	F	Rmdl Res	BVL	LNGM	86 OLD TAVERN LN	SOLANKI MADHUR & MARYAM	29592	A		
Final Closing Mechan	12/21/22	DS	P	Rmdl Res	BVL	LNGM	86 OLD TAVERN LN	SOLANKI MADHUR & MARYAM	29591	A		
Final Closing Buildi	12/21/22	DS	F	Rmdl Res	BVL	LNGM	86 OLD TAVERN LN	SOLANKI MADHUR & MARYAM	29589	A		
Footings	12/21/22	DS	P	Deck/Porch	BVL		412 JONES CT	SWANSON MATTHEW & KRIST	29135	A		
Ditch Electric	12/21/22	DS	P	ELEC RES	BVL	LNGM	11862 HARRY BYRD HWY	GONZALEZ ADOLFO JAVIER	29596	A		
Septic Electrical Co	12/21/22	DS	P	ELEC RES	BVL	LNGM	11862 HARRY BYRD HWY	GONZALEZ ADOLFO JAVIER	29597	A		
INSPECTOR TOTALS:			113	INSPECTIONS	FEES:		.00	PAID TO DATE:		.00	UNPAID:	.00
Plumbing Rough In	12/01/22	JR	P	NRSF			321 TYSON DR	D R HORTON INC	26572	A		
Plumbing Rough In	12/01/22	JR	P	NRSF	BVL		316 TYSON DR	D R HORTON INC	29510	A		
Footings	12/01/22	JR	P	Deck/Porch	BVL	BVL	245 HERMITAGE BLVD	MARSH LYLE L III	29132	A		
Mechanical Rough In	12/01/22	JR	PWC	Add Res	WHPT	GNWY	184 HUNTOVER LN	HUNTOVER L P	29122	A		
Framing	12/01/22	JR	PWC	Add Res	WHPT	GNWY	184 HUNTOVER LN	HUNTOVER L P	22755	A		
Final Closing Plumbi	12/01/22	JR	F	NRSF	BVL		392 NORRIS ST	D R HORTON INC	24778	A		
Final Closing Mechan	12/01/22	JR	F	NRSF	BVL		392 NORRIS ST	D R HORTON INC	24780	A		
Final Closing Buildi	12/01/22	JR	F	NRSF	BVL		392 NORRIS ST	D R HORTON INC	24781	A		
Final Closing Gas	12/01/22	JR	F	NRSF	BVL		392 NORRIS ST	D R HORTON INC	29210	A		
Final Closing Electr	12/01/22	JR	F	NRSF	BVL		392 NORRIS ST	D R HORTON INC	24775	A		
Final Closing Electr	12/01/22	JR	F	NRSF		BYC	9 EAST SHARON DR	POES HOME IMPROVEMENTS	26291	A		
Final Closing Plumbi	12/01/22	JR	F	NRSF		BYC	9 EAST SHARON DR	POES HOME IMPROVEMENTS	26294	A		
Final Closing Mechan	12/01/22	JR	F	NRSF		BYC	9 EAST SHARON DR	POES HOME IMPROVEMENTS	26296	A		
Final Closing Buildi	12/01/22	JR	F	NRSF		BYC	9 EAST SHARON DR	POES HOME IMPROVEMENTS	26297	A		
Plumbing Groundworks	12/01/22	JR	F	NRSF	BVL		416 NORRIS ST	D R HORTON INC	26763	A		
Water Line	12/01/22	JR	F	NRSF	BVL		416 NORRIS ST	D R HORTON INC	29273	A		
Sewer Line	12/01/22	JR	F	NRSF	BVL		416 NORRIS ST	D R HORTON INC	29274	A		
Footings	12/01/22	JR	P	Deck/Porch	BVL	BVL	23 EAST MAIN ST	HUDSON JOHN	29056	A		
Framing	12/01/22	JR	P	Deck/Porch	BVL	BVL	245 HERMITAGE BLVD	MARSH LYLE L III	29133	A		
Ditch Electric	12/01/22	JR	P	Elec Per-C	BVL	LNGM	201 TOM WHITACRE CIR	TOWN OF BERRYVILLE	29544	A		
Final Closing Buildi	12/02/22	JR	NE	Rmdl Res	BVL	LNGM	86 OLD TAVERN LN	SOLANKI MADHUR & MARYAM	29296	A		
Framing	12/02/22	JR	P	NRSF	BVL		316 TYSON DR	D R HORTON INC	29279	A		
Electrical Rough In	12/02/22	JR	P	NRSF	BVL		316 TYSON DR	D R HORTON INC	29275	A		
Mechanical Rough In	12/02/22	JR	F	NRSF	BVL		316 TYSON DR	D R HORTON INC	29277	A		
Gas Rough In	12/02/22	JR	F	NRSF	BVL		316 TYSON DR	D R HORTON INC	29280	A		
Waterproofing/Pargin	12/02/22	JR	P	Rmdl Res	BVL	BVL	22 JACK ENDERS BLVD	JLG INVESTMENTS, LLC	29311	A		
Final Closing Buildi	12/02/22	JR	P	Deck/Porch	BVL		405 JONES CT	MICHELSEN GREGORY & KAR	28964	A		
Framing	12/02/22	JR	P	Rmdl Comm	BVL	BVL	324 FIRST ST	VALLEY VENTURES FUND 1	29316	A		
Insulation	12/02/22	JR	P	Rmdl Comm	BVL	BVL	324 FIRST ST	VALLEY VENTURES FUND 1	29315	A		
Electrical Rough In	12/02/22	JR	P	Rmdl Comm	BVL	BVL	324 FIRST ST	VALLEY VENTURES FUND 1	29313	A		
Plumbing Rough In	12/02/22	JR	P	Rmdl Comm	BVL	BVL	324 FIRST ST	VALLEY VENTURES FUND 1	29314	A		
Insulation	12/05/22	JR	F	Rmdl Comm	BVL	BLTN	120 COOL SPRING LN	COMMUNITY OF CISTERCIAN	23610	A		
Mechanical Rough In	12/05/22	JR	P	Rmdl Comm	BVL	BLTN	120 COOL SPRING LN	COMMUNITY OF CISTERCIAN	29411	A		
Plumbing Rough In	12/05/22	JR	P	Rmdl Comm	BVL	BLTN	120 COOL SPRING LN	COMMUNITY OF CISTERCIAN	29545	A		
Fire Stop/Fire Block	12/05/22	JR	P	Rmdl Comm	BVL	BLTN	120 COOL SPRING LN	COMMUNITY OF CISTERCIAN	29402	A		
Final Closing Electr	12/05/22	JR	P	Solar	BVL	BVL	529 MOSBY BLVD	MCMAINS JAMES WARREN &	28806	A		
Final Closing Buildi	12/05/22	JR	P	Solar	BVL	BVL	529 MOSBY BLVD	MCMAINS JAMES WARREN &	28807	A		
Framing	12/05/22	JR	PWC	NRSF	BVL	LNGM	339 MINNIEWOOD LN	ROYSE ANTHONY	29312	A		
Framing	12/06/22	JR	F	Add Res	FRYL	GNWY	490 ANAMARIA LN	KUHN AUSTIN LEE & ALICI	22389	A		
Final Closing Plumbi	12/06/22	JR	P	NRSF	BVL		392 NORRIS ST	D R HORTON INC	29395	A		

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INSPECTION	DATE	BY	RSLT	PROJECT	CITY	AREA	LOCATION	OWNER	INSP ID	T
Final Closing Mechan	12/06/22	JR	P	NRSF	BVL		392 NORRIS ST	D R HORTON INC	29396	A
Final Closing Gas	12/06/22	JR	P	NRSF	BVL		392 NORRIS ST	D R HORTON INC	29397	A
Final Closing Buildi	12/06/22	JR	P	NRSF	BVL		392 NORRIS ST	D R HORTON INC	29398	A
Final Closing Electr	12/06/22	JR	P	NRSF	BVL		392 NORRIS ST	D R HORTON INC	29547	A
Beams	12/06/22	JR	P	Rmdl Res	BLMT	BLTN	919 PINE GROVE RD	SELLERS LORI	29394	A
Framing	12/07/22	JR	PWC	NRSF	PRS		21024 BLUE RIDGE MTN RD	BITTORF BRANDON J & REN	21174	A
Electrical Rough In	12/07/22	JR	P	NRSF	PRS		21024 BLUE RIDGE MTN RD	BITTORF BRANDON J & REN	21176	A
Plumbing Rough In	12/07/22	JR	P	NRSF	PRS		21024 BLUE RIDGE MTN RD	BITTORF BRANDON J & REN	21180	A
Mechanical Rough In	12/07/22	JR	P	NRSF	PRS		21024 BLUE RIDGE MTN RD	BITTORF BRANDON J & REN	21182	A
Gas Rough In	12/07/22	JR	P	NRSF	PRS		21024 BLUE RIDGE MTN RD	BITTORF BRANDON J & REN	29332	A
Final Closing Electr	12/07/22	JR	P	Solar	BVL	BVL	404 SOUTH CHURCH ST	MCDANIEL JOSEPH ANDREW	28854	A
Final Closing Buildi	12/07/22	JR	P	Solar	BVL	BVL	404 SOUTH CHURCH ST	MCDANIEL JOSEPH ANDREW	28855	A
Basement walls	12/09/22	JR	P	NRSF	BVL		424 NORRIS ST	D R HORTON INC	29700	A
Framing	12/13/22	JR	P	Garage	BLMT		155 LLOYDS RIDGE LN	SRFT	27754	A
Final Closing Electr	12/13/22	JR	P	Garage	BLMT		155 LLOYDS RIDGE LN	SRFT	29427	A
Final Closing Buildi	12/13/22	JR	P	Garage	BLMT		155 LLOYDS RIDGE LN	SRFT	27756	A
Final Closing Electr	12/13/22	JR	P	Solar			538 WEEKS CT	SAM-ABBENYI AMOS	28752	A
Final Closing Buildi	12/13/22	JR	P	Solar			538 WEEKS CT	SAM-ABBENYI AMOS	28753	A
Footings Porch/Deck	12/13/22	JR	F	Rmdl Res	BVL	CHPL	2245 LOCKES MILL RD	CULLEN BARBARA & WILLIA	29428	A
Footings Porch/Deck	12/13/22	JR	P	Rmdl Res	BVL	CHPL	2245 LOCKES MILL RD	CULLEN BARBARA & WILLIA	29429	A
Framing	12/13/22	JR	P	Accessory	BLMT	BLTN	1391 BEECHWOOD LN	THIEL JOHN R & EVELYN-J	29028	A
Final Closing Electr	12/13/22	JR	P	Elec Per-C	BVL	BVL	402 EAST MAIN ST	BROY SUE ANN	29459	A
Insulation	12/14/22	JR	P	NRSF	PRS		21024 BLUE RIDGE MTN RD	BITTORF BRANDON J & REN	21175	A
Gas Line	12/14/22	JR	P	NRSF	PRS		21024 BLUE RIDGE MTN RD	BITTORF BRANDON J & REN	29519	A
Gas Line Pressure Te	12/14/22	JR	P	NRSF	PRS		21024 BLUE RIDGE MTN RD	BITTORF BRANDON J & REN	29520	A
Insulation	12/14/22	JR	P	NRSF	BVL	LNGM	339 MINNIEWOOD LN	ROYSE ANTHONY	22423	A
Insulation	12/14/22	JR	P	Add Res	WHPT	GNWY	184 HUNTOVER LN	HUNTOVER L P	22756	A
Framing	12/14/22	JR	P	Rmdl Res	BYC	CHPL	102 TILTHAMMER MILL RD	SWIMELEY JOSEPH ROBERT	29471	A
Electrical Rough In	12/14/22	JR	P	Rmdl Res	BYC	CHPL	102 TILTHAMMER MILL RD	SWIMELEY JOSEPH ROBERT	29473	A
Plumbing Rough In	12/14/22	JR	P	Rmdl Res	BYC	CHPL	102 TILTHAMMER MILL RD	SWIMELEY JOSEPH ROBERT	29472	A
Final Closing Mechan	12/14/22	JR	P	MechPer-R	BYC	GNWY	85 IRON RAIL LN	VINCENT KYLE G & JESSIC	29144	A
Framing	12/15/22	JR	P	Deck/Porch	BVL	BVL	108 TYSON DR	DANIEL WILLIAM C & MARY	28909	A
Final Closing Buildi	12/15/22	JR	P	Woodstove	BYC	CHPL	1307 MOUNT CARMEL RD	SMITH B SCOTT & CONNIE	29385	A
Framing	12/15/22	JR	P	Rmdl Res	BLMT	CHPL	2479 MORGANS MILL RD	IKONEN STANLEY E	29447	A
Insulation	12/15/22	JR	P	Rmdl Res	BLMT	CHPL	2479 MORGANS MILL RD	IKONEN STANLEY E	29448	A
Electric Service	12/15/22	JR	P	Rmdl Res	BLMT	CHPL	2479 MORGANS MILL RD	IKONEN STANLEY E	29526	A
Electrical Rough In	12/15/22	JR	P	Rmdl Res	BLMT	CHPL	2479 MORGANS MILL RD	IKONEN STANLEY E	29485	A
Plumbing Rough In	12/15/22	JR	P	Rmdl Res	BLMT	CHPL	2479 MORGANS MILL RD	IKONEN STANLEY E	29484	A
Electric Service	12/16/22	JR	P	NRSF	BVL		316 TYSON DR	D R HORTON INC	29506	A
Electrical Rough In	12/16/22	JR	F	NRSF	BVL		316 TYSON DR	D R HORTON INC	29508	A
Mechanical Rough In	12/16/22	JR	F	NRSF	BVL		316 TYSON DR	D R HORTON INC	29509	A
Framing	12/16/22	JR	F	NRSF	BVL		316 TYSON DR	D R HORTON INC	29507	A
Gas Rough In	12/16/22	JR	F	NRSF	BVL		316 TYSON DR	D R HORTON INC	29511	A
Sewer Line	12/19/22	JR	P	Nw Commrc	BVL		410 JACK ENDERS BLVD	LGV GROUP LLC	29542	A
Plumbing Groundworks	12/19/22	JR	P	Nw Commrc	BVL		410 JACK ENDERS BLVD	LGV GROUP LLC	29540	A
Framing	12/19/22	JR	P	Rmdl Res	BVL	CHPL	2245 LOCKES MILL RD	CULLEN BARBARA & WILLIA	28818	A
Electrical Rough In	12/19/22	JR	F	Rmdl Res	BVL	CHPL	2245 LOCKES MILL RD	CULLEN BARBARA & WILLIA	29549	A
Plumbing Rough In	12/19/22	JR	P	Rmdl Res	BVL	CHPL	2245 LOCKES MILL RD	CULLEN BARBARA & WILLIA	29551	A
Mechanical Rough In	12/19/22	JR	f	Rmdl Res	BVL	CHPL	2245 LOCKES MILL RD	CULLEN BARBARA & WILLIA	29550	A
Electrical Rough In	12/19/22	JR	P	Elec Per-C	BVL	BLTN	120 COOL SPRING LN	COMMUNITY OF CISTERCIAN	29603	A
Insulation	12/19/22	JR	P	Rmdl Comm	BVL	BLTN	120 COOL SPRING LN	COMMUNITY OF CISTERCIAN	29559	A
Final Closing Electr	12/20/22	JR	P	NRSF			1901 RUSSELL RD	CANTERBURY RANDALL L	29432	A

INSPECTION REPORT

Building Inspections

INSPECTIONS PERFORMED: 12/01/22 to 12/31/22

INSPECTION	DATE	BY	RSLT	PROJECT	CITY	AREA	LOCATION	OWNER	INSP ID	T
Final Closing Plumbi	12/20/22	JR	P	NRSF			1901 RUSSELL RD	CANTERBURY RANDALL L	29433	A
Fire Off Mechanical	12/20/22	JR	P	NRSF			1901 RUSSELL RD	CANTERBURY RANDALL L	29478	A
Fire Off Mechanical	12/20/22	JR	P	NRSF			1901 RUSSELL RD	CANTERBURY RANDALL L	29479	A
Final Closing Mechan	12/20/22	JR	P	NRSF			1901 RUSSELL RD	CANTERBURY RANDALL L	29434	A
Final Closing Gas	12/20/22	JR	P	NRSF			1901 RUSSELL RD	CANTERBURY RANDALL L	29435	A
Final Closing Buildi	12/20/22	JR	P	NRSF			1901 RUSSELL RD	CANTERBURY RANDALL L	29436	A
Final Closing Electr	12/20/22	JR	P	Solar	BYC	CHPL	1664 OLD WINCHESTER RD	HILL JIMMY L & ELIZABET	29346	A
Final Closing Buildi	12/20/22	JR	P	Solar	BYC	CHPL	1664 OLD WINCHESTER RD	HILL JIMMY L & ELIZABET	29347	A
Framing	12/21/22	JR	P	NRSF			321 TYSON DR	D R HORTON INC	26566	A
Electrical Rough In	12/21/22	JR	P	NRSF			321 TYSON DR	D R HORTON INC	26568	A
Electric Service	12/21/22	JR	P	NRSF			321 TYSON DR	D R HORTON INC	26569	A
Mechanical Rough In	12/21/22	JR	P	NRSF			321 TYSON DR	D R HORTON INC	26574	A
Gas Rough In	12/21/22	JR	P	NRSF			321 TYSON DR	D R HORTON INC	28892	A
Final Closing Plumbi	12/21/22	JR	P	Rmdl Res	BVL	CHPL	6939 LORD FAIRFAX HWY	FEDERAL HOME MORTGAGE C	29419	A
Final Closing Electr	12/21/22	JR	P	Rmdl Res	BVL	CHPL	6939 LORD FAIRFAX HWY	FEDERAL HOME MORTGAGE C	29421	A
Final Closing Buildi	12/21/22	JR	P	Rmdl Res	BVL	CHPL	6939 LORD FAIRFAX HWY	FEDERAL HOME MORTGAGE C	29420	A
Final Closing Mechan	12/21/22	JR	P	Rmdl Res	BVL	CHPL	6939 LORD FAIRFAX HWY	FEDERAL HOME MORTGAGE C	29418	A
Final Closing Buildi	12/21/22	JR	P	NRSF			424 DUNLAP DR	D R HORTON INC	29666	A
Final Closing Electr	12/21/22	JR	P	Elec Per-C	BYC	CHPL	1362 SALEM CHURCH RD	SALEM BAPTIST CHURCH	27721	A
Insulation	12/22/22	JR	P	Rmdl Res	BLMT	CHPL	2479 MORGANS MILL RD	IKONEN STANLEY E	29667	A
Final Closing Buildi	12/27/22	JR	P	Rmdl Res	BYC	CHPL	1625 OLD CHAPEL RD	VAN NESS NANCI L	29814	A
Framing	12/27/22	JR	P	Deck/Porch	FRYL	GNWY	491 ANAMARIA LN	KELLEY GREGORY R & DOUG	29634	A
Plumbing Groundworks	12/27/22	JR	P	NRSF			416 NORRIS ST	D R HORTON INC	29659	A
Water Line	12/27/22	JR	P	NRSF			416 NORRIS ST	D R HORTON INC	29660	A
Sewer Line	12/27/22	JR	P	NRSF			416 NORRIS ST	D R HORTON INC	29661	A
Electrical Rough In	12/27/22	JR	P	NRSF			429 NORRIS ST	D R HORTON INC	29512	A
Electric Service	12/27/22	JR	P	NRSF			429 NORRIS ST	D R HORTON INC	29514	A
Plumbing Rough In	12/27/22	JR	P	NRSF			429 NORRIS ST	D R HORTON INC	29516	A
Mechanical Rough In	12/27/22	JR	P	NRSF			429 NORRIS ST	D R HORTON INC	29515	A
Gas Rough In	12/27/22	JR	P	NRSF			429 NORRIS ST	D R HORTON INC	29517	A
Final Closing Electr	12/27/22	JR	PRT	Add Res	BVL	LNGM	1245 CLIFTON RD	JOHNSON MARY J	29673	A
Final Closing Plumbi	12/27/22	JR	PRT	Add Res	BVL	LNGM	1245 CLIFTON RD	JOHNSON MARY J	29674	A
Final Closing Mechan	12/27/22	JR	PRT	Add Res	BVL	LNGM	1245 CLIFTON RD	JOHNSON MARY J	29675	A
Final Closing Gas	12/27/22	JR	PRT	Add Res	BVL	LNGM	1245 CLIFTON RD	JOHNSON MARY J	29676	A
Final Closing Buildi	12/27/22	JR	PRT	Add Res	BVL	LNGM	1245 CLIFTON RD	JOHNSON MARY J	28009	A
Framing	12/27/22	JR	P	Deck/Porch	BVL	LNGM	1228 STRINGTOWN RD	WADDELL VINCE E & ALISO	28214	A
Final Closing Plumbi	12/27/22	JR	P	PlumPer-R	BVL	BVL	327 NORTH BUCKMARSH ST	KOSS MATTHEW & CHRISTIN	29678	A
Mechanical Rough In	12/27/22	JR	P	MechPer-R	BVL	BVL	327 NORTH BUCKMARSH ST	KOSS MATTHEW & CHRISTIN	29679	A
Framing	12/27/22	JR	F	NRSF			429 NORRIS ST	D R HORTON INC	29513	A
Ditch Electric	12/28/22	JR	P	ELEC RES	BLMT	BLTN	1170 RETREAT RD	COLVARD ANITA L TRUSTEE	29783	A
Final Closing Electr	12/28/22	JR	P	ELEC RES	BLMT	BLTN	1170 RETREAT RD	COLVARD ANITA L TRUSTEE	29360	A
Electric Service	12/28/22	JR	P	ELEC RES	BVL	BVL	21 PAGE ST	GARDNER ROSA S RESERVAT	29380	A
Final Closing Electr	12/28/22	JR	P	Accessory	BLMT	BLTN	56 VALLEY SPRINGS LN	WEARE WILLIAM B & CAROL	29682	A
Final Closing Buildi	12/28/22	JR	P	Accessory	BLMT	BLTN	56 VALLEY SPRINGS LN	WEARE WILLIAM B & CAROL	20154	A
Final Closing Electr	12/28/22	JR	P	Rmdl Res	BYC	CHPL	16 CUNNINGHAM LN	MCKAY CAROLINE FRANCES	29683	A
Final Closing Plumbi	12/28/22	JR	P	Rmdl Res	BYC	CHPL	16 CUNNINGHAM LN	MCKAY CAROLINE FRANCES	29684	A
Final Closing Buildi	12/28/22	JR	P	Rmdl Res	BYC	CHPL	16 CUNNINGHAM LN	MCKAY CAROLINE FRANCES	29685	A
Final Closing Mechan	12/28/22	JR	P	Rmdl Res	BYC	CHPL	16 CUNNINGHAM LN	MCKAY CAROLINE FRANCES	29867	A
Mechanical Rough In	12/28/22	JR	P	Garage	BVL	BVL	315 SOUTH BUCKMARSH ST	ARNOLD HARRY L JR TRSTE	29816	A
Electrical Rough In	12/28/22	JR	P	Garage	BVL	BVL	315 SOUTH BUCKMARSH ST	ARNOLD HARRY L JR TRSTE	29694	A
Plumbing Rough In	12/28/22	JR	P	Garage	BVL	BVL	315 SOUTH BUCKMARSH ST	ARNOLD HARRY L JR TRSTE	29695	A
Framing	12/28/22	JR	P	Garage	BVL	BVL	315 SOUTH BUCKMARSH ST	ARNOLD HARRY L JR TRSTE	26147	A

**INSPECTION REPORT**

Building Inspections

INSPECTIONS PERFORMED: 12/01/22 to 12/31/22

INSPECTION	DATE	BY	RSLT	PROJECT	CITY	AREA	LOCATION	OWNER	INSP ID	T
PreDemolition Inspec	12/28/22	JR	P	Demolition	BVL	BVL	12 FIRST ST	MERCER SCOTT A	29477	A
Electrical Rough In	12/28/22	JR	P	Add Res	BVL	LNGM	50 CASTLEROCK LN	SOWDER BRETT A & DONNA	29492	A
Framing	12/28/22	JR	P	Add Res	BVL	LNGM	50 CASTLEROCK LN	SOWDER BRETT A & DONNA	28586	A
Plumbing Rough In	12/28/22	JR	P	Add Res	BVL	LNGM	50 CASTLEROCK LN	SOWDER BRETT A & DONNA	29868	A
Mechanical Rough In	12/28/22	JR	P	Add Res	BVL	LNGM	50 CASTLEROCK LN	SOWDER BRETT A & DONNA	29493	A
Electric Service	12/29/22	JR	P	ELEC RES	BVL	LNGM	1835 RUSSELL RD	STONERIDGE INVESTMENTS	29213	A
Final Closing Buildi	12/29/22	JR	P	NRSF	BVL		421 NORRIS ST	D R HORTON INC	29604	A
Final Closing Buildi	12/29/22	JR	P	Deck/Porch	BVL	BLTN	3031 CASTLEMAN RD	MABBITT BRUCE & JANET	29782	A
Final Closing Electr	12/29/22	JR	F	Add Res	BVL	BLTN	830 PARSHALL RD	OHARA DANIEL J & MONICA	29785	A
Final Closing Mechan	12/29/22	JR	F	Add Res	BVL	BLTN	830 PARSHALL RD	OHARA DANIEL J & MONICA	29786	A
Final Closing Buildi	12/29/22	JR	F	Add Res	BVL	BLTN	830 PARSHALL RD	OHARA DANIEL J & MONICA	28553	A
Final Closing Buildi	12/29/22	JR	P	Deck/Porch	BVL	BVL	401 JONES CT	DILLA MAXINE WEST & DEV	29061	A
Ditch Electric	12/29/22	JR	P	Solar	FRYL	GNWY	6696 HOWELLSVILLE RD	SELLERS SCOTT E & JEFFR	29809	A
Water Line	12/29/22	JR	F	PlumPer-R			9 FARMERS LN	FARMERS LANE LLC	29696	A
Water Line	12/29/22	JR	P	Nw Commrc	BVL		410 JACK ENDERS BLVD	LGV GROUP LLC	29541	A
Insulation	12/30/22	JR	P	NRSF	BYC	CHPL	309 PYLETOWN RD	HLYWIAK SVEN	26369	A
Insulation	12/30/22	JR	P	Add Res	BVL	LNGM	50 CASTLEROCK LN	SOWDER BRETT A & DONNA	28587	A
Final Closing Gas	12/30/22	JR	P	Gas Per-R	BYC	CHPL	574 CLAY HILL RD	WILSON KARYN TREBLE	28657	A
Electrical Rough In	12/30/22	JR	P	Rmdl Res	BVL	CHPL	2245 LOCKES MILL RD	CULLEN BARBARA & WILLIA	29749	A
Mechanical Rough In	12/30/22	JR	P	Rmdl Res	BVL	CHPL	2245 LOCKES MILL RD	CULLEN BARBARA & WILLIA	29750	A
Framing	12/30/22	JR	P	Deck/Porch	BVL	BLTN	3374 SHEPHERDS MILL RD	GUDIEL MELINDA	29797	A
Final Closing Electr	12/30/22	JR	P	Solar	BVL	LNGM	2124 SENESEY RD	POTTER JOHN C & CYNTHIA	29241	A
Final Closing Mechan	12/30/22	JR	P	MechPer-R	BVL	BVL	223 ACADEMY ST	MCSHEA WILLIAM D & LEAH	29500	A

INSPECTOR TOTALS: 167 INSPECTIONS FEES: .00 PAID TO DATE: .00 UNPAID: .00

FOUNDATION	12/01/22	RE	p	NRSF	BVL		416 NORRIS ST	D R HORTON INC	29740	A
DrainTile	12/01/22	RE	P	NRSF	BVL		420 NORRIS ST	D R HORTON INC	29742	A
DrainTile	12/01/22	RE	P	NRSF	BVL		325 TYSON DR	D R HORTON INC	29743	A
Footings	12/05/22	RE	P	NRSF	BVL		424 NORRIS ST	D R HORTON INC	29741	A
Footings	12/09/22	RE	P	NRSF	BVL		257 TYSON DR	D R HORTON INC	29701	A
Slab Garage/Carport	12/14/22	RE	P	NRSF	BVL		420 NORRIS ST	D R HORTON INC	29698	A
Basement Walls	12/14/22	RE	P	NRSF	BVL		257 TYSON DR	D R HORTON INC	29697	A

INSPECTOR TOTALS: 7 INSPECTIONS FEES: .00 PAID TO DATE: .00 UNPAID: .00

DEPARTMENT TOTALS: 287 INSPECTIONS FEES: .00 PAID TO DATE: .00 UNPAID: .00

REPORT TOTALS: 287 INSPECTIONS FEES: .00 PAID TO DATE: .00 UNPAID: .00

**INSPECTION REPORT**

Building Inspections

INSPECTIONS PERFORMED: 12/01/22 to 12/31/22

INSPECTION TYPE SUMMARY	COUNT	INSPECTOR SUMMARY	COUNT	RESULT SUMMARY	COUNT
Backfill	1	Douglas Shaffer	113	FAIL	54
Basement walls	2	Jamie Royston	167	NO ENTRY	1
Beams	1	Ruckman Engineering PLC	7	PARTIAL	7
Ditch Electric	4			PASS	220
Drain tile	3			PASS WITH CONDITIONS	5
Electric Service	13				
Electrical Rough In	14				
Final Closing Building	44				
Final Closing Electric	27				
Final Closing Gas	11				
Final Closing Mechanical	18				
Final Closing Plumbing	17				
Fire Off Mechanical or Gas	2				
Fire Stop/Fire Block	1				
Footings	13				
Footings Porch/Deck	3				
FOUNDATION	1				
Framing	32				
Gas Line	6				
Gas Line Pressure Test	6				
Gas Rough In	5				
Gas Tank	2				
Insulation	15				
Mechanical Rough In	14				
Plumbing Groundworks	4				
Plumbing Rough In	11				
PreDemolition Inspection	1				
Septic Electrical Connect	1				
Sewer Line	3				
Slab	1				
Slab Garage/Carport	3				
Slab Porch/Deck	1				
Water Line	5				
Water Line Ditch	1				
Waterproofing/Parging	1				

TOTAL INSPECTIONS: 287

**INSPECTION REPORT**

ALL

INSPECTIONS PERFORMED: 12/01/22 to 12/31/22

INSPECTION TYPE SUMMARY	COUNT	INSPECTOR SUMMARY	COUNT	RESULT SUMMARY	COUNT
Backfill	1	Douglas Shaffer	113	FAIL	54
Basement walls	2	Jamie Royston	167	NO ENTRY	1
Beams	1	Ruckman Engineering PLC	7	PARTIAL	7
Ditch Electric	4			PASS	220
Drain tile	3			PASS WITH CONDITIONS	5
Electric Service	13				
Electrical Rough In	14				
Final Closing Building	44				
Final Closing Electric	27				
Final Closing Gas	11				
Final Closing Mechanical	18				
Final Closing Plumbing	17				
Fire Off Mechanical or Gas	2				
Fire Stop/Fire Block	1				
Footings	13				
Footings Porch/Deck	3				
FOUNDATION	1				
Framing	32				
Gas Line	6				
Gas Line Pressure Test	6				
Gas Rough In	5				
Gas Tank	2				
Insulation	15				
Mechanical Rough In	14				
Plumbing Groundworks	4				
Plumbing Rough In	11				
PreDemolition Inspection	1				
Septic Electrical Connect	1				
Sewer Line	3				
Slab	1				
Slab Garage/Carport	3				
Slab Porch/Deck	1				
Water Line	5				
Water Line Ditch	1				
Waterproofing/Parging	1				

TOTAL INSPECTIONS: 287

\*\* END OF REPORT - Generated by Annabella Vega \*\*



## Project Application Report - Building Dept

For Period: 12/1/2022 to 12/31/2022

Project Type	Project Number	Project Fees
Commercial Accessory	220827	175.58
Commercial Addition	220846	698.29
Commercial Electric Permit	220819	61.20
Commercial Mechanical Permit	220853	81.60
Demolition of Building	220856	51.00
	220879	51.00
Minor Land Disturbance	220834	50.00
Residential Addition	220828	1211.57
	220839	378.46
	220865	1802.80
Residential Deck/Porch no Roof	220858	68.32
	220868	51.00
Residential Electric Permit	220821	45.90
	220823	45.90
	220832	56.10
	220844	45.90
	220850	40.80
	220869	45.90
Residential Garage	220841	1130.78
Residential Gas Permit	220817	81.60
	220826	40.80
	220830	40.80
	220833	40.80
	220838	40.80
	220845	40.80
	220848	40.80
	220849	51.00
	220851	40.80
	220859	40.80
	220860	40.80
	220862	45.90
	220870	40.80

## Project Application Report - Building Dept

For Period: 12/1/2022 to 12/31/2022

Project Type	Project Number	Project Fees
Residential Gas Permit	220871	40.80
	220872	40.80
	220881	40.80
Residential Mechanical Permit	220864	81.60
Residential New	220843	2964.26
	220847	1907.13
	220852	1221.74
Residential Remodel	220829	444.71
	220837	688.50
	220875	102.00
Total		14210.94

## Project Application Report - Building Dept

For Period: 12/1/2022 to 12/31/2022

Project Type	Project Number	Location	Owner	Estimated Building Value	Fees Blank = collected by another dept	Project Status
Commercial Accessory	220827	420 MCNEILL DR	FASCELLI MICHELE	\$0	\$175.58	ISSUED W/O CONDITIONS
Commercial Addition	220846	890 W MAIN ST	RURITAN CLUB OF CLARKE COUNTY	\$43,200	\$698.29	ISSUED W/O CONDITIONS
Commercial Electric Permit	220819	2 E MAIN ST	BANK OF CLARKE COUNTY	\$0	\$61.20	ISSUED W/O CONDITIONS
Commercial Mechanical Permit	220853	300 MOSBY BLVD	LEE ROBERT B & VIOLAH M	\$0	\$81.60	ISSUED W/O CONDITIONS
Demolition of Building	220856	0 WHITE POST RD	GRIFFIN CHRISTOPHER	\$0	\$51.00	ISSUED W/O CONDITIONS
	220879	91 CUNNINGHAM LN	SMITH BRIAN K	\$0	\$51.00	ISSUED W/O CONDITIONS
Minor Land Disturbance	220834	0	BROWNING-FERRIS INDUSTRIES OF VA	\$0	\$50.00	ISSUED W/O CONDITIONS
Residential Addition	220828	1689 BRIGGS RD	MYER JOSEPH	\$200,604	\$1,211.57	ISSUED W/O CONDITIONS
	220839	6734 HOWELLSVILLE RD	PARKER J BRUCE & DEVORRA	\$27,987	\$378.46	ISSUED W/O CONDITIONS
	220865	255 KIMBLE RD	MURPHY MICHAEL	\$296,078	\$1,802.80	ISSUED W/O CONDITIONS
Residential Deck/Porch no Roof	220858	314 WALNUT ST	ROSS VIRGINIA	\$3,750	\$68.32	ISSUED W/O CONDITIONS
	220868	400 JONES CT	LOPER DANIEL JOSEPH	\$0	\$51.00	ISSUED W/O CONDITIONS
Residential Electric Permit	220821	12531 LORD FAIRFAX HWY	GARLOCK NEIL BOYD SR	\$0	\$45.90	ISSUED W/O CONDITIONS
	220823	755 NATIONS SPRING RD	NATIONS SPRING LLC	\$0	\$45.90	ISSUED W/O CONDITIONS
	220832	115 SWAN AVE	SHEPPARD LISA T	\$0	\$56.10	ISSUED W/O CONDITIONS
	220844	11862 HARRY BYRD HWY	GONZALEZ ADOLFO JAVIER	\$0	\$45.90	ISSUED W/O CONDITIONS

## Project Application Report - Building Dept

For Period: 12/1/2022 to 12/31/2022

Project Type	Project Number	Location	Owner	Estimated Building Value	Fees Blank = collected by another dept	Project Status
Residential Electric Permit	220850	230 LIME MARL LN	CHATARD KATHARINE B	\$0	\$40.80	ISSUED W/O CONDITIONS
	220869	504 S CHURCH ST	GABLE BRADLEY J & MELINDA D	\$0	\$45.90	ISSUED W/O CONDITIONS
Residential Garage	220841	3811 EBENEZER RD	DOUBLE WOOD FARM LLC	\$180,998	\$1,130.78	ISSUED W/O CONDITIONS
Residential Gas Permit	220817	1170 RETREAT RD	COLVARD ANITA L TRUSTEE	\$0	\$81.60	ISSUED W/O CONDITIONS
	220826	1337 NORTH HILL LN	LIGGETT WILLIAM & SUZANNE S	\$0	\$40.80	ISSUED W/O CONDITIONS
	220830	1245 CLIFTON RD	JOHNSON MARY J	\$0	\$40.80	ISSUED W/O CONDITIONS
	220833	2221 SPRINGSBURY RD	SAWYER DENNIS A & KRISTINE ASTON	\$0	\$40.80	ISSUED W/O CONDITIONS
	220838	787 CALMES NECK LN	WYATT JIMMY L & KATHLEEN A CLARK	\$0	\$40.80	ISSUED W/O CONDITIONS
	220845	421 MADDEN ST	HEDLUND JOHN W & NATALIE JAYNE	\$0	\$40.80	ISSUED W/O CONDITIONS
	220848	300 STUART CT	DEDAPPER JOSEPH M & KIMBERLEY J	\$0	\$40.80	ISSUED W/O CONDITIONS
	220849	611 KENNEL RD	KEEFER JAMES M & PEGGY F	\$0	\$51.00	ISSUED W/O CONDITIONS
	220851	260 ROSE AIRY LN	MCCONVILLE LESTER F & CATHERINE A	\$0	\$40.80	ISSUED W/O CONDITIONS
	220859	837 MCGUIRE CIR	MCMILLAN LOREN A & DEAN M	\$0	\$40.80	ISSUED W/O CONDITIONS
	220860	320 HOPKINS DR	BLAIR HENDRICKSON	\$0	\$40.80	ISSUED W/O CONDITIONS
	220862	524 PAGE ST	CARSON RICHARD C & TERRIE D	\$0	\$45.90	ISSUED W/O CONDITIONS
220870	420 FREMONT CT	HESSE PAUL A & SHARON E	\$0	\$40.80	ISSUED W/O CONDITIONS	

## Project Application Report - Building Dept

For Period: 12/1/2022 to 12/31/2022

Project Type	Project Number	Location	Owner	Estimated Building Value	Fees Blank = collected by another dept	Project Status
Residential Gas Permit	220871	10 W MAIN ST	POPE CARL & GARY & MICHAEL &	\$0	\$40.80	ISSUED W/O CONDITIONS
	220872	2221 SPRINGSBURY RD	SAWYER DENNIS A & KRISTINE ASTON	\$0	\$40.80	ISSUED W/O CONDITIONS
	220881	328 N BUCKMARSH ST	POE GLEN R	\$0	\$40.80	ISSUED W/O CONDITIONS
Residential Mechanical Permit	220864	9 FARMERS LN	FARMERS LANE LLC	\$0	\$81.60	ISSUED W/O CONDITIONS
Residential New	220843	341 LITTLE RIVER LN	HIGGINBOTHAM WESLEY	\$512,126	\$2,964.26	ISSUED W/O CONDITIONS
	220847	235 QUEENSHIP LN	HEMLOCK MOUNTAIN BUILDERS, LLC	\$264,037	\$1,907.13	ISSUED W/O CONDITIONS
	220852	20872 BLUE RIDGE MTN RD	ATWATER JOHN	\$141,382	\$1,221.74	ISSUED W/O CONDITIONS
Residential Remodel	220829	2479 MORGANS MILL RD	IKONEN STANLEY E	\$65,775	\$444.71	ISSUED W/O CONDITIONS
	220837	3912 CALMES NECK LN	JEFFRIES ROBERT & LISA	\$120,000	\$688.50	ISSUED W/O CONDITIONS
	220875	2837 CASTLEMAN RD	GERVAIS THOMAS R & KIMBERLY A	\$0	\$102.00	ISSUED W/O CONDITIONS

2022 Industrial Development Authority

Meetings	1/27/2022	4/28/2022	7/28/2022	10/27/2022	Total Attend
English Koontz	1	1	1	1	4
Isreal Preston	0	0	1	1	2
William Waite	1	1	1	1	4
Ben Cochran	1	1	1	1	4
Rodney Pierce	1	1	0	1	3
Brian Ferrell	1	1	1	0	3
William Wolfe	0	0	n/a	n/a	0
David Weiss	1	0	1	1	3
Cabell Williams	n/a	n/a	n/a	1	1
James George	n/a	n/a	n/a	1*	1*
	<b>6</b>	<b>5</b>	<b>6</b>	<b>8</b>	

Date	Packet Pgs	Minutes Pgs
1/27/2022	331	12
4/28/2022	97	10
7/28/2022	71	13
10/27/202	75	8

\*James George Term began 10/31/2022

Highlights

1/27/2022

Organizational meeting  
 Waterloo Water/Sewer Connection Fee Discount Update  
 Update on Broadband Efforts  
 Update on Double Tollgate  
 Director of Economic Development and Tourism Update

4/28/2022

Director of Economic Development and Tourism Update  
 FY2023 Revenue Update by Chris Boies  
 Broadband Update by Chris Boies  
 Frederick Water Agreement Update by Chris Boies

7/28/2022

Laurel Ridge Small Business Development Center Presentation by Christine Kriz  
 Investments Status Update by Janice Kuhn  
 Director of Economic Development and Tourism Update

10/27/2022

New Members Introduction - Cabell Williams and James George  
 Preliminary Discussion on Grant Opportunity for Commercial Kitchen  
 Director of Economic Development and Tourism Update

Economic Development Advisory Committee  
November 16<sup>th</sup>, 2022                      Regular Meeting                      1:00 pm

At a regular meeting of the Economic Development Advisory Committee held on Wednesday, November 16, 2022, at 1:00 pm in the Main Meeting Room, Berryville-Clarke County Government Center, 101 Chalmers Court, 2<sup>nd</sup> Floor, Berryville, Virginia.

Members Present: Christy Dunkle, John Milleson, Betsy Pritchard, Bev McKay, Mark Gribble, Christina Kraybill,

Members Absent: Chris Bates, Reid Dodson

Staff Present: Felicia Hart, Catherine Marsten, Indea Ford

Others Present: Jay Arnold

Press Present: None

**1. Call to Order**

At 1:01pm, Chairman Milleson called the meeting to order.

**2. Adoption of Agenda**

**Christina Kraybill made a motion, seconded by Christy Dunkle, to adopt the agenda as presented. The motion carried by the following vote:**

Chris Bates	-	Absent
Reid Dodson	-	Absent
Christy Dunkle	-	Aye
Mark Gribble	-	Aye
Christina Kraybill	-	Aye
Bev McKay	-	Aye
John Milleson	-	Aye
Betsy Pritchard	-	Aye

**3. Approval of Minutes**

- September 21, 2022 – Regular Meeting

**Betsy Pritchard made a motion, seconded by Mark Gribble, to approve the minutes of the September 21, 2022, Regular Meeting as presented. The motion carried by the following vote:**

Chris Bates	-	Absent
Reid Dodson	-	Absent
Christy Dunkle	-	Aye
Mark Gribble	-	Aye
Christina Kraybill	-	Aye
Bev McKay	-	Aye
John Milleson	-	Aye

Betsy Pritchard - Aye

#### 4. Recap October Economic Tour

- Chairman Milleson stated that the tour was very well done, and noted that the thing that stood out was the business’ lack of available help.
  - Felicia Hart advised that the Economic Development Summit noted that there are currently 843 vacancies for the hospitals. Valley Health System is not-for-profit and operates 12-14 hospitals. The federal government provided \$141 million in subsidies, but that program has ended.
  - Mark Gribble observed it is difficult to hire and retain employees on every level.
  - Felicia Hart and Chairman Milleson suggested the problem spans all industries: restaurants are having to close on certain days, self-service is the new normal for hotels because they have minimal cleaning staff, and airlines are struggling to retain pilots and baggage handlers alike. Waterloo Electric customers have to wait about two weeks to get an estimate and two months for work to be completed; a new industry average.
- Felicia Hart reported that regional repair and service businesses are still quite busy, but the customers have to wait longer due to the lack of help. At the high school, Shaine Coleman is working diligently to identify and encourage students who may be interested in trade schools.
  - Mark Gribble added that farm labor is also in short supply, often their most reliable employees are college students.
  - Christina Kraybill opined that more and more people are retiring early or resigning in order to do something completely different, perhaps it is more of a question of inspiration or family circumstances.
  - Felicia Hart added that a speaker at the Economic Summit explained the importance of making sure employees are happy and not overworked in order to retain them.
  - Mark Gribble observed that there are enough jobs out there at the moment that people are looking for, but it seems loyalty is no longer a factor. Employees are not receiving respect from the company in the form of good benefits, and people are leaving without even giving notice.
  - When asked by Chairman Milleson for input, Jay Arnold agreed that lack of help is a problem everywhere. Berryville looked at hosting a seminar for local businesses on finding and retaining employees, but nobody was interested in attending at the time and the event never happened.
- Felicia Hart shared that smaller businesses often do not have the time or resources to manage their Human Resource needs. At the Economic Development Summit Employer Expo, they discussed the possibility of working with the Society of Human Resource Management (SHRM) to help provide part-time HR management to small businesses and promote them at the same time.
- Felicia Hart solicited ideas for the next business tour. Committee members suggested Casey Trees, Champion Iron, Falling Bark Farm or another food producer, and Patriot Carriers.

#### 5. Preliminary Discussion on Grant Opportunity for Commercial Kitchen

Felicia Hart, Director of Economic Development & Tourism, provided the following update:

- At the Agritourism Summit in February, many shared that there is a big need for a local commercial kitchen. Access to a commercial kitchen would allow small farms and producers to increase their product offerings and sales.



- One possibility is building a community commercial kitchen. The fairgrounds would be a good location, from both a geographical and permitting standpoint. Several different grant options are being explored for this project, two of which are through the USDA.
  - Chairman Milleson asked if the plan is to extend the existing commercial kitchen at the fairgrounds.
    - Felicia Hart explained that the current kitchen is dated and, after meeting with the Ruritans to make sure they were on board, the goal would be to build a new kitchen. The Ruritans would ultimately be responsible for maintaining the facility, the insurance, and leasing the kitchen, but the grant would have to go through the locality.

## 6. Economic Development and Tourism Update by Felicia Hart

Felicia Hart provided the following update:

- There will be a USDA Rural Development event at the Barns of Rose Hill in December. This is a great opportunity to learn about the funding programs and opportunities that they offer.
  - Bev McKay observed that their offerings are huge and a large percentage of USDA funds involve things that are not traditionally considered agricultural, such as housing grants and government buildings.
- The VATI project is moving along, albeit slowly. An update will be provided at the next Board of Supervisors meeting. Felicia explained that the VATI grant is an almost \$100 million grant that came out of COVID money. Eight localities are participating. Clarke County also contributed funds, so that everybody in the county who is either unserved or underserved will receive fiber cable to their homes.
  - Bev McKay added that everybody is unserved or underserved except the towns of Berryville, Boyce, parts of White Post and the road that leads to Old Chapel.
  - Christy Dunkle added that citizens have to sign up ahead of time and provide their addresses.
    - Felicia Hart explained that All Points Broadband already has all the addresses, which were provided to them as a requirement of the grant, but the company is asking citizens to go in and verify the addresses are correct.
  - Chairman Milleson asked how much the monthly service fee would be.
    - Felicia Hart responded that rate and fee information is not available yet.
- We continue to work one-on-one with the Laurel Ridge Small Business Development Center, there are some numbers in the meeting packet showing the different businesses they have been able to help so far.
- We just completed the Worlds of Work at the Shenandoah University Event Center. This is the third year this event has been held, and there were a total of 92 businesses that participated, 5 of which were from Clarke County. The event space was divided into four different areas and each student spent about thirty minutes in each area, including banking and nursing schools. The fire departments and sheriff's offices set up outside. Berryville Chiropractic and Berryville Graphics were also there. There are plenty of opportunities to volunteer at next year's event, invites will be sent out next year.
- The ARPA grant request from the Virginia Tourism Corporation was approved for the full \$30,000. Thanks to Brenda Bennett who submitted the application on the county's behalf. One of the projects we are working on is a Love Local campaign – developing a logo that states “Proudly Produced in Clarke County”. Stickers will be made with this logo and given to local businesses,

- including the farm markets, to put on their products and in their locations. The logo will also be available for use on websites and social media and there will be a marketing campaign included as well.
- Another campaign we are exploring is Restaurant Week, in order to help promote and remind people of the local restaurants.
    - o Betsy Pritchard asked when this would be held.
      - Felicia Hart responded that it will be decided according to feedback from the restaurants and whatever would work best for them.
  - We are giving \$13,700 to the Berryville-Clarke County Visitors Center and working with them to get flags out front, new informational pieces inside the building, and purchasing a portable television to set up at events and to show videos. In addition, we are looking at getting the maps in the Experience Clarke County brochure printed, with one side being a map of Clarke County and the other side a map of the Town of Berryville. We will then distribute these maps to the different businesses so they can use them to help give people directions.
  - Money has been set aside for a community calendar at the fairgrounds, so that when people are coming into the different events, such as the Lucketts Market, they can see what other events are coming up. We are also looking at getting some banners and additional signage, website enhancements, and video and/or drone footage to use.
  - A farm tour program was done several years ago and we would like bring that back as a regional campaign. Other localities have done studio tours and similar things.
    - o Christy Dunkle added that a previous art studio tour had been very successful and may be worth looking into doing that again.
      - Christina Kraybill agreed, adding that local shops helped by hosting artisans who did not have studio space. At the time, Clarke had one of the highest concentrations of artists in Virginia.
      - Felicia Hart requested committee members send her any information they may have about these past events.
        - Christy Dunkle answered that there should be files for previous events, because the previous Economic Development and Tourism Director facilitated a grant; however, no one was reimbursed because all the requirements were not met.
  - November 26 is Small Business Saturday. Businesses should be promoting this. Thanks to Christina Kraybill and Berryville Main Street for getting and distributing the promotional items for this event.
  - Betsy Pritchard reported that the fairgrounds are doing well. The Ruritans are seeing more people coming out to events post-COVID, and are getting ready to reinvest rental proceeds in improvements at the fairgrounds. The goal is to have the space rented every weekend from April-October. There are a number of different events coming up, including a small music festival from West Virginia.
    - Chairman Milleson added that attendance at the Lucketts Market was incredible this year.
    - Christina Kraybill opined that we need to continue working on connecting the people attending the market with the businesses downtown, but it is difficult because the distance is not easily walkable.
  - Christina Kraybill asked if it is possible to get some kind of permanent signage installed somewhere on the fairgrounds property to direct people towards dining and shopping establishments. It is not realistically possible to walk from the fairgrounds to downtown, so it is important to connect with

businesses on Main Street. A strength of this community is the amazing amount of unique small businesses.

- Felicia Hart replied that this is one of the projects within the ARPA grant through VTC.
- Betsy Pritchard added that Experience Clarke County brochures are displayed at the Fairgrounds in weatherproof display boxes provided by the Clarke County Tourism office, so that people can see them when they are checking out.
- Mark Gribble suggested in addition to visual signage perhaps something digital would be useful, since most people use Google maps or something similar
- Christina Kraybill added that QR codes were included on the back of the new brochures.
- Christy Dunkle stated the town is working on installing wayfinding signage and just had their kick-off meeting last week. ARPA money will be used to get that started. Frazier Associates of Staunton were hired to do the signage.
  - Felicia Hart added that changing the name of the fairgrounds to “Clarke County Fair and Event Center” helps, because then it will be included in search results when people are searching for event space. The Ruritans are upgrading and improving their facilities to be able to offer different spaces and functionalities and people do not realize that these kinds of spaces are available.
- Christina Kraybill advised that the Experience Clarke County brochures are very attractive and people are definitely picking them up. Some businesses still have not received some, while others have run out. These brochures are useful to hand out to people who are coming into town early for weddings or other events and are looking for local things to do.
  - Felicia Hart replied that somebody will be hired to update the website; however, it will take some time to collect the necessary information. 20,000 Experience Clarke County brochures were originally printed and there are about 6000 left. We are also looking at reprinting the Appalachian Trail brochure as well as the oversized, pull out Historic District Walking and Driving Tour map, and making them available to all the businesses as well.
- Betsy Pritchard opined that the Farmer’s Market needs to be better promoted at the fairgrounds and during other overlapping events.
  - Christy Dunkle stated that there used to be a rack card listing all of the farmers market vendors, perhaps another one can be created, as it was pretty inexpensive and mail-able.
  - Betsy Pritchard added that rack cards and brochures are the type of things that are useful to hand directly to people when completing contracts for events at the fairgrounds.
  - Bev McKay suggested distributing some of the Experience Clarke County brochures to the Harley Davidson shop in Winchester, as they get a lot of traffic from all over and motorcycle tourism is a big opportunity.
  - Mark Gribble added that the KOA in Harpers Ferry brings in a lot of people from out of town and offered to deliver some there.
    - Felicia Hart responded that the brochures are also in the Virginia Visitor Centers and are shared regionally with other tourism offices. Every business also gets a tabletop display rack that includes a sticker advising them to call for more brochures when they run out.
- Christy Dunkle explained that the LGV Group, who produces windows for skyscrapers, is in the process of building two warehouses near the Industrial Park, though they are not actually part of it.
  - Felicia Hart clarified that they do not produce the glass, they import it from Spain and then modify it.
- Felicia Hart introduced Indea Ford, who is a new employee in the County Administration office and will be serving as the committee’s clerk.

**7. Next Meeting**

- January 18, 2023 – Organizational Meeting

**8. Adjourn**

- At 1:51pm, Chairman Milleson adjourned the meeting.
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Minutes Recorded and Transcribed by Indea G. Ford

## Chapter 36 Industrial Development Authority

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[History June 6, 1972, adopted an ordinance creating the Industrial Development Authority of Clarke County, Virginia]

### Code of Virginia References

§ 15.2-4900. Industrial Development and Revenue Bond Act

#### *§ 36-1 Name*

The name of the authority shall be the Industrial Development authority of Clarke County, Virginia.

#### *§ 36-2 Definitions*

All terms used herein shall have the meanings given them in the Act.

#### *§ 36-3 Powers*

The authority shall have all the powers set forth in and permitted by the Act, including, without limitation, all powers incidental thereto or necessary for the performance of those hereinafter stated:

- A. To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;
- B. To adopt and use a corporate seal and to alter the same at pleasure;
- C. To enter into contracts;
- D. To acquire, whether by purchase, exchange, gift, lease or otherwise, and to improve, maintain, equip and furnish one or more authority facilities including all real and personal properties which the board of directors of the authority may deem necessary in connection therewith and regardless of whether any such facilities shall then be in existence;
- E. To lease to others any or all of its facilities and to charge and collect rent therefor and to terminate any such lease upon the failure of the lessee to comply with an of the obligations thereof; and to include in any such lease, if desired, a provision that the lessee thereof shall have options to renew such lease or to purchase any or all of the leased facilities, or that upon payment of all of the indebtedness of the authority it may lease or convey any or all of its facilities to the lessee thereof with or without consideration;

- F. To sell, exchange, donate, and convey any or all of its facilities or properties whenever its board of directors shall find any such action to be in furtherance of the purposes for which the authority was organized;
- G. To issue its bonds for the purpose of carrying out any of its powers, including specifically, but without intending to limit any power conferred by this ordinance, the issuance of bonds to provide long-term financing of any pollution control facility, whether any such facility was constructed prior to or after the enactment hereof or the receipt of a commitment from the authority to undertake financing pursuant hereto, subject to limitations set forth in the Act;
- H. As security for the payment of the principal of and interest on any bonds so issued and any agreements made in connection therewith, to mortgage and pledge any or all of its facilities or any part or parts thereof, whether then owned or thereafter acquired, and to pledge the revenues therefrom or from any part thereof or from any loans made by the authority;
- I. To employ and pay compensation to such employees and agents, including attorneys and real estate brokers, whether engaged by the authority or otherwise, as the board of directors shall deem necessary in carrying on the business of the authority;
- J. To exercise all powers expressly given the authority by the Board of Supervisors, or its successor, and to establish bylaws and make all rules and regulations, not inconsistent with the provisions of this ordinance or of the Act, as it may be amended from time to time, deemed expedient for the management of the authority's affairs;
- K. To appoint an industrial advisory committee or similar committee or committees to advise the authority, consisting of such number of persons as it may deem advisable. Such persons may be compensated and reimbursed for expenses as permitted by the Act;
- L. To borrow money and to accept contributions, grants and other financial assistance from the United States of America and agencies or instrumentalities thereof, the Commonwealth of Virginia (the "Commonwealth"), or any political subdivision, agency, or public instrumentality of the Commonwealth, for or in aid of the construction, acquisition, ownership, maintenance or repair of the authority facilities, for the payment of principal of any bond of the authority, interest thereon, or other cost incident thereto, or in order to make loans in furtherance of the purposes of the Act of such money, contributions, grants, and other financial assistance, and to this end the authority shall have the power to comply with such conditions and to execute such agreements, trust indentures and other legal instruments as may be necessary, convenient or desirable and to agree to such terms and conditions as may be imposed; and
- M. To make loans or grants to any person, partnership, association, corporation, business, or governmental entity in furtherance of the purposes of the Act, including for the purposes

of promoting economic development, subject to the restrictions set forth in the Act and to enter into such contracts, instruments, and agreements as may be expedient to provide for such loans and any security therefore. The authority is also permitted to forgive loans or other obligations, if it is deemed to further economic development.

#### *§ 36-4 Other Matters*

All matters regarding the authority, including, without limitation, the membership of its board of directors, its governance, the issuance by it of bonds, notes and other obligations, and the liability of the Commonwealth, its political subdivisions and the officers and directors of the authority with respect to bonds issued by the authority, shall be governed by the terms of the Act, subject to any restrictions set forth in the bylaws of the authority, as such bylaws may be amended from time to time.

#### *§ 36-5 Effective Date*

This ordinance shall take effect immediately upon its passage by the Board of Supervisors.

### Amendments Chapter 36

1999-10-22

Reestablish the Industrial Development Authority. Number assigned by staff for consistency with other localities

## Chapter 49. Industrial Development and Revenue Bond Act

### § 15.2-4900. Short title

This chapter shall be known and may be cited as the "Industrial Development and Revenue Bond Act."

1966, c. 651, § 15.1-1373; 1997, c. 587.

### § 15.2-4901. Purpose of chapter

It is the intent of the legislature by the passage of this chapter to authorize the creation of industrial development authorities by the localities in the Commonwealth so that such authorities may acquire, own, lease, and dispose of properties and make loans to the end that such authorities may be able to promote industry and develop trade by inducing manufacturing, industrial, governmental, nonprofit, and commercial enterprises, and institutions of higher education to locate in or remain in the Commonwealth and further the use of its agricultural products and natural resources, and to vest such authorities with all powers that may be necessary to enable them to accomplish such purposes, which powers shall be exercised for the benefit of the inhabitants of the Commonwealth, either through the increase of their commerce, or through the promotion of their safety, health, welfare, convenience, or prosperity. Such authority shall not itself be authorized to operate any such manufacturing, industrial, nonprofit, or commercial enterprise, or any facility of an institution of higher education.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to pollution control facilities to the end that such authorities may protect and promote the health of the inhabitants of the Commonwealth and the conservation, protection, and improvement of its natural resources by exercising such powers for the control or abatement of land, sewer, water, air, noise, and general environmental pollution derived from the operation of any industrial or medical facility and to vest such authorities with all powers that may be necessary to enable them to accomplish such purpose, which powers shall be exercised for the benefit of the inhabitants of the Commonwealth, either through the increase of their commerce, or through the promotion of their safety, health, welfare, convenience, or prosperity.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to medical facilities and facilities for the residence or care of the aged to the end that such authorities may protect and promote the health and welfare of the inhabitants of the Commonwealth by assisting in the acquisition, construction, equipping, expansion, enlargement, and improvement of medical facilities and facilities for the residence or care of the aged in order to provide modern and efficient medical services to the inhabitants of the Commonwealth and care of the aged of the Commonwealth in accordance with their special needs and also by assisting in the refinancing of medical facilities and facilities for the residence or care of the aged owned and operated by organizations which are exempt from taxation pursuant to § 501(c)(3) of the Internal Revenue Code of 1954, as amended, in order to reduce the costs to residents of the Commonwealth of utilizing such facilities and to vest such authorities with all powers that may be necessary to



enable them to accomplish such purposes, which powers shall be exercised for the benefit of the inhabitants of the Commonwealth and for the promotion of their health and welfare. It is not intended hereby that any such authority shall itself be authorized to operate any such medical facility or facility for the residence or care of the aged.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to facilities for use by organizations (other than institutions organized and operated exclusively for religious purposes) which are described in § 501(c)(3) of the Internal Revenue Code of 1954, as amended, and which are exempt from federal income taxation pursuant to § 501(a) of the Internal Revenue Code of 1954, as amended, to the end that such authorities may protect or promote the safety, health, welfare, convenience, and prosperity of the inhabitants of the Commonwealth by assisting in the acquisition, construction, equipping, expansion, enlargement, improvement, financing, and refinancing of such facilities of the aforesaid entities and organizations in order to provide operations, recreational, activity centers, and other facilities for the use of the inhabitants of the Commonwealth and to vest such authorities with all powers that may be necessary to enable them to accomplish such purposes, which powers shall be exercised for the benefit of the inhabitants of the Commonwealth and for the promotion of their safety, health, welfare, convenience, or prosperity. It is not intended hereby that any such authority shall itself be authorized to operate any such facility.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to facilities for accredited nonprofit private institutions of higher education in the Commonwealth whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education to the end that such authorities may protect and promote the health and welfare of the inhabitants of the Commonwealth by assisting in the acquisition, construction, equipping, expansion, enlargement, and improvement of facilities of aforesaid institutions in order to provide improved educational facilities for the use of the inhabitants of the Commonwealth and to vest such authorities with all powers that may be necessary to enable them to accomplish such purposes, which powers shall be exercised for the benefit of the inhabitants of the Commonwealth and for the promotion of their health, welfare, convenience, or prosperity. It is not intended hereby that any such authority shall itself be authorized to operate any such educational facility.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant industrial development authorities the powers contained herein with respect to facilities for a locality, the Commonwealth and its agencies, and governmental and nonprofit organizations and to vest such authorities with all powers that may be necessary to enable them to accomplish such purposes, which powers shall be exercised for the benefit of the inhabitants of the Commonwealth and for the promotion of their health, welfare, convenience, or prosperity.

It is further the intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to facilities for museums and historical education, demonstration, and interpretation, together with any and all buildings, structures, or other facilities necessary or desirable in connection with the foregoing, for use by nonprofit organizations in order to promote tourism and economic development in the Commonwealth, to promote the knowledge of and appreciation by the citizens of the Commonwealth of the historical and cultural development and heritage of the Commonwealth

and the United States and to promote thereby their health, welfare, convenience, and prosperity. It is not intended hereby that any such authority shall itself be authorized to operate any such facility.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to facilities devoted to the staging of equine events and activities (other than racing) for use by governmental or nonprofit, nonreligious organizations and operated by such governmental or nonprofit, nonreligious organizations in order to promote the equine industry and equine-related activities (other than racing) which are integral to the Commonwealth's economy and heritage and to promote thereby the safety, health, welfare, convenience, and prosperity of the inhabitants of the Commonwealth.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to acquiring, developing, owning, and operating an industrial park and any utilities that are intended primarily to serve the park and to issue bonds for such purposes. The bonds may be secured by revenues generated by the industrial park or the utilities being financed or by any other funds of the authority.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities created by one or more municipalities whose housing authorities have not been activated as provided by §§ 36-4 and 36-4.1, in addition to the powers previously or hereafter granted in this chapter, the powers contained herein with respect to facilities used primarily for single or multi-family residences in order to promote safe and affordable housing in the Commonwealth and to benefit thereby the safety, health, welfare, and prosperity of the inhabitants of the Commonwealth. It is not intended hereby that any such authority shall itself be authorized to operate any such facility or exercise any powers of eminent domain set forth in § 36-27.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities, in addition to the powers previously or hereafter granted herein, the power to make grants associated with the construction of affordable housing in order to promote safe and affordable housing in the Commonwealth and to benefit thereby the safety, health, welfare, and prosperity of the inhabitants of the Commonwealth.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant industrial development authorities the powers contained herein with respect to public school buildings and facilities to promote the safety, health, welfare, convenience, and prosperity of the school children of the Commonwealth by assisting in the acquisition, construction, equipping, expansion, enlargement, improvement, financing, and refinancing of such facilities of school boards in order to provide for the modernization of public school buildings or facilities pursuant to Article 3 (§ 22.1-141.1 et seq.) of Chapter 9 of Title 22.1.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to facilitating and supporting landowner access to carbon markets through aggregation of landowners to reach a size that attracts the investment of private capital. Such aggregation provides landowners of various size tracts of land enhanced opportunities to access capital and benefits that support and enhance the agriculture and forest industries for the health, welfare, convenience and prosperity

of the inhabitants of the Commonwealth.

In any instance in this chapter where an industrial development authority may issue bonds through its authority to finance, the authority may also refinance such bonds.

This chapter shall be liberally construed in conformity with these intentions.

1966, c. 651, § 15.1-1375; 1972, c. 783; 1975, c. 489; 1977, c. 619; 1978, cc. 276, 526; 1984, c. 700; 1985, c. 317, § 15.1-1392; 1986, c. 473; 1988, c. 211; 1990, c. 312; 1991, c. 6; 1997, cc. 587, 758, 763; 2002, cc. 680, 725; 2005, c. 928; 2012, c. 498; 2019, cc. 546, 818, 819; 2022, c. 489.

## § 15.2-4902. Definitions

Wherever used in this chapter, unless a different meaning clearly appears in the context:

"Authority" means any political subdivision, a body politic and corporate, created, organized and operated pursuant to the provisions of this chapter, or if the authority is abolished, the board, body, commission, department or officer succeeding to the principal functions thereof or to whom the powers given by this chapter are given by law.

"Authority facilities" or "facilities" means any or all (i) medical (including, but not limited to, office and treatment facilities), pollution control or industrial facilities; (ii) facilities for the residence or care of the aged; (iii) multi-state regional or national headquarters offices or operations centers; (iv) facilities for private, accredited and nonprofit institutions of collegiate, elementary, or secondary education in the Commonwealth whose primary purpose is to provide collegiate, elementary, secondary, or graduate education and not to provide religious training or theological education, such facilities being for use as academic or administration buildings or any other structure or application usual and customary to a college, elementary or secondary school campus other than chapels and their like; (v) parking facilities, including parking structures; (vi) facilities for use as office space by nonprofit, nonreligious organizations; (vii) facilities for museums and historical education, demonstration and interpretation, together with buildings, structures or other facilities necessary or desirable in connection with the foregoing, for use by nonprofit organizations; (viii) facilities for use by an organization (other than an organization organized and operated exclusively for religious purposes) which is described in § 501(c) (3) of the Internal Revenue Code of 1986, as amended, and which is exempt from federal income taxation pursuant to § 501 (a) of such Internal Revenue Code; (ix) facilities for use by a locality, the Commonwealth and its agencies, or other governmental organizations, provided that any such facilities owned by a locality, the Commonwealth or its agencies or other public bodies subject to the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not be exempt from competitive procurement requirements, under the exception granted in subsection B of § 2.2-4344; (x) facilities devoted to the staging of equine events and activities (other than racing events); however, such facilities must be owned by a governmental or nonprofit, nonreligious organization and operated by any such governmental or nonprofit, nonreligious organization; (xi) facilities for commercial enterprises that are not enterprise zone facilities (as defined in § 1394 (b) of the Internal Revenue Code of 1986, as amended) now existing or hereafter acquired, constructed or installed by or for the authority pursuant to the terms of this chapter; however, facilities for commercial enterprise that are not enterprise zone facilities but which are taxable authority facilities shall constitute authority facilities only if the interest on any bonds issued to finance such facilities is not exempt from federal income taxation; (xii) enterprise zone facilities; and (xiii) facilities used primarily for single or multi-family residences. Clause (xiii) applies only to industrial development authorities created by one or more localities whose housing

authorities have not been activated as provided by §§ 36-4 and 36-4.1. Any facility may be located within or outside or partly within or outside the locality creating the authority. Any facility may consist of or include any or all buildings, improvements, additions, extensions, replacements, machinery or equipment, and may also include appurtenances, lands, rights in land, water rights, franchises, furnishings, landscaping, utilities, approaches, roadways and other facilities necessary or desirable in connection therewith or incidental thereto, acquired, constructed, or installed by or on behalf of the authority. A pollution control facility shall include any facility acquired, constructed or installed or any expenditure made, including the reconstruction, modernization or modification of any existing building, improvement, addition, extension, replacement, machinery or equipment, and which is designed to further the control or abatement of land, sewer, water, air, noise or general environmental pollution derived from the operation of any industrial or medical facility. Any facility may be constructed on or installed in or upon lands, structures, rights-of-way, easements, air rights, franchises or other property rights or interests whether owned by the authority or others.

"Bonds" or "revenue bonds" embraces notes, bonds and other obligations authorized to be issued by the authority pursuant to the provisions of this chapter.

"Cost" means, as applied to authority facilities, the cost of construction; the cost of acquisition of all lands, structures, rights-of-way, franchises, easements and other property rights and interests; the cost of demolishing, removing or relocating any buildings or structures on lands acquired, including the cost of acquiring any lands to which such buildings or structures may be moved or relocated; the cost of all labor, materials, machinery and equipment; financing charges and interest on all bonds prior to and during construction and, if deemed advisable by the authority, for a period not exceeding one year after completion of such construction; cost of engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and of revenues, and other expenses necessary or incident to determining the feasibility or practicability of constructing the authority facilities; administrative expenses, provisions for working capital, reserves for interest and for extensions, enlargements, additions and improvements; and such other expenses as may be necessary or incident to the construction of the authority facilities, the financing of such construction and the placing of the authority facilities in operation. Any obligation or expense incurred by the Commonwealth or any agency thereof, with the approval of the authority, for studies, surveys, borings, preparation of plans and specifications or other work or materials in connection with the construction of the authority facilities may be regarded as a part of the cost of the authority facilities and may be reimbursed to the Commonwealth or any agency thereof out of the proceeds of the bonds issued for such authority facilities as hereinafter authorized.

"Enterprise" means any industry for manufacturing, processing, assembling, storing, warehousing, distributing, or selling any products of agriculture, mining, or industry and for research and development or scientific laboratories, including, but not limited to, the practice of medicine and all other activities related thereto or for such other businesses or activities as will be in the furtherance of the public purposes of this chapter.

"Loans" means any loans made by the authority in furtherance of the purposes of this chapter from the proceeds of the issuance and sale of the authority's bonds and from any of its revenues or other moneys available to it as provided herein.

"Revenues" means any or all fees, rates, rentals and receipts collected by, payable to or otherwise derived by the authority from, and all other moneys and income of whatsoever kind or character

collected by, payable to or otherwise derived by the authority in connection with the ownership, leasing or sale of the authority facilities or in connection with any loans made by the authority under this chapter.

"Taxable authority facilities" means any private or commercial golf course, country club, massage parlor, tennis club, skating facility (including roller skating, skateboard and ice skating), racquet sports facility, suntan facility, race track, or facility the primary purpose of which is one of the following: (i) retail food and beverage services (excluding grocery stores), (ii) automobile sales and service, (iii) recreation or entertainment, or (iv) banks, savings and loan institutions or mortgage loan companies. The foregoing sentence notwithstanding, no facility financed as an enterprise zone facility using tax-exempt "enterprise zone facility bonds" (as such term is used in § 1394 of the Internal Revenue Code ) shall constitute a taxable authority facility.

"Trust indenture" means any trust agreement or mortgage under which bonds authorized pursuant to this chapter may be secured.

1966, c. 651, § 15.1-1374; 1968, c. 687; 1970, c. 725; 1972, c. 783; 1973, c. 528; 1977, cc. 238, 619, 673; 1978, c. 526; 1980, c. 372; 1983, c. 514; 1984, c. 700; 1986, c. 473; 1988, c. 211; 1990, cc. 312, 469; 1991, c. 6; 1994, c. 737; 1997, cc. 587, 758, 763; 1999, c. 379; 2005, c. 928; 2006, c. 324.

### **§ 15.2-4903. Creation of industrial development authorities**

A. The governing body of any locality in the Commonwealth is hereby authorized to create by ordinance a political subdivision of the Commonwealth, with such public and corporate powers as are set forth in this chapter. Any such ordinance may limit the type and number of facilities that the authority may otherwise finance under this chapter, which ordinance of limitation may, from time to time, be amended. Louisa County may, by ordinance, authorize an authority created or established under this chapter to acquire, own, operate, and regulate the use of airports, landing fields, and facilities, and other property incident thereto, including such facilities and property necessary for the servicing of aircraft. In the absence of any such limitation, an authority shall have all powers granted under this chapter.

B. The name of the authority shall be the Industrial Development Authority of (the blank spaces to be filled in with the name of the locality which created the authority, including the proper designation thereof as a county, city or town).

C. Notwithstanding subsection B, for any authority authorized by this section, the name of the authority may be the Economic Development Authority of (the blank space to be filled in with the name of the locality that created the authority), if the governing body of such locality so chooses.

D. The authority jointly created by the Town of South Boston and Halifax County pursuant to § 15.2-4916 may be named the Economic Development Authority of Halifax, Virginia, or such other name as the governing bodies of the Town of South Boston and Halifax County shall choose in the concurrent resolutions creating such authority.

1966, c. 651, § 15.1-1376; 1975, c. 254; 1997, c. 587; 1999, c. 157; 2000, c. 398; 2001, cc. 5, 6, 730; 2002, cc. 169, 680, 725; 2003, cc. 159, 343, 345, 350, 357; 2004, cc. 292, 782, 933; 2016, cc. 164, 312; 2017, c. 560.

### **§ 15.2-4904. Directors; qualifications; terms; vacancies; compensation and expenses; quorum; records; certification and distribution of report concerning bond issuance**

A. The authority shall be governed by a board of directors in which all powers of the authority shall be vested and which board shall be composed of seven directors, appointed by the governing body of the locality. The seven directors shall be appointed initially for terms of one, two, three, and four years; two being appointed for one-year terms; two being appointed for two-year terms; two being appointed for three-year terms, and one being appointed for a four-year term. Subsequent appointments shall be for terms of four years, except appointments to fill vacancies, which shall be for the unexpired terms. All terms of office shall be deemed to commence upon the date of the initial appointment to the authority, and thereafter, in accordance with the provisions of the immediately preceding sentence. If at the end of any term of office of any director a successor thereto has not been appointed, then the director whose term of office has expired shall continue to hold office until his successor is appointed and qualified.

Notwithstanding the provisions of this subsection, the board of supervisors of Wise County may appoint eight members to serve on the board of the authority, with terms staggered as agreed upon by the board of supervisors; the board of supervisors of Henrico County may appoint 10 members to serve on the board of the authority, two from each magisterial district, with terms staggered as agreed upon by the board of supervisors; the board of supervisors of Roanoke County may appoint 10 members to serve on the board of the authority, two from each magisterial district, with terms staggered as agreed upon by the board of supervisors; the board of supervisors of Mathews County may appoint from five to seven members to serve on the board of the authority; the town council of the Town of Louisa may appoint from five to seven members to serve on the board of the authority, with terms staggered as agreed upon by the town council; the board of supervisors of King William County may appoint nine members to serve on the board of the authority, with terms staggered as agreed upon by the board of supervisors; the town council of the Town of Saint Paul may appoint 10 members to serve on the board of the authority, with terms staggered as agreed upon by the town council; however, the town council of the Town of Saint Paul may at its option return to a seven-member board by removing the last three members appointed; the board of supervisors of Russell County may appoint nine members, two of whom shall come from a town that has used its borrowing capacity to borrow \$2 million or more for industrial development, with terms staggered as agreed upon by the board of supervisors, and the town council of the Town of South Boston shall appoint two at-large members; Page County may appoint nine members, with one member from each incorporated town, one member from each magisterial district, and one member at-large, with terms staggered as agreed upon by the board of supervisors; Halifax County shall appoint five at-large members to serve on the board of the authority jointly created by the Town of South Boston and Halifax County pursuant to § 15.2-4916, with terms staggered as agreed upon by the governing bodies of the Town of South Boston and Halifax County in the concurrent resolutions creating such authority; the board of supervisors of Goochland County may appoint five members to serve on the board of the authority; the board of supervisors of Powhatan County may appoint five members to serve on the board of the authority; the town council of the Town of Coeburn may appoint five members to serve on the board of the authority, with terms staggered as agreed upon by the town council; the town council of the Town of Kenbridge may appoint five members to serve on the board of the authority, with terms staggered as agreed upon by the town council; the town council of the Town of Victoria may appoint five members to serve on the board of the authority, with terms staggered as agreed upon by the town council; the city council of Suffolk may appoint eight members to serve on the board of the authority, with one member from each of the boroughs and one at-large member, with terms staggered as agreed upon by the city council; and the City of Chesapeake may appoint nine members, with terms staggered as agreed

upon by the city council; however, in the City of Chesapeake, after July 1, 2017, no member shall serve more than two consecutive terms. Any person who has served more than one and one-half terms as a member of the Chesapeake Economic Development Authority as of July 1, 2017, shall not be eligible for reappointment for another consecutive term. A member of the Chesapeake Economic Development Authority shall serve at the pleasure of the city council of the City of Chesapeake. No Chesapeake Economic Development Authority member shall work for the Authority within one year after serving as a member. The city council of the City of Norfolk may appoint 11 members, with terms staggered as agreed upon by the city council, and the board of supervisors of Louisa County may appoint directors to serve on the board of the authority for terms coincident with members of the board of supervisors.

A member of the board of directors of the authority may be removed from office by the local governing body without limitation in the event that the board member is absent from any three consecutive meetings of the authority or is absent from any four meetings of the authority within any 12-month period or upon unanimous vote of the board of supervisors. In any such event, a successor shall be appointed by the governing body for the unexpired portion of the term of the member who has been removed.

B. Each director shall, upon appointment or reappointment, before entering upon his duties take and subscribe the oath prescribed by § 49-1.

C. No director shall be an officer or employee of the locality except (i) in a town with a population of less than 3,500 where members of the town governing body may serve as directors provided they do not constitute a majority of the board, (ii) in Buchanan County where a constitutional officer who has previously served on the board of directors may serve as a director provided the governing body of such county approves, (iii) in Frederick County where the board of supervisors may appoint one of its members to the Economic Development Authority of the County of Frederick, Virginia, and (iv) in Mathews County where the board of supervisors may appoint one employee of the locality to the Economic Development Authority of the County of Mathews. Every director shall, at the time of his appointment and thereafter, reside in a locality within which the authority operates or in an adjoining locality. When a director ceases to be a resident of such locality, the director's office shall be vacant and a new director may be appointed for the remainder of the term.

D. The directors shall elect from their membership a chairman, a vice-chairman, and from their membership or not, as they desire, a secretary and a treasurer, or a secretary-treasurer, who shall continue to hold such office until their respective successors are elected. The directors shall receive no salary but may be compensated such amount per regular, special, or committee meeting or per each official representation as may be approved by the appointing authority, not to exceed \$200 per meeting or official representation, and shall be reimbursed for necessary traveling and other expenses incurred in the performance of their duties.

E. Except as provided herein, four members of the board of directors shall constitute a quorum of the board for the purposes of conducting its business and exercising its powers and for all other purposes, except that no facilities owned by the authority shall be leased or disposed of in any manner without a majority vote of the members of the board of directors. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and perform all the duties of the board. In the case of the Economic Development Authority of Goochland County, the Economic Development Authority of Powhatan County, the Industrial Development Authority of the Town of Kenbridge, and the Industrial Development Authority of

the Town of Victoria, three members of the board of directors shall constitute a quorum of the board for the purposes of conducting its business and exercising its powers and for all other purposes, except that no facilities owned by the authority shall be leased or disposed of in any manner without a majority vote of the members of the board of directors.

F. The board shall keep detailed minutes of its proceedings, which shall be open to public inspection at all times. It shall keep suitable records of its financial transactions and, unless exempted by § 30-140, it shall arrange to have the records audited annually. Copies of each such audit shall be furnished to the governing body of the locality and shall be open to public inspection.

Two copies of the report concerning issuance of bonds required to be filed with the United States Internal Revenue Service shall be certified as true and correct copies by the secretary or assistant secretary of the authority. One copy shall be furnished to the governing body of the locality and the other copy mailed to the Department of Small Business and Supplier Diversity.

1966, c. 651, § 15.1-1377; 1979, c. 35; 1980, c. 304; 1982, c. 463; 1983, c. 514; 1984, c. 750; 1987, c. 368; 1990, c. 87; 1993, c. 896; 1996, cc. 589, 599; 1997, c. 587; 1999, cc. 337, 408, 414; 2000, c. 963; 2001, c. 121; 2003, cc. 347, 357; 2006, c. 687; 2007, cc. 283, 338; 2008, c. 619; 2009, cc. 199, 200, 460, 597; 2012, cc. 337, 352; 2013, c. 482; 2014, cc. 381, 382; 2016, c. 414; 2017, cc. 541, 557, 560; 2018, c. 310; 2019, c. 363; 2021, c. 3; 2021, Sp. Sess. I, cc. 321, 422; 2022, c. 622.

#### **§ 15.2-4905. Powers of authority**

The authority shall have the following powers together with all powers incidental thereto or necessary for the performance of those hereinafter stated:

1. To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;
2. To adopt and use a corporate seal and to alter the same at pleasure;
3. To enter into contracts; however, any written contract of the authority shall contain provisions addressing the issue of whether attorney's fees shall be recoverable by the prevailing party in the event the contract is subject to litigation;
4. To acquire, whether by purchase, exchange, gift, lease or otherwise, and to improve, maintain, equip and furnish one or more authority facilities including all real and personal properties which the board of directors of the authority may deem necessary in connection therewith and regardless of whether any such facilities shall then be in existence;
5. To lease to others any or all of its facilities and to charge and collect rent therefor and to terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof; and to include in any such lease, if desired, a provision that the lessee thereof shall have options to renew such lease or to purchase any or all of the leased facilities, or that upon payment of all of the indebtedness of the authority it may lease or convey any or all of its facilities to the lessee thereof with or without consideration;
6. To sell, exchange, donate, and convey any or all of its facilities or properties whenever its board of directors shall find any such action to be in furtherance of the purposes for which the authority was organized;
7. To issue its bonds for the purpose of carrying out any of its powers including specifically, but



without intending to limit any power conferred by this section or this chapter, the issuance of bonds to provide long-term financing of any pollution control facility, whether any such facility was constructed prior to or after the enactment hereof or the receipt of a commitment from an authority to undertake financing pursuant hereto, unless the major part of the proceeds of such bonds will be used to redeem any prior long-term financing of such facility other than financings pursuant to this chapter or any similar law;

8. As security for the payment of the principal of and interest on any bonds so issued and any agreements made in connection therewith, to mortgage and pledge any or all of its facilities or any part or parts thereof, whether then owned or thereafter acquired, and to pledge the revenues therefrom or from any part thereof or from any loans made by the authority;

9. To employ and pay compensation to such employees and agents, including attorneys, and real estate brokers whether engaged by the authority or otherwise, as the board of directors shall deem necessary in carrying on the business of the authority;

10. To exercise all powers expressly given the authority by the governing body of the locality which established the authority and to establish bylaws and make all rules and regulations, not inconsistent with the provisions of this chapter, deemed expedient for the management of the authority's affairs;

11. To appoint an industrial advisory committee or similar committee or committees to advise the authority, consisting of such number of persons as it may deem advisable. Such persons may be compensated such amount per regular, special, or committee meeting as may be approved by the appointing authority, not to exceed \$50 per meeting day, and may be reimbursed for necessary traveling and other expenses incurred while on the business of the authority;

12. To borrow money and to accept contributions, grants and other financial assistance from the United States of America and agencies or instrumentalities thereof, the Commonwealth, or any political subdivision, agency, or public instrumentality of the Commonwealth, for or in aid of the construction, acquisition, ownership, maintenance or repair of the authority facilities, for the payment of principal of any bond of the authority, interest thereon, or other cost incident thereto, or in order to make loans in furtherance of the purposes of this chapter of such money, contributions, grants, and other financial assistance, and to this end the authority shall have the power to comply with such conditions and to execute such agreements, trust indentures, and other legal instruments as may be necessary, convenient or desirable and to agree to such terms and conditions as may be imposed; and

13. To make loans or grants to any person, partnership, association, corporation, business, or governmental entity in furtherance of the purposes of this chapter including for the purposes of promoting economic development, provided that such loans or grants shall be made only from revenues of the authority which have not been pledged or assigned for the payment of any of the authority's bonds, and to enter into such contracts, instruments, and agreements as may be expedient to provide for such loans and any security therefor. An authority may also be permitted to forgive loans or other obligations if it is deemed to further economic development. The word "revenues" as used in this subdivision includes contributions, grants and other financial assistance, as set out in subdivision 12.

The authority shall not have power to operate any facility as a business other than as lessor and shall not have the power to operate any single or multi-family housing facilities. However, the

authority shall have the power to apply for, establish, operate and maintain a foreign-trade zone in accordance with the provisions of Chapter 14 (§ 62.1-159 et seq.) of Title 62.1. Any meeting held by the board of directors at which formal action is taken shall be open to the public.

If a locality has created an industrial development authority pursuant to this chapter or any other provision of law, no other such authority, not created by such locality, shall finance facilities, except pollution control facilities, within the boundaries of such locality, unless the governing body of such locality in which the facilities are located or are proposed to be located, concurs with the inducement resolution adopted by the authority, and shows such concurrence in a duly adopted resolution. Notwithstanding the foregoing, nothing contained herein shall be deemed to invalidate or otherwise impair any existing financing by an authority or the financing of any facilities for which application has been made to an authority prior to July 1, 1981.

Notwithstanding the provisions of this section, and notwithstanding the provisions of any other law, general or special, nothing herein shall be deemed to impair the authority of the town council of the Town of Front Royal from creating its own independent industrial development authority, separate and apart for all purposes from any currently existing or future industrial development authority. A Town of Front Royal independent industrial development authority, created solely by the town, shall have all powers granted industrial development authorities generally as set forth in this chapter. Such industrial development authority may also include Warren County in any of its economic development projects for a period of five years ending July 1, 2025.

1966, c. 651, § 15.1-1378; 1970, c. 598; 1972, c. 783; 1973, c. 528; 1981, c. 3; 1991, c. 6; 1993, c. 896; 1994, c. 317; 1997, cc. 587, 758, 763; 1998, c. 728; 2005, c. 575; 2020, c. 1001.

#### **§ 15.2-4906. Public hearing and approval**

A. Whenever federal law requires public hearings and public approval as a prerequisite to obtaining federal tax exemption for the interest paid on industrial development bonds, unless otherwise specified by federal law or regulation, the public hearing shall be conducted by the authority and the procedure for the public hearing and public approval shall be in accordance with this section.

B. For a public hearing by the authority, notice of the hearing shall be published once a week for two successive weeks in a newspaper having general circulation in the locality in which the facility to be financed is to be located of intention to provide financing for a named individual or business entity. The applicant shall pay the cost of publication. The notice shall specify the time and place of hearing at which persons may appear and present their views. The hearing shall be held not less than six days nor more than twenty-one days after the second notice shall appear in such newspaper.

The notice shall contain: (i) the name and address of the authority; (ii) the name and address (principal place of business, if any) of the party seeking financing; (iii) the maximum dollar amount of financing sought; and (iv) the type of business and purpose and specific location, if known, of the facility to be financed.

If after the hearing has been held the authority approves the financing, a reasonably detailed summary of the comments expressed at the hearing shall be conveyed promptly to the locality's governing body together with the recommendation of the authority.

C. For public approval, the governing body of the locality on behalf of which the bonds of the



- g. b. Estimated dollar value per year of goods that will be purchased from non-Virginia companies within the locality \$\_\_\_\_\_
- h. c. Estimated dollar value per year of services that will be purchased from Virginia companies within the locality \$\_\_\_\_\_
- i. d. Estimated dollar value per year of services that will be purchased from non-Virginia companies within the locality \$\_\_\_\_\_
- j. 7. Estimated number of regular employees on year round basis \$\_\_\_\_\_
- k. 8. Average annual salary per employee \$\_\_\_\_\_

Signature

\_\_\_\_\_  
 Authority Chairman

\_\_\_\_\_  
 Name of Authority

If one or more of the above questions do not apply to the facility indicate by writing N/A (not applicable) on the appropriate line.

The provisions of this section shall not apply to bonds, notes or other obligations issued pursuant to hearings held and governmental approvals obtained prior to the effective date of this act in compliance with federal law or regulation.

1983, c. 514, § 15.1-1378.2; 1997, c. 587; 1998, c. 728.

**§ 15.2-4908. Issuance of bonds, notes and other obligations of authority**

A. Subject to the limitations of Chapter 50 (§ 15.2-5000 et seq.) of this title, the authority may issue bonds from time to time in its discretion, for any of its purposes, including the payment of all or any part of the cost of authority facilities and including the payment or retirement of bonds previously issued by it. All bonds issued by the authority shall be payable solely from the revenues and receipts derived from the leasing or sale by the authority of its facilities or any part thereof or from payments received by the authority in connection with its loans, and the authority may issue such types of bonds as it may determine, including, without limiting the generality of the foregoing, bonds payable, both as to principal and interest: (i) from its revenues and receipts generally; (ii) exclusively from the revenues and receipts of a particular facility or loan; or (iii) exclusively from the revenues and receipts of certain designated facilities or loans

whether or not they are financed in whole or in part from the proceeds of such bonds. Unless otherwise provided in the proceeding authorizing the issuance of the bonds, or in the trust indenture securing the bonds, all bonds shall be payable solely and exclusively from the revenues and receipts of a particular facility or loan. Bonds may be executed and delivered by the authority at any time and from time to time, may be in such form and denominations and of such terms and maturities, may be in registered or bearer form either as to principal or interest or both, may be payable in such installments and at such time or times not exceeding 40 years from the date thereof, may be payable at such place or places whether within or outside the Commonwealth, may bear interest at such rate or rates, may be payable at such time or times, may be evidenced in such manner, and may contain such provisions not inconsistent herewith, all as shall be determined by the board of directors. If deemed advisable by the board of directors, there may be retained in the proceedings under which any bonds of the authority are authorized to be issued an option to redeem all or any part thereof, at such price or prices and after such notice or notices and on such terms and conditions as may be determined by the board of directors and as may be briefly recited on the face of the bonds, but nothing herein contained shall be construed to confer on the authority any right or option to redeem any bonds except as may be provided in the proceedings under which they shall be issued. Any bonds of the authority may be sold at public or private sale in such manner and from time to time as may be determined by the board of directors of the authority to be most advantageous, and the authority may pay all costs, premiums and commissions which its board of directors may deem necessary or advantageous in connection with the issuance thereof. Issuance by the authority of one or more series of bonds for one or more purposes shall not preclude it from issuing other bonds in connection with the same facility or any other facility, but the proceedings whereunder any subsequent bonds may be issued shall recognize and protect any prior pledge or mortgage made for any prior issue of bonds. Any bonds of the authority at any time outstanding may from time to time be refunded by the authority by the issuance of its refunding bonds in such amount as the board of directors may deem necessary, but not exceeding an amount sufficient to refund the principal of the bonds so to be refunded, together with any unpaid interest thereon and any costs, premiums or commissions necessary to be paid in connection therewith. Any such refunding may be effected whether the bonds to be refunded shall have then matured or shall thereafter mature, either by sale of the refunding bonds and the application of the proceeds thereof to the payment of the bonds to be refunded thereby, or by the exchange of the refunding bonds for the bonds to be refunded thereby, with the consent of the holders of the bonds so to be refunded, and regardless of whether the bonds to be refunded were issued in connection with the same facilities or separate facilities, and regardless of whether the bonds proposed to be refunded are payable on the same date or on different dates or are due serially or otherwise. The determination of the form, denominations, maturities, redemption provisions, places of payment, interest rate or rates, payment installments, dates and all other terms and provisions of bonds as authorized in this section may be made by the board of directors in such manner as the board may provide, including the determination by reference to indices and formulas or by agents designated by the board of directors under guidelines established by it.

B. All bonds shall be signed by the chairman or vice-chairman of the authority or shall bear his facsimile signature, and the corporate seal of the authority or a facsimile thereof shall be impressed or imprinted thereon and attested by the signature of the secretary (or the secretary-treasurer) or the assistant secretary (or assistant secretary-treasurer) of the authority or shall bear his facsimile signature, and any coupons attached thereto shall bear the facsimile signature of the chairman. In case any officer whose signature or a facsimile signature appears on any

bonds or coupons ceases to be an officer before delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. When the signatures of both the chairman or the vice-chairman and the secretary (or the secretary-treasurer) or the assistant secretary (or the assistant secretary-treasurer) are facsimiles, the bonds shall be authenticated by a corporate trustee or other authenticating agent approved by the authority.

C. If the proceeds derived from a particular bond issue, due to error of estimates or otherwise, are less than the cost of the authority facilities for which such bonds were issued, additional bonds may in like manner be issued to provide the amount of such deficit and, unless otherwise provided in the proceedings authorizing the issuance of the bonds of such issue or in the trust indenture securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds of the first issue. If the proceeds of the bonds of any issue shall exceed such cost, the surplus may be deposited to the credit of the sinking fund for such bonds or may be applied to the payment of the cost of any additions, improvements or enlargements of the authority facilities for which such bonds shall have been issued.

D. Prior to the preparation of definitive bonds, the authority may, under like restrictions, issue interim receipts or temporary bonds with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The authority may also provide for the replacement of any bonds which are mutilated, destroyed or lost. Bonds may be issued under the provisions of this chapter without obtaining the consent of any department, division, commission, board, bureau or agency of the Commonwealth, and without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions or things which are specifically required by this chapter; however, nothing contained in this chapter shall be construed as affecting the powers and duties now conferred by law upon the State Corporation Commission.

E. All bonds issued under the provisions of this chapter shall have and are hereby declared to have all the qualities and incidents of and shall be and are hereby made negotiable instruments under the Uniform Commercial Code of Virginia (§ [8.1A-101](#) et seq.), subject only to provisions respecting registration of the bonds.

F. In addition to all other powers granted to the authority by this chapter, the authority may issue, from time to time, notes or other obligations of the authority for any of its authorized purposes. The provisions of this chapter which relate to bonds or revenue bonds shall apply to such notes or other obligations insofar as such provisions may be appropriate.

1966, c. 651, § 15.1-1379; 1968, c. 687; 1983, c. 514; 1991, c. 6; 1997, c. 587; 2003, cc. [353](#), [683](#).

### **§ 15.2-4909. Liability of Commonwealth, political subdivisions, directors and officers**

A. Bonds issued pursuant to this chapter shall not be deemed to constitute a debt or a pledge of the faith and credit of the Commonwealth, or any political subdivision thereof, including the locality which created the authority issuing such bonds, but such bonds shall be payable solely from the funds provided therefor as herein authorized. All such bonds shall contain on the face thereof a statement to the effect that neither the Commonwealth, nor any political subdivision thereof, nor the authority shall be obligated to pay the same or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor and that neither the faith and credit nor the taxing power of the Commonwealth, or any political subdivision

thereof, is pledged to the payment of the principal of such bonds or the interest thereon or other costs incident thereto.

B. Neither the directors of the authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof.

C. All expenses incurred in carrying out the provisions of this chapter shall be payable solely from the funds of the authority and no liability or obligation shall be incurred by the authority hereunder beyond the extent to which moneys shall be available to the authority.

D. Bonds issued pursuant to the provisions of this chapter shall not constitute an indebtedness within the meaning of any debt limitation or restriction.

1966, c. 651, § 15.1-1380; 1997, c. 587.

### **§ 15.2-4910. Security for payment of bonds; default**

The principal of and interest on any bonds issued by the authority shall be secured by a pledge of the revenues and receipts out of which the same shall be made payable, and may be secured by a trust indenture covering all or any part of the authority facilities from which revenues or receipts so pledged may be derived, including any enlargements of and additions to any such projects thereafter made. The resolution under which the bonds are authorized to be issued and any such trust indenture may contain any agreements and provisions respecting the maintenance of the projects covered thereby, the fixing and collection of rents for any portions thereof leased by the authority to others, the creation and maintenance of special funds from such revenues and the rights and remedies available in the event of default, all as the board of directors shall deem advisable not in conflict with the provisions hereof. Each pledge, agreement and trust indenture made for the benefit or security of any of the bonds of the authority shall continue effective until the principal of and interest on such bonds have been fully paid. In the event of default in such payment or in any agreements of the authority made as a part of the contract under which the bonds were issued, whether contained in the proceedings authorizing the bonds or in any trust indenture executed as security therefor, such payment or agreements may be enforced by writ of mandamus, or by a suit, action or proceeding at law or in equity to compel the authority and the directors, officers, agents or employees thereof to perform the terms, provisions, and covenants contained in any trust indenture of the authority, by the appointment of a receiver in equity or by foreclosure of any such trust indenture or any one or more of said remedies.

1966, c. 651, § 15.1-1381; 1997, c. 587.

### **§ 15.2-4911. Rents, fees and other charges**

The authority shall fix and revise from time to time the rents, fees and other charges to be paid to it in connection with the lease or sale of various authority facilities and for any other services furnished or provided by the authority. Such rents, fees and charges shall provide at least sufficient funds to pay the cost of maintaining, repairing and operating such projects and the principal and interest of any bonds issued by the authority or other debts contracted as the bonds become due and payable. The authority and the political subdivision in which all or any part of a particular authority facility is located may agree on payment by the authority on account of governmental services to be rendered by the political subdivision in such amounts as the authority may find to be consistent with the purposes of this chapter. A reserve may be accumulated and maintained out of the revenues and receipts of the authority for extraordinary repairs and expenses and for such other purposes as may be provided in any resolution

authorizing a bond issue or in any trust indenture securing the authority's bonds. Subject to such provisions and restrictions as may be set forth in the resolution or in the trust indenture authorizing or securing any of the bonds or other obligations hereunder, the authority shall have exclusive control of the revenues and receipts derived from the lease or sale of any authority facility and the right to use the revenues and receipts in the exercise of its powers and duties set forth in this chapter.

1966, c. 651, § 15.1-1382; 1968, c. 687; 1973, c. 528; 1997, c. 587.

**§ 15.2-4912. Exemption from taxation**

The authority is hereby declared to be performing a public function in behalf of the locality with respect to which the authority is created and to be a public instrumentality of such locality. Accordingly, the income, including any profit made on the sale thereof from all bonds issued by the authority, shall at all times be exempt from all taxation by the Commonwealth or any political subdivision thereof.

1966, c. 651, § 15.1-1383; 1997, c. 587.

**§ 15.2-4913. Authority to be nonprofit; excess earnings**

The authority shall be nonprofit and no part of its net earnings remaining after payment of its expenses shall enure to the benefit of any individual, firm or corporation, except that if the board of directors of the authority determines that sufficient provision has been made for the full payment of the expenses, bonds and other obligations of the authority then any net earnings of the authority thereafter accruing shall be paid to the locality with respect to which the authority was created. However, nothing herein contained shall prevent the board of directors from transferring all or any part of its facilities or properties in accordance with the terms of any contract entered into by the authority.

1966, c. 651, § 15.1-1384; 1973, c. 528; 1997, c. 587.

**§ 15.2-4914. Dissolution of authority; disposition of property**

Whenever the board of directors of the authority by resolution determines that the purposes for which the authority was formed have been substantially complied with and all bonds theretofore issued and all obligations theretofore incurred by the authority have been fully paid, the then members of the board of directors of the authority shall thereupon execute and file for record with the governing body of the locality which created the authority, a resolution declaring such facts. If the governing body of the locality which created the authority is of the opinion that the facts stated in the authority's resolution are true and that the authority should be dissolved, it shall so resolve and the authority shall stand dissolved. Upon such dissolution, the title to all funds and properties owned by the authority at the time of such dissolution shall vest in the locality creating the authority and possession of such funds and properties shall forthwith be delivered to such locality.

1966, c. 651, § 15.1-1385; 1997, c. 587.

**§ 15.2-4915. Bonds as legal investments and lawful security**

The bonds issued pursuant to this chapter shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, insurance companies, fiduciaries, trustees, guardians and for all public funds of the Commonwealth or other political corporations or subdivisions of the Commonwealth. Such



bonds shall be eligible to secure the deposit of public funds of the Commonwealth, localities, school districts or other political corporations or subdivisions of the Commonwealth, and shall be security for such deposits to the extent of their value when accompanied by all unmatured coupons appertaining thereto.

1966, c. 651, § 15.1-1386; 1997, c. 587.

**§ 15.2-4916. Authorities acting jointly**

The powers herein conferred upon authorities created under this chapter may be exercised by two or more authorities acting jointly. Two or more localities may jointly create an authority, in which case each of the directors of such authority shall be appointed by the governing body of the respective locality which the director represents.

1966, c. 651, § 15.1-1387; 1982, c. 463; 1997, c. 587.

**§ 15.2-4917. Facility sites**

Any locality may acquire, pursuant to § 15.2-1800, but not by condemnation, a facility site and may likewise transfer any facility site to an authority. Such transfer may be authorized by a resolution of the governing body of the locality without submission of the question to the voters and without regard to the requirements, restrictions, limitations or other provisions contained in any other general, special or local law. Such facility sites may be located within or outside or partially within or outside the locality creating the authority. If a real estate broker licensed under § 54.1-2100 represents a party in a transaction through which a facility site is acquired, the locality may pay a reasonable brokerage fee to such real estate broker.

1966, c. 651, § 15.1-1388; 1997, c. 587; 1998, c. 728.

**§ 15.2-4918. Provisions of chapter cumulative; construction**

This chapter neither limits nor restricts any powers which the authority might otherwise have under any laws of this Commonwealth. No proceedings, notice or approval shall be required for the organization of the authority or the issuance of any bonds or any instrument as security therefor, except as herein provided. However, nothing herein shall be construed to deprive the Commonwealth and its political subdivisions of their respective police powers over properties of the authority or to impair any power thereover of any official or agency of the Commonwealth and its political subdivisions which may be otherwise provided by law. Nothing contained in this chapter shall be deemed to authorize the authority to occupy or use any land, streets, buildings, structures or other property of any kind, owned or used by any political subdivision within its jurisdiction, or any public improvement or facility maintained by such political subdivision for the use of its inhabitants, without first obtaining the consent of the governing body thereof.

1966, c. 651, § 15.1-1389; 1997, c. 587.

**§ 15.2-4919. Provisions of chapter controlling over other statutes and charters**

Any provision of this chapter which is found to be in conflict with any other statute or charter shall be controlling and shall supersede such other statute or charter to the extent of such conflict.

1966, c. 651, § 15.1-1390; 1997, c. 587; 2015, c. 709.

**§ 15.2-4920. Validation of creation of authorities, appointment of directors and proceedings; curative resolutions**

All proceedings heretofore taken with respect to the creation of authorities by any locality pursuant to this chapter are hereby validated and confirmed and all such authorities are declared to be legally created. All incumbent directors of authorities are declared to be and are lawfully appointed directors of authorities, notwithstanding any failure to conform to the requirements of this chapter, and all such appointments are hereby ratified, validated and confirmed. However, all terms of incumbent directors shall conform to § 15.2-4904. The governing body of any locality is hereby authorized to adopt such corrective resolutions as may be necessary to carry out the requirements of the immediately preceding sentence. All proceedings heretofore taken to provide for or with respect to the authorization, issuance, sale, execution or delivery of bonds by or on behalf of any authority are hereby validated, ratified, approved and confirmed, and any such bonds so issued shall be valid, legal, binding and enforceable obligations of such authority.

1980, c. 304, § 15.1-1391; 1997, c. 587.

Code of Virginia

## Virginia Freedom of Information Act

### § 2.2-3700. Short title; policy

A. This chapter may be cited as "The Virginia Freedom of Information Act."

B. By enacting this chapter, the General Assembly ensures the people of the Commonwealth ready access to public records in the custody of a public body or its officers and employees, and free entry to meetings of public bodies wherein the business of the people is being conducted. The affairs of government are not intended to be conducted in an atmosphere of secrecy since at all times the public is to be the beneficiary of any action taken at any level of government. Unless a public body or its officers or employees specifically elect to exercise an exemption provided by this chapter or any other statute, every meeting shall be open to the public and all public records shall be available for inspection and copying upon request. All public records and meetings shall be presumed open, unless an exemption is properly invoked.

The provisions of this chapter shall be liberally construed to promote an increased awareness by all persons of governmental activities and afford every opportunity to citizens to witness the operations of government. Any exemption from public access to records or meetings shall be narrowly construed and no record shall be withheld or meeting closed to the public unless specifically made exempt pursuant to this chapter or other specific provision of law. This chapter shall not be construed to discourage the free discussion by government officials or employees of public matters with the citizens of the Commonwealth.

All public bodies and their officers and employees shall make reasonable efforts to reach an agreement with a requester concerning the production of the records requested.

Any ordinance adopted by a local governing body that conflicts with the provisions of this chapter shall be void.

1968, c. 479, § 2.1-340; 1976, c. 467, § 2.1-340.1; 1989, c. 358; 1990, c. 538; 1999, cc. 703, 726; 2001, c. 844; 2002, c. 393.

### § 2.2-3701. (Effective until September 1, 2022) Definitions

As used in this chapter, unless the context requires a different meaning:

"Closed meeting" means a meeting from which the public is excluded.

"Electronic communication" means the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

"Emergency" means an unforeseen circumstance rendering the notice required by this chapter impossible or impracticable and which circumstance requires immediate action.

"Information," as used in the exclusions established by §§ 2.2-3705.1 through 2.2-3705.7, means the content within a public record that references a specifically identified subject matter, and shall not be interpreted to require the production of information that is not embodied in a public record.

"Meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through electronic communication means pursuant to § 2.2-3708.2, 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. Neither the gathering of employees of a public body nor the gathering or attendance of two or more members of a public body (a) at any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, and such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the public body, or (b) at a public forum, candidate appearance, or debate, the purpose of which is to inform the electorate and not to transact public business or to hold discussions relating to the transaction of public business, even though the performance of the members individually or collectively in the conduct of public business may be a topic of discussion or debate at such public meeting, shall be deemed a "meeting" subject to the provisions of this chapter.

"Official public government website" means any Internet site controlled by a public body and used, among any other purposes, to post required notices and other content pursuant to this chapter on behalf of the public body.

"Open meeting" or "public meeting" means a meeting at which the public may be present.

"Public body" means any legislative body, authority, board, bureau, commission, district or agency of the Commonwealth or of any political subdivision of the Commonwealth, including cities, towns and counties, municipal councils, governing bodies of counties, school boards and planning commissions; governing boards of public institutions of higher education; and other organizations, corporations or agencies in the Commonwealth supported wholly or principally by public funds. It shall include (i) the Virginia Birth-Related Neurological Injury Compensation Program and its board of directors established pursuant to Chapter 50 (§ 38.2-5000 et seq.) of Title 38.2 and (ii) any committee, subcommittee, or other entity however designated, of the public body created to perform delegated functions of the public body or to advise the public body. It shall not exclude any such committee, subcommittee or entity because it has private sector or citizen members. Corporations organized by the Virginia Retirement System are "public bodies" for purposes of this chapter.

For the purposes of the provisions of this chapter applicable to access to public records, constitutional officers and private police departments as defined in § 9.1-101 shall be considered public bodies and, except as otherwise expressly provided by law, shall have the same obligations to disclose public records as other custodians of public records.

"Public records" means all writings and recordings that consist of letters, words or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business.

"Regional public body" means a unit of government organized as provided by law within defined boundaries, as determined by the General Assembly, which unit includes two or more localities.

"Scholastic records" means those records containing information directly related to a student or an applicant for admission and maintained by a public body that is an educational agency or institution or by a person acting for such agency or institution.

"Trade secret" means the same as that term is defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.).

1968, c. 479, § 2.1-341; 1970, c. 456; 1974, c. 332; 1975, c. 307; 1977, c. 677; 1978, cc. 573, 826; 1979, cc. 369, 687; 1980, c. 754; 1984, c. 252; 1989, c. 358; 1990, c. 538; 1993, cc. 270, 720; 1994, cc. 845, 931; 1996, c. 609; 1997, c. 641; 1999, cc. 703, 726; 2001, c. 844; 2002, c. 393; 2003, c. 897; 2007, c. 945; 2008, cc. 233, 789; 2010, c. 706; 2011, c. 242; 2015, cc. 131, 195, 224; 2016, cc. 620, 716; 2017, cc. 616, 778; 2018, cc. 54, 55; 2019, c. 358; 2022, c. 325.

### § 2.2-3701. (Effective September 1, 2022) Definitions

As used in this chapter, unless the context requires a different meaning:

"All-virtual public meeting" means a meeting in those excepted pursuant to subsection C of § 2.2-3708.3, using electronic communication means, (ii) during which all members of the public body who participate do so remotely rather than being assembled in one physical location, and (iii) to which public access is provided through electronic communication means.

"Closed meeting" means a meeting from which the public is excluded.

"Electronic communication" means the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

"Emergency" means an unforeseen circumstance rendering the notice required by this chapter impossible or impracticable and which circumstance requires immediate action.

"Information," as used in the exclusions established by §§ [2.2-3705.1](#) through [2.2-3705.7](#), means the content within a public record that references a specifically identified subject matter, and shall not be interpreted to require the production of information that is not embodied in a public record.

"Meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through electronic communication means pursuant to § [2.2-3708.2](#) or [2.2-3708.3](#), 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. Neither the gathering of employees of a public body nor the gathering or attendance of two or more members of a public body (a) at any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, and such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the public body, or (b) at a public forum, candidate appearance, or debate, the purpose of which is to inform the electorate and not to transact public business or to hold discussions relating to the transaction of public business, even though the performance of the members individually or collectively in the conduct of public business may be a topic of discussion or debate at such public meeting, shall be deemed a "meeting" subject to the provisions of this chapter.

"Official public government website" means any Internet site controlled by a public body and used, among any other purposes, to post required notices and other content pursuant to this chapter on behalf of the public body.

"Open meeting" or "public meeting" means a meeting at which the public may be present.

"Public body" means any legislative body, authority, board, bureau, commission, district, or agency of the Commonwealth or of any political subdivision of the Commonwealth, including counties, cities, and towns, municipal councils, governing bodies of counties, school boards, and planning commissions; governing boards of public institutions of higher education; and other organizations, corporations, or agencies in the Commonwealth supported wholly or principally by public funds. It shall include (i) the Virginia Birth-Related Neurological Injury Compensation Program and its board of directors established pursuant to Chapter 50 (§ [38.2-5000](#) et seq.) of Title 38.2 and (ii) any committee, subcommittee, or other entity however designated of the public body created to perform delegated functions of the public body or to advise the public body. It shall not exclude any such committee, subcommittee, or entity because it has private sector or citizen members. Corporations organized by the Virginia Retirement System are "public bodies" for purposes of this chapter.

For the purposes of the provisions of this chapter applicable to access to public records, constitutional officers and private police departments as defined in § [9.1-101](#) shall be considered public bodies and, except as otherwise expressly provided by law, shall have the same obligations to disclose public records as other custodians of public records.

"Public records" means all writings and recordings that consist of letters, words, or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording, or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees, or agents in the transaction of public business.

"Regional public body" means a unit of government organized as provided by law within defined boundaries, as determined by the General Assembly, which unit includes two or more localities.

"Remote participation" means participation by an individual member of a public body by electronic communication means in a public meeting where a quorum of the public body is otherwise physically assembled.

"Scholastic records" means those records containing information directly related to a student or an applicant for admission and maintained by a public body that is an educational agency or institution or by a person acting for such agency or institution.

"Trade secret" means the same as that term is defined in the Uniform Trade Secrets Act (§ [59.1-336](#) et seq.).

1968, c. 479, § 2.1-341; 1970, c. 456; 1974, c. 332; 1975, c. 307; 1977, c. 677; 1978, cc. 573, 826; 1979, cc. 369, 687; 1980, c. 754; 1984, c. 252; 1989, c. 358; 1990, c. 538; 1993, cc. 270, 720; 1994, cc. [845](#), [931](#); 1996, c. [609](#); 1997, c. [641](#); 1999, cc. [703](#), [726](#); 2001, c. [844](#); 2002, c. [393](#); 2003, c. [897](#); 2007, c. [945](#); 2008, cc. [233](#), [789](#); 2010, c. [706](#); 2011, c. [242](#); 2015, cc. [131](#), [195](#), [224](#); 2016, cc. [620](#), [716](#); 2017, cc. [616](#), [778](#); 2018, cc. [54](#), [55](#); 2019, c. [358](#); 2022, cc. [325](#), [597](#).

#### § 2.2-3702. Notice of chapter

Any person elected, reelected, appointed or reappointed to any body not excepted from this chapter shall (i) be furnished by the public body's administrator or legal counsel with a copy of this chapter within two weeks following election, reelection, appointment or reappointment and (ii) read and become familiar with the provisions of this chapter.

1976, c. 467, § 2.1-341.1; 1999, cc. [703](#), [726](#); 2001, c. [844](#); 2002, c. [393](#).

#### § 2.2-3703. Public bodies and records to which chapter inapplicable; voter registration and election records; access by persons incarcerated in a state, local, or federal correctional facility

A. The provisions of this chapter shall not apply to:

1. The Virginia Parole Board (the Board), except that (i) information from the Board providing the number of inmates considered by the Board for discretionary parole, the number of inmates granted or denied parole, and the number of parolees returned to the custody of the Department of Corrections solely as a result of a determination by the Board of a violation of parole shall be open to inspection and available for release, on a monthly basis, as provided by § [2.2-3704](#); (ii) all guidance documents, as defined in § [2.2-4101](#), shall be public records and subject to the provisions of this chapter; (iii) all records concerning the finances of the Board shall be public records and subject to the provisions of this chapter; and (iv) individual Board member votes shall be public records and subject to the provisions of this chapter. The information required by clause (i) shall be furnished by offense, sex, race, age of the inmate, and the locality in which the conviction was obtained, upon the request of the party seeking the information. The information required by clause (ii) shall include all documents establishing the policy of the Board or any change in or clarification of such policy with respect to grant, denial, deferral, revocation, or supervision of parole or geriatric release or the process for consideration thereof, and shall be clearly and conspicuously posted on the Board's website. However, such information shall not include any portion of any document reflecting the application of any policy or policy change or clarification of such policy to an individual inmate;

2. Petit juries and grand juries;

3. Family assessment and planning teams established pursuant to § [2.2-5207](#);

4. Sexual assault response teams established pursuant to § [15.2-1627.4](#), except that records relating to (i) protocols and policies of the sexual assault response team and (ii) guidelines for the community's response established by the sexual assault response team shall be public records and subject to the provisions of this chapter;

5. Multidisciplinary child sexual abuse response teams established pursuant to § [15.2-1627.5](#);

6. The Virginia State Crime Commission; and

7. The records maintained by the clerks of the courts of record, as defined in § [17.1-219](#), for which clerks are custodians under § [17.1-242](#), and courts not of record, as defined in § [16.1-69.5](#), for which clerks are custodians under § [16.1-69.54](#), including those transferred for storage, maintenance, or archiving. Such records shall be requested in accordance with the provisions of §§ [16.1-69.54:1](#) and [17.1-208](#), as appropriate. However, other records maintained by the clerks of such courts shall be public records and subject to the provisions of this chapter.

B. Public access to voter registration and election records shall be governed by the provisions of Title 24.2 and this chapter. The provisions of Title 24.2 shall be controlling in the event of any conflict.

C. No provision of this chapter or Chapter 21 (§ 30-178 et seq.) of Title 30 shall be construed to afford any rights to any person (i) incarcerated in a state, local or federal correctional facility, whether or not such facility is (a) located in the Commonwealth or (b) operated pursuant to the Corrections Private Management Act (§ 53.1-261 et seq.) or (ii) civilly committed pursuant to the Sexually Violent Predators Act (§ 37.2-900 et seq.). However, this subsection shall not be construed to prevent such persons from exercising their constitutionally protected rights, including, but not limited to, their right to call for evidence in their favor in a criminal prosecution.

1999, cc. 703, 726, § 2.1-341.2; 2001, c. 844; 2003, cc. 989, 1018; 2004, cc. 398, 690; 2007, cc. 438, 548, 626; 2017, c. 620; 2018, cc. 127, 584; 2019, c. 729; 2022, cc. 25, 26.

#### **§ 2.2-3703.1. Disclosure pursuant to court order or subpoena**

Nothing contained in this chapter shall have any bearing upon disclosures required to be made pursuant to any court order or subpoena. No discretionary exemption from mandatory disclosure shall be construed to make records covered by such discretionary exemption privileged under the rules of discovery, unless disclosure is otherwise prohibited by law.

2014, c. 319.

#### **§ 2.2-3704. Public records to be open to inspection; procedure for requesting records and responding to request; charges; transfer of records for storage, etc**

A. Except as otherwise specifically provided by law, all public records shall be open to citizens of the Commonwealth, representatives of newspapers and magazines with circulation in the Commonwealth, and representatives of radio and television stations broadcasting in or into the Commonwealth during the regular office hours of the custodian of such records. Access to such records shall be provided by the custodian in accordance with this chapter by inspection or by providing copies of the requested records, at the option of the requester. The custodian may require the requester to provide his name and legal address. The custodian of such records shall take all necessary precautions for their preservation and safekeeping.

B. A request for public records shall identify the requested records with reasonable specificity. The request need not make reference to this chapter in order to invoke the provisions of this chapter or to impose the time limits for response by a public body. Any public body that is subject to this chapter and that is the custodian of the requested records shall promptly, but in all cases within five working days of receiving a request, provide the requested records to the requester or make one of the following responses in writing:

1. The requested records are being entirely withheld. Such response shall identify with reasonable particularity the volume and subject matter of withheld records, and cite, as to each category of withheld records, the specific Code section that authorizes the withholding of the records.

2. The requested records are being provided in part and are being withheld in part. Such response shall identify with reasonable particularity the subject matter of withheld portions, and cite, as to each category of withheld records, the specific Code section that authorizes the withholding of the records.

3. The requested records could not be found or do not exist. However, if the public body that received the request knows that another public body has the requested records, the response shall include contact information for the other public body.

4. It is not practically possible to provide the requested records or to determine whether they are available within the five-work-day period. Such response shall specify the conditions that make a response impossible. If the response is made within five working days, the public body shall have an additional seven work days or, in the case of a request for criminal investigative files pursuant to § 2.2-3706.1, 60 work days in which to provide one of the four preceding responses.

C. Any public body may petition the appropriate court for additional time to respond to a request for records when the request is for an extraordinary volume of records or requires an extraordinarily lengthy search, and a response by the public body within the time required by this chapter will prevent the public body from meeting its operational responsibilities. Before proceeding with the petition, however, the public body shall make reasonable efforts to reach an agreement with the requester concerning the production of the records requested.

D. Subject to the provisions of subsection G, no public body shall be required to create a new record if the record does not already exist. However, a public body may abstract or summarize information under such terms and conditions as agreed between the requester and the public body.

E. Failure to respond to a request for records shall be deemed a denial of the request and shall constitute a violation of this chapter.

F. Except with regard to scholastic records requested pursuant to subdivision A 1 of § 2.2-3705.4 that must be made available for inspection pursuant to the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and such requests for scholastic records by a parent or legal guardian of a minor student or by a student who is 18 years of age or older, a public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records and shall make all reasonable efforts to supply the requested records at the lowest possible cost. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. The public body may also make a reasonable charge for the cost incurred in supplying records produced from a geographic information system at the request of anyone other than the owner of the land that is the subject of the request. However, such charges shall not exceed the actual cost to the public body in supplying such records, except that the public body may charge, on a pro rata per acre basis, for the cost of creating topographical maps developed by the public body, for such maps or portions thereof, which encompass a contiguous area greater than 50 acres. Prior to conducting a search for records, the public body shall notify the requester in writing that the public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether he would like to request a cost estimate in advance of the supplying of the requested records. The public body shall provide the requester with a cost estimate if requested. The period within which the public body shall respond under this section shall be tolled for the amount of time that elapses between notice of the cost estimate and the response of the requester. If the public body receives no response from the requester within 30 days of sending the cost estimate, the request shall be deemed to be withdrawn. Any costs incurred by the public body in estimating the cost of supplying the requested records shall be applied toward the overall charges to be paid by the requester for the supplying of such requested records.

G. Public records maintained by a public body in an electronic data processing system, computer database, or any other structured collection of data shall be made available to a requester at a reasonable cost, not to exceed the actual cost in accordance with subsection F. When electronic or other databases are combined or contain exempt and nonexempt records, the public body may provide access to the exempt records if not otherwise prohibited by law, but shall provide access to the nonexempt records as provided by this chapter.

Public bodies shall produce nonexempt records maintained in an electronic database in any tangible medium identified by the requester, including, where the public body has the capability, the option of posting the records on a website or delivering the records through an electronic mail address provided by the requester, if that medium is used by the public body in the regular course of business. No public body shall be required to produce records from an electronic database in a format not regularly used by the public body. However, the public body shall make reasonable efforts to provide records in any format under such terms and conditions as agreed between the requester and public body, including the payment of reasonable costs. The excision of exempt fields of information from a database or the conversion of data from one available format to another shall not be deemed the creation, preparation, or compilation of a new public record.

H. In any case where a public body determines in advance that charges for producing the requested records are likely to exceed \$200, the public body may, before continuing to process the request, require the requester to pay a deposit not to exceed the amount of the advance determination. The deposit shall be credited toward the final cost of supplying the requested records. The period within which the public body shall respond under this section shall be tolled for the amount of time that elapses between notice of the advance determination and the response of the requester.

I. Before processing a request for records, a public body may require the requester to pay any amounts owed to the public body for previous requests for records that remain unpaid 30 days or more after billing.

J. In the event a public body has transferred possession of public records to any entity, including but not limited to any other public body, for storage, maintenance, or archiving, the public body initiating the transfer of such records shall remain the custodian of such records for purposes of responding to requests for public records made pursuant to this chapter and shall be

retrieving and supplying a public records requestor. In the event no successor transferring public body is no longer in existence, any public body that is a successor to the transferring public body shall be deemed the custodian of such records. In the event no successor entity exists, the entity in possession of the public records shall be deemed the custodian of the records for purposes of compliance with this chapter, and shall retrieve and supply such records to the requester. Nothing in this subsection shall be construed to apply to records transferred to the Library of Virginia for permanent archiving pursuant to the duties imposed by the Virginia Public Records Act (§ [42.1-76](#) et seq.). In accordance with § [42.1-79](#), the Library of Virginia shall be the custodian of such permanently archived records and shall be responsible for responding to requests for such records made pursuant to this chapter.

1968, c. 479, § 2.1-342; 1973, c. 461; 1974, c. 332; 1975, cc. 307, 312; 1976, cc. 640, 709; 1977, c. 677; 1978, c. 810; 1979, cc. 682, 684, 686, 689; 1980, cc. 678, 754; 1981, cc. 456, 464, 466, 589; 1982, cc. 225, 449, 452, 560, 635; 1983, cc. 372, 462, 607; 1984, cc. 85, 395, 433, 513, 532; 1985, cc. 81, 155, 502, 618; 1986, cc. 273, 291, 383, 469, 592; 1987, cc. 401, 491, 581; 1988, cc. 39, 151, 395, 411, 891, 902; 1989, cc. 56, 358, 478; 1990, cc. 217, 538, 721, 819, 968; 1991, cc. 213, 561; 1992, cc. 40, 150, 167, 200, 203, 207, 593, 612; 1993, cc. 205, 270, 296, 537, 552, 638, 750, 883; 1994, cc. [485](#), [532](#), [606](#), [839](#), [853](#), [918](#); 1995, cc. [299](#), [362](#), [499](#), [562](#), [638](#), [722](#), [812](#), [837](#); 1996, cc. [168](#), [469](#), [589](#), [599](#), [783](#), [786](#), [794](#), [855](#), [862](#), [902](#), [905](#), [1001](#), [1046](#); 1997, cc. [198](#), [295](#), [439](#), [567](#), [636](#), [641](#), [777](#), [782](#), [785](#), [838](#), [861](#); 1998, cc. [427](#), [891](#); 1999, cc. [438](#), [703](#), [726](#); 2001, c. [844](#); 2002, cc. [715](#), [830](#); 2003, cc. [275](#), [981](#), [1021](#); 2007, c. [439](#); 2009, c. [626](#); 2010, c. [627](#); 2011, c. [604](#); 2016, cc. [620](#), [716](#); 2017, c. [778](#); 2020, c. [1142](#); 2021, Sp. Sess. I, c. [483](#); 2022, c. [756](#).

#### § 2.2-3704.01. Records containing both excluded and nonexcluded information; duty to redact

No provision of this chapter is intended, nor shall it be construed or applied, to authorize a public body to withhold a public record in its entirety on the grounds that some portion of the public record is excluded from disclosure by this chapter or by any other provision of law. A public record may be withheld from disclosure in its entirety only to the extent that an exclusion from disclosure under this chapter or other provision of law applies to the entire content of the public record. Otherwise, only those portions of the public record containing information subject to an exclusion under this chapter or other provision of law may be withheld, and all portions of the public record that are not so excluded shall be disclosed.

2016, cc. [620](#), [716](#).

#### § 2.2-3704.1. Posting of notice of rights and responsibilities by state and local public bodies; assistance by the Freedom of Information Advisory Council

A. All state public bodies subject to the provisions of this chapter, any county or city, any town with a population of more than 250, and any school board shall make available the following information to the public upon request and shall post a link to such information on the homepage of their respective official public government websites:

1. A plain English explanation of the rights of a requester under this chapter, the procedures to obtain public records from the public body, and the responsibilities of the public body in complying with this chapter. For purposes of this section, "plain English" means written in nontechnical, readily understandable language using words of common everyday usage and avoiding legal terms and phrases or other terms and words of art whose usage or special meaning primarily is limited to a particular field or profession;
2. Contact information for the FOIA officer designated by the public body pursuant to § [2.2-3704.2](#) to (i) assist a requester in making a request for records or (ii) respond to requests for public records;
3. A general description, summary, list, or index of the types of public records maintained by such public body;
4. A general description, summary, list, or index of any exemptions in law that permit or require such public records to be withheld from release;
5. Any policy the public body has concerning the type of public records it routinely withholds from release as permitted by this chapter or other law; and
6. The following statement: "A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records and shall make all reasonable efforts to supply the requested records at the lowest possible cost. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. Prior to conducting a search for records, the public body shall notify the requester in writing that the public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether he would like to request a cost estimate in advance of the supplying of the requested records as set forth in subsection F of § [2.2-3704](#) of the Code of Virginia."

B. Any state public body subject to the provisions of this chapter and any county or city, and any town with a population of more than 250, shall post a link on its official public government website to the online public comment form on the Freedom of Information Advisory Council's website to enable any requester to comment on the quality of assistance provided to the requester by the public body.

C. The Freedom of Information Advisory Council, created pursuant to § [30-178](#), shall assist in the development and implementation of the provisions of subsection A, upon request.

2004, c. [730](#); 2009, c. [626](#); 2014, c. [421](#); 2016, c. [748](#); 2017, cc. [645](#), [778](#); 2022, c. [756](#).

#### § 2.2-3704.2. Public bodies to designate FOIA officer

A. All state public bodies, including state authorities, that are subject to the provisions of this chapter and all local public bodies and regional public bodies that are subject to the provisions of this chapter shall designate and publicly identify one or more Freedom of Information Act officers (FOIA officer) whose responsibility is to serve as a point of contact for members of the public in requesting public records and to coordinate the public body's compliance with the provisions of this chapter.

B. For such state public bodies, the name and contact information of the public body's FOIA officer to whom members of the public may direct requests for public records and who will oversee the public body's compliance with the provisions of this chapter shall be made available to the public upon request and be posted on the respective public body's official public government website at the time of designation and maintained thereafter on such website for the duration of the designation.

C. For such local public bodies and regional public bodies, the name and contact information of the public body's FOIA officer to whom members of the public may direct requests for public records and who will oversee the public body's compliance with the provisions of this chapter shall be made available in a way reasonably calculated to provide notice to the public, including posting at the public body's place of business, posting on its official public government website, or including such information in its publications.

D. For the purposes of this section, local public bodies shall include constitutional officers.

E. Any such FOIA officer shall possess specific knowledge of the provisions of this chapter and be trained at least once during each consecutive period of two calendar years commencing with the date on which he last completed a training session by legal counsel for the public body or the Virginia Freedom of Information Advisory Council (the Council) or through an online course offered by the Council. Any such training shall document that the training required by this subsection has been fulfilled.

F. The name and contact information of a FOIA officer trained by legal counsel of a public body shall be (i) submitted to the Council by July 1 of the year a FOIA officer is initially trained on a form developed by the Council for that purpose and (ii) updated in a timely manner in the event of any changes to such information.

G. The Council shall maintain on its website a listing of all FOIA officers, including name, contact information, and the name of the public body such FOIA officers serve.

2016, c. [748](#); 2017, cc. [290](#), [778](#); 2020, c. [1141](#).

#### § 2.2-3704.3. Training for local officials

A. The Virginia Freedom of Information Advisory Council (the Council) or the local government attorney shall provide in-person or online training sessions for local elected officials and the executive directors and members of industrial development authorities and economic development authorities, as created by the Industrial Development and Revenue Bond Act (§ [15.2-4900](#)

et seq.), on the provisions of this chapter.

B. Each local elected official and the executive director and members of each industrial development authority and economic development authority, as created by the Industrial Development and Revenue Bond Act, shall complete a training session described in subsection A within two months after assuming the local elected office and thereafter at least once during each consecutive period of two calendar years commencing with the date on which he last completed a training session, for as long as he holds such office. No penalty shall be imposed on a local elected official or an executive director or member of an industrial development authority or an economic development authority for failing to complete a training session.

C. The clerk of each governing body or school board shall maintain records indicating the names of elected officials and executive directors and members of industrial development authorities and economic development authorities subject to the training requirements in subsection B and the dates on which each such official completed training sessions satisfying such requirements. Such records shall be maintained for five years in the office of the clerk of the respective governing body or school board.

D. For purposes of this section, "local elected officials" shall include constitutional officers.

2019, c. 531; 2020, cc. 76, 80, 904.

**§ 2.2-3705. Repealed**

Repealed by Acts 2004, c. 690.

**§ 2.2-3705.1. (Effective until date pursuant to Va. Const., Art. IV, § 13) Exclusions to application of chapter; exclusions of general application to public bodies**

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Personnel information concerning identifiable individuals, except that access shall not be denied to the person who is the subject thereof. Any person who is the subject of such information and who is 18 years of age or older may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, such information shall be disclosed. Nothing in this subdivision shall be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor pursuant to § 2.2-106 or 2.2-107.

No provision of this chapter or any provision of Chapter 38 (§ 2.2-3800 et seq.) shall be construed as denying public access to (i) contracts between a public body and its officers or employees, other than contracts settling public employee employment disputes held confidential as personnel records under § 2.2-3705.1; (ii) records of the name, position, job classification, official salary, or rate of pay of, and records of the allowances or reimbursements for expenses paid to, any officer, official, or employee of a public body; or (iii) the compensation or benefits paid by any corporation organized by the Virginia Retirement System or its officers or employees. The provisions of this subdivision, however, shall not require public access to records of the official salaries or rates of pay of public employees whose annual rate of pay is \$10,000 or less.

2. Written advice of legal counsel to state, regional or local public bodies or the officers or employees of such public bodies, and any other information protected by the attorney-client privilege.

3. Legal memoranda and other work product compiled specifically for use in litigation or for use in an active administrative investigation concerning a matter that is properly the subject of a closed meeting under § 2.2-3711.

4. Any test or examination used, administered or prepared by any public body for purposes of evaluation of (i) any student or any student's performance, (ii) any employee or employment seeker's qualifications or aptitude for employment, retention, or promotion, or (iii) qualifications for any license or certificate issued by a public body.

As used in this subdivision, "test or examination" shall include (a) any scoring key for any such test or examination and (b) any other document that would jeopardize the security of the test or examination. Nothing contained in this subdivision shall prohibit the release of test scores or results as provided by law, or limit access to individual records as provided by law. However, the subject of such employment tests shall be entitled to review and inspect all records relative to his performance on such employment tests.

When, in the reasonable opinion of such public body, any such test or examination no longer has any potential for future use, and the security of future tests or examinations will not be jeopardized, the test or examination shall be made available to the public. However, minimum competency tests administered to public school children shall be made available to the public contemporaneously with statewide release of the scores of those taking such tests, but in no event shall such tests be made available to the public later than six months after the administration of such tests.

5. Records recorded in or compiled exclusively for use in closed meetings lawfully held pursuant to § 2.2-3711. However, no record that is otherwise open to inspection under this chapter shall be deemed exempt by virtue of the fact that it has been reviewed or discussed in a closed meeting.

6. Vendor proprietary information software that may be in the public records of a public body. For the purpose of this subdivision, "vendor proprietary information software" means computer programs acquired from a vendor for purposes of processing data for agencies or political subdivisions of the Commonwealth.

7. Computer software developed by or for a state agency, public institution of higher education in the Commonwealth, or political subdivision of the Commonwealth.

8. Appraisals and cost estimates of real property subject to a proposed purchase, sale, or lease, prior to the completion of such purchase, sale, or lease.

9. Information concerning reserves established in specific claims administered by the Department of the Treasury through its Division of Risk Management as provided in Article 5 (§ 2.2-1832 et seq.) of Chapter 18, or by any county, city, or town; and investigative notes, correspondence and information furnished in confidence with respect to an investigation of a claim or a potential claim against a public body's insurance policy or self-insurance plan. However, nothing in this subdivision shall prevent the disclosure of information taken from inactive reports upon expiration of the period of limitations for the filing of a civil suit.

10. Personal contact information furnished to a public body or any of its members for the purpose of receiving electronic communications from the public body or any of its members, unless the recipient of such electronic communications indicates his approval for the public body to disclose such information. However, access shall not be denied to the person who is the subject of the record. As used in this subdivision, "personal contact information" means the information provided to the public body or any of its members for the purpose of receiving electronic communications from the public body or any of its members and includes home or business (i) address, (ii) email address, or (iii) telephone number or comparable number assigned to any other electronic communication device.

11. Communications and materials required to be kept confidential pursuant to § 2.2-4119 of the Virginia Administrative Dispute Resolution Act (§ 2.2-4115 et seq.).

12. Information relating to the negotiation and award of a specific contract where competition or bargaining is involved and where the release of such information would adversely affect the bargaining position or negotiating strategy of the public body. Such information shall not be withheld after the public body has made a decision to award or not to award the contract. In the case of procurement transactions conducted pursuant to the Virginia Public Procurement Act (§ 2.2-4300 et seq.), the provisions of this subdivision shall not apply, and any release of information relating to such transactions shall be governed by the Virginia Public Procurement Act.

13. Account numbers or routing information for any credit card, debit card, or other account with a financial institution of any person or public body. However, access shall not be denied to the person who is the subject of the information. For the purposes of this subdivision, "financial institution" means any organization authorized to do business under state or federal laws relating to financial institutions, including, without limitation, banks and trust companies, savings banks, savings and loan companies or associations, and credit unions.

14. Names and data of any kind that directly or indirectly identify an individual as a member, supporter, or volunteer of, or donor of financial or nonfinancial support to, any entity exempt from federal income tax pursuant to § 501(c) of the Internal Revenue Code, except for those entities established by or for, or in support of, a public body as authorized by state law.

1999, cc. [485](#), [518](#), [703](#), [726](#), [793](#), [849](#), [852](#), [867](#), [868](#), [881](#), § 2.1-342.01; 2000, cc. [66](#), [237](#), [382](#), [400](#), [430](#), [583](#), [589](#), [592](#), [594](#), [618](#), [632](#), [657](#), [720](#), [932](#), [933](#), [947](#), [1006](#), [1064](#); 2001, cc. [288](#), [518](#), [844](#), § 2.2-3705; 2002, cc. [87](#), [155](#), [242](#), [393](#), [478](#), [481](#), [499](#), [522](#), [571](#), [572](#), [633](#), [655](#), [715](#), [798](#), [830](#); 2003, cc. [274](#), [307](#), [327](#), [332](#), [358](#), [704](#), [801](#), [884](#), [891](#), [893](#), [897](#), [968](#); 2004, c. [690](#); 2010, c. [553](#); 2016, cc. [620](#), [716](#), [729](#); 2017, cc. [140](#), [778](#); 2021, Sp. Sess. I, c. [484](#); 2022, c. [525](#).

**§ 2.2-3705.1. (Effective pursuant to Va. Const., Art. IV, § 13) Exclusions to application of chapter; exclusions of general application to public bodies**

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § [2.2-3704.01](#).

1. Personnel information concerning identifiable individuals, except that access shall not be denied to the person who is the subject thereof. Any person who is the subject of such information and who is 18 years of age or older may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, such information shall be disclosed. Nothing in this subdivision shall be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor pursuant to § [2.2-106](#) or [2.2-107](#).

No provision of this chapter or any provision of Chapter 38 (§ [2.2-3800](#) et seq.) shall be construed as denying public access to (i) contracts between a public body and its officers or employees, other than contracts settling public employee employment disputes held confidential as personnel records under § [2.2-3705.1](#); (ii) records of the name, position, job classification, official salary, or rate of pay of, and records of the allowances or reimbursements for expenses paid to, any officer, official, or employee of a public body; or (iii) the compensation or benefits paid by any corporation organized by the Virginia Retirement System or its officers or employees. The provisions of this subdivision, however, shall not require public access to records of the official salaries or rates of pay of public employees whose annual rate of pay is \$10,000 or less.

2. Written advice of legal counsel to state, regional or local public bodies or the officers or employees of such public bodies, and any other information protected by the attorney-client privilege.

3. Legal memoranda and other work product compiled specifically for use in litigation or for use in an active administrative investigation concerning a matter that is properly the subject of a closed meeting under § [2.2-3711](#).

4. Any test or examination used, administered or prepared by any public body for purposes of evaluation of (i) any student or any student's performance, (ii) any employee or employment seeker's qualifications or aptitude for employment, retention, or promotion, or (iii) qualifications for any license or certificate issued by a public body.

As used in this subdivision, "test or examination" shall include (a) any scoring key for any such test or examination and (b) any other document that would jeopardize the security of the test or examination. Nothing contained in this subdivision shall prohibit the release of test scores or results as provided by law, or limit access to individual records as provided by law. However, the subject of such employment tests shall be entitled to review and inspect all records relative to his performance on such employment tests.

When, in the reasonable opinion of such public body, any such test or examination no longer has any potential for future use, and the security of future tests or examinations will not be jeopardized, the test or examination shall be made available to the public. However, minimum competency tests administered to public school children shall be made available to the public contemporaneously with statewide release of the scores of those taking such tests, but in no event shall such tests be made available to the public later than six months after the administration of such tests.

5. Records recorded in or compiled exclusively for use in closed meetings lawfully held pursuant to § [2.2-3711](#). However, no record that is otherwise open to inspection under this chapter shall be deemed exempt by virtue of the fact that it has been reviewed or discussed in a closed meeting.

6. Vendor proprietary information software that may be in the public records of a public body. For the purpose of this subdivision, "vendor proprietary information software" means computer programs acquired from a vendor for purposes of processing data for agencies or political subdivisions of the Commonwealth.

7. Computer software developed by or for a state agency, public institution of higher education in the Commonwealth, or political subdivision of the Commonwealth.

8. Appraisals and cost estimates of real property subject to a proposed purchase, sale, or lease, prior to the completion of such purchase, sale, or lease.

9. Information concerning reserves established in specific claims administered by the Department of the Treasury through its Division of Risk Management as provided in Article 5 (§ [2.2-1832](#) et seq.) of Chapter 18, or by any county, city, or town; and investigative notes, correspondence and information furnished in confidence with respect to an investigation of a claim or a potential claim against a public body's insurance policy or self-insurance plan. However, nothing in this subdivision shall prevent the disclosure of information taken from inactive reports upon expiration of the period of limitations for the filing of a civil suit.

10. Personal contact information furnished to a public body or any of its members for the purpose of receiving electronic communications from the public body or any of its members, unless the recipient of such electronic communications indicates his approval for the public body to disclose such information. However, access shall not be denied to the person who is the subject of the record. As used in this subdivision, "personal contact information" means the information provided to the public body or any of its members for the purpose of receiving electronic communications from the public body or any of its members and includes home or business (i) address, (ii) email address, or (iii) telephone number or comparable number assigned to any other electronic communication device.

11. Communications and materials required to be kept confidential pursuant to § [2.2-4119](#) of the Virginia Administrative Dispute Resolution Act (§ [2.2-4115](#) et seq.).

12. Information relating to the negotiation and award of a specific contract where competition or bargaining is involved and where the release of such information would adversely affect the bargaining position or negotiating strategy of the public body. Such information shall not be withheld after the public body has made a decision to award or not to award the contract. In the case of procurement transactions conducted pursuant to the Virginia Public Procurement Act (§ [2.2-4300](#) et seq.), the provisions of this subdivision shall not apply, and any release of information relating to such transactions shall be governed by the Virginia Public Procurement Act.

13. Account numbers or routing information for any credit card, debit card, or other account with a financial institution of any person or public body. However, access shall not be denied to the person who is the subject of the information. For the purposes of this subdivision, "financial institution" means any organization authorized to do business under state or federal laws relating to financial institutions, including, without limitation, banks and trust companies, savings banks, savings and loan companies or associations, and credit unions.

14. Names and data of any kind that directly or indirectly identify an individual as a member, supporter, or volunteer of, or donor of financial or nonfinancial support to, any entity exempt from federal income tax pursuant to § 501(c) of the Internal Revenue Code, except for those entities established by or for, or in support of, a public body as authorized by state law, not to include a nonprofit foundation designed to support an institution of higher education or other educational or cultural institution subject to Title 23.1.

1999, cc. [485](#), [518](#), [703](#), [726](#), [793](#), [849](#), [852](#), [867](#), [868](#), [881](#), § 2.1-342.01; 2000, cc. [66](#), [237](#), [382](#), [400](#), [430](#), [583](#), [589](#), [592](#), [594](#), [618](#), [632](#), [657](#), [720](#), [932](#), [933](#), [947](#), [1006](#), [1064](#); 2001, cc. [288](#), [518](#), [844](#), § 2.2-3705; 2002, cc. [87](#), [155](#), [242](#), [393](#), [478](#), [481](#), [499](#), [522](#), [571](#), [572](#), [633](#), [655](#), [715](#), [798](#), [830](#); 2003, cc. [274](#), [307](#), [327](#), [332](#), [358](#), [704](#), [801](#), [884](#), [891](#), [893](#), [897](#), [968](#); 2004, c. [690](#); 2010, c. [553](#); 2016, cc. [620](#), [716](#), [729](#); 2017, cc. [140](#), [778](#); 2021, Sp. Sess. I, c. [484](#); 2022, c. [525](#); 2022, Sp. Sess. I, c. [19](#).

**§ 2.2-3705.2. Exclusions to application of chapter; records relating to public safety**

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § [2.2-3704.01](#).

1. Confidential information, including victim identity, provided to or obtained by staff in a rape crisis center or a program for battered spouses.

2. Information that, January 26, 2023, function, operation, or access control features of any security system, whether manual or automated, which is used to control access to or use of any automated data processing or telecommunications system.



3. Information that would disclose the security aspects of a system safety program plan adopted pursuant to Federal Transit Administration regulations by the Commonwealth's designated Rail Fixed Guideway Systems Safety Oversight agency; and information in the possession of such agency, the release of which would jeopardize the success of an ongoing investigation of a rail accident or other incident threatening railway safety.

4. Information concerning security plans and specific assessment components of school safety audits, as provided in § 22.1-279.8.

Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the effectiveness of security plans after (i) any school building or property has been subjected to fire, explosion, natural disaster, or other catastrophic event or (ii) any person on school property has suffered or been threatened with any personal injury.

5. Information concerning the mental health assessment of an individual subject to commitment as a sexually violent predator under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2 held by the Commitment Review Committee; except that in no case shall information identifying the victims of a sexually violent predator be disclosed.

6. Subscriber data provided directly or indirectly by a communications services provider to a public body that operates a 911 or E-911 emergency dispatch system or an emergency notification or reverse 911 system if the data is in a form not made available by the communications services provider to the public generally. Nothing in this subdivision shall prevent the disclosure of subscriber data generated in connection with specific calls to a 911 emergency system, where the requester is seeking to obtain public records about the use of the system in response to a specific crime, emergency or other event as to which a citizen has initiated a 911 call.

For the purposes of this subdivision:

"Communications services provider" means the same as that term is defined in § 58.1-647.

"Subscriber data" means the name, address, telephone number, and any other information identifying a subscriber of a communications services provider.

7. Subscriber data collected by a local governing body in accordance with the Enhanced Public Safety Telephone Services Act (§ 56-484.12 et seq.) and other identifying information of a personal, medical, or financial nature provided to a local governing body in connection with a 911 or E-911 emergency dispatch system or an emergency notification or reverse 911 system if such records are not otherwise publicly available.

Nothing in this subdivision shall prevent the disclosure of subscriber data generated in connection with specific calls to a 911 emergency system, where the requester is seeking to obtain public records about the use of the system in response to a specific crime, emergency or other event as to which a citizen has initiated a 911 call.

For the purposes of this subdivision:

"Communications services provider" means the same as that term is defined in § 58.1-647.

"Subscriber data" means the name, address, telephone number, and any other information identifying a subscriber of a communications services provider.

8. Information held by the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, that would (i) reveal strategies under consideration or development by the Council or such commission or organizations to prevent the closure or realignment of federal military installations located in Virginia or the relocation of national security facilities located in Virginia, to limit the adverse economic effect of such realignment, closure, or relocation, or to seek additional tenant activity growth from the Department of Defense or federal government or (ii) disclose trade secrets provided to the Council or such commission or organizations in connection with their work.

In order to invoke the trade secret protection provided by clause (ii), the submitting entity shall, in writing and at the time of submission (a) invoke this exclusion, (b) identify with specificity the information for which such protection is sought, and (c) state the reason why such protection is necessary. Nothing in this subdivision shall be construed to prevent the disclosure of all or part of any record, other than a trade secret that has been specifically identified as required by this subdivision, after the Department of Defense or federal agency has issued a final, unappealable decision, or in the event of litigation, a court of competent jurisdiction has entered a final, unappealable order concerning the closure, realignment, or expansion of the military installation or tenant activities, or the relocation of the national security facility, for which records are sought.

9. Information, as determined by the State Comptroller, that describes the design, function, operation, or implementation of internal controls over the Commonwealth's financial processes and systems, and the assessment of risks and vulnerabilities of those controls, including the annual assessment of internal controls mandated by the State Comptroller, if disclosure of such information would jeopardize the security of the Commonwealth's financial assets. However, records relating to the investigation of and findings concerning the soundness of any fiscal process shall be disclosed in a form that does not compromise internal controls. Nothing in this subdivision shall be construed to prohibit the Auditor of Public Accounts or the Joint Legislative Audit and Review Commission from reporting internal control deficiencies discovered during the course of an audit.

10. Information relating to the Statewide Agencies Radio System (STARS) or any other similar local or regional public safety communications system that (i) describes the design, function, programming, operation, or access control features of the overall system, components, structures, individual networks, and subsystems of the STARS or any other similar local or regional communications system or (ii) relates to radio frequencies assigned to or utilized by STARS or any other similar local or regional communications system, code plugs, circuit routing, addressing schemes, talk groups, fleet maps, encryption, or programming maintained by or utilized by STARS or any other similar local or regional public safety communications system.

11. Information concerning a salaried or volunteer Fire/EMS company or Fire/EMS department if disclosure of such information would reveal the telephone numbers for cellular telephones, pagers, or comparable portable communication devices provided to its personnel for use in the performance of their official duties.

12. Information concerning the disaster recovery plans or the evacuation plans in the event of fire, explosion, natural disaster, or other catastrophic event for hospitals and nursing homes regulated by the Board of Health pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 provided to the Department of Health. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the effectiveness of executed evacuation plans after the occurrence of fire, explosion, natural disaster, or other catastrophic event.

13. Records received by the Department of Criminal Justice Services pursuant to §§ 9.1-184, 22.1-79.4, and 22.1-279.8 or for purposes of evaluating threat assessment teams established by a public institution of higher education pursuant to § 23.1-805 or by a private nonprofit institution of higher education, to the extent such records reveal security plans, walk-through checklists, or vulnerability and threat assessment components.

14. Information contained in (i) engineering, architectural, or construction drawings; (ii) operational, procedural, tactical planning, or training manuals; (iii) staff meeting minutes; or (iv) other records that reveal any of the following, the disclosure of which would jeopardize the safety or security of any person; governmental facility, building, or structure or persons using such facility, building, or structure; or public or private commercial office, multifamily residential, or retail building or its occupants:

a. Critical infrastructure information or the location or operation of security equipment and systems of any public building, structure, or information storage facility, including ventilation systems, fire protection equipment, mandatory building emergency equipment or systems, elevators, electrical systems, telecommunications equipment and systems, or utility equipment and systems;

b. Vulnerability assessments, information not lawfully available to the public regarding specific cybersecurity threats or vulnerabilities, or security plans and measures of an entity, facility, building structure, information technology system, or software program;

c. Surveillance technology or operational or transportation plans or protocols; or

d. Intersecting, network monitoring, network operation centers, master sites, or systems related to the Statewide Agencies Radio System (STARS) or any other similar local or regional public safety communications system.

The same categories of records of any person or entity submitted to a public body for the purpose of antiterrorism response planning or cybersecurity planning or protection may be withheld from disclosure if such person or entity in writing (a) invokes the protections of this subdivision, (b) identifies with specificity the records or portions thereof for which protection is sought, and (c) states with reasonable particularity why the protection of such records from public disclosure is necessary to meet the objective of antiterrorism, cybersecurity planning or protection, or critical infrastructure information security and resilience. Such statement shall be a public record and shall be disclosed upon request.

Any public body receiving a request for records excluded under clauses (a) and (b) of this subdivision 14 shall notify the Secretary of Public Safety and Homeland Security or his designee of such request and the response made by the public body in accordance with § 2.2-3704.

Nothing in this subdivision 14 shall prevent the disclosure of records relating to (1) the structural or environmental soundness of any such facility, building, or structure or (2) an inquiry into the performance of such facility, building, or structure after it has been subjected to fire, explosion, natural disaster, or other catastrophic event.

As used in this subdivision, "critical infrastructure information" means the same as that term is defined in 6 U.S.C. § 131.

15. Information held by the Virginia Commercial Space Flight Authority that is categorized as classified or sensitive but unclassified, including national security, defense, and foreign policy information, provided that such information is exempt under the federal Freedom of Information Act, 5 U.S.C. § 552.

1999, cc. 485, 518, 703, 726, 793, 849, 852, 867, 868, 881, § 2.1-342.01; 2000, cc. 66, 237, 382, 400, 430, 583, 589, 592, 594, 618, 632, 657, 720, 932, 933, 947, 1006, 1064; 2001, cc. 288, 518, 844, § 2.2-3705; 2002, cc. 87, 155, 242, 393, 478, 481, 499, 522, 571, 572, 633, 655, 715, 798, 830; 2003, cc. 274, 307, 327, 332, 358, 704, 801, 884, 891, 893, 897, 968; 2004, cc. 398, 482, 690, 770; 2005, c. 410; 2008, c. 721; 2009, c. 418; 2010, c. 672; 2011, cc. 111, 536; 2012, cc. 617, 803, 835; 2013, c. 600; 2015, c. 183; 2016, cc. 554, 620, 716, 717; 2017, c. 778; 2018, cc. 52, 741; 2019, c. 358.

### § 2.2-3705.3. Exclusions to application of chapter; records relating to administrative investigations

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Information relating to investigations of applicants for licenses and permits, and of all licensees and permittees, made by or submitted to the Virginia Alcoholic Beverage Control Authority, the Virginia Lottery pursuant to Chapter 40 (§ 58.1-4000 et seq.) and Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1, the Virginia Racing Commission, the Department of Agriculture and Consumer Services relating to investigations and applications pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, or the Private Security Services Unit of the Department of Criminal Justice Services.

2. Records of active investigations being conducted by the Department of Health Professions or by any health regulatory board in the Commonwealth pursuant to § 54.1-108.

3. Investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation of individual employment discrimination complaints made to the Department of Human Resource Management, to such personnel of any local public body, including local school boards, as are responsible for conducting such investigations in confidence, or to any public institution of higher education. However, nothing in this subdivision shall prevent the disclosure of information taken from inactive reports in a form that does not reveal the identity of charging parties, persons supplying the information, or other individuals involved in the investigation.

4. Records of active investigations being conducted by the Department of Medical Assistance Services pursuant to Chapter 10 (§ 32.1-323 et seq.) of Title 32.1.

5. Investigative notes and other correspondence and information furnished in confidence with respect to an investigation or conciliation process involving an alleged unlawful discriminatory practice under the Virginia Human Rights Act (§ 2.2-3900 et seq.) or under any local ordinance adopted in accordance with the authority specified in § 2.2-524, or adopted pursuant to § 15.2-965, or adopted prior to July 1, 1987, in accordance with applicable law, relating to local human rights or human relations commissions. However, nothing in this subdivision shall prevent the distribution of information taken from inactive reports in a form that does not reveal the identity of the parties involved or other persons supplying information.

6. Information relating to studies and investigations by the Virginia Lottery of (i) lottery agents, (ii) lottery vendors, (iii) lottery crimes under §§ 58.1-4014 through 58.1-4018, (iv) defects in the law or regulations that cause abuses in the administration and operation of the lottery and any evasions of such provisions, or (v) the use of the lottery as a subterfuge for organized crime and illegal gambling where such information has not been publicly released, published or copyrighted. All studies and investigations referred to under clauses (iii), (iv), and (v) shall be open to inspection and copying upon completion of the study or investigation.

7. Investigative notes, correspondence and information furnished in confidence, and records otherwise exempted by this chapter or any Virginia statute, provided to or produced by or for (i) the Auditor of Public Accounts; (ii) the Joint Legislative Audit and Review Commission; (iii) an appropriate authority as defined in § 2.2-3010 with respect to an allegation of wrongdoing or abuse under the Fraud and Abuse Whistle Blower Protection Act (§ 2.2-3009 et seq.); (iv) the Office of the State Inspector General with respect to an investigation initiated through the Fraud, Waste and Abuse Hotline or an investigation initiated pursuant to Chapter 3.2 (§ 2.2-307 et seq.); (v) internal auditors appointed by the head of a state agency or by any public institution of higher education; (vi) the committee or the auditor with respect to an investigation or audit conducted pursuant to § 15.2-825; or (vii) the auditors, appointed by the local governing body of any county, city, or town or a school board, who by charter, ordinance, or statute have responsibility for conducting an investigation of any officer, department, or program of such body. Information contained in completed investigations shall be disclosed in a form that does not reveal the identity of the complainants or persons supplying information to investigators. Unless disclosure is excluded by this subdivision, the information disclosed shall include the agency involved, the identity of the person who is the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation does not lead to corrective action, the identity of the person who is the subject of the complaint may be released only with the consent of the subject person. Local governing bodies shall adopt guidelines to govern the disclosure required by this subdivision.

8. The names, addresses, and telephone numbers of complainants furnished in confidence with respect to an investigation of individual zoning enforcement complaints or complaints relating to the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) made to a local governing body.

9. Records of active investigations being conducted by the Department of Criminal Justice Services pursuant to Article 4 (§ 9.1-138 et seq.), Article 4.1 (§ 9.1-150.1 et seq.), Article 11 (§ 9.1-185 et seq.), and Article 12 (§ 9.1-186 et seq.) of Chapter 1 of Title 9.1.

10. Information furnished to or prepared by the Board of Education pursuant to subsection D of § 22.1-253.13:3 in connection with the review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests by local school board employees responsible for the distribution or administration of the tests. However, this section shall not prohibit the disclosure of such information to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board.

11. Information contained in (i) an application for licensure or renewal of a license for teachers and other school personnel, including transcripts or other documents submitted in support of an application, and (ii) an active investigation conducted by or for the Board of Education related to the denial, suspension, cancellation, revocation, or reinstatement of teacher and other school personnel licenses including investigator notes and other correspondence and information, furnished in confidence with respect to such investigation. However, this subdivision shall not prohibit the disclosure of such (a) application information to the applicant at his own expense or (b) investigation information to a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee. Information contained in completed investigations shall be disclosed in a form that does not reveal the identity of any complainant or person supplying information to investigators. The completed investigation information disclosed shall include information regarding the school or organization, the identity of the complainant, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation fails or does not lead to corrective action, the identity of the person who was the subject of the complaint may be released only with the consent of the subject person. No personally identifiable information regarding a current or former student shall be released except as permitted by state or federal law.

12. Information provided in a public record and related to an investigation of a subject of a public record (§ 3.2-4200 et seq.) or Article 3 (§ 3.2-4204 et seq.) of Chapter 3.2, Article 10 (§ 18.2-246.6 et seq.) of Chapter 6 or Chapter 13 (§ 18.2-512 et seq.) of Title 18.2, or Article 1 (§ 58.1-1000) of Chapter 10 of Title 58.1. However, information related to an investigation that has been inactive for more than six months shall, upon request, be disclosed provided such disclosure is not otherwise prohibited by law and does not reveal the identity of charging parties, complainants, persons supplying information, witnesses, or other individuals involved in the investigation.

13. Records of active investigations being conducted by the Department of Behavioral Health and Developmental Services pursuant to Chapter 4 (§ 37.2-400 et seq.) of Title 37.2.

1999, cc. 485, 518, 703, 726, 793, 849, 852, 867, 868, 881; § 2.1-342.01; 2000, cc. 66, 237, 382, 400, 430, 583, 589, 592, 594, 618, 632, 657, 720, 932, 933, 947, 1006, 1064; 2001, cc. 288, 518, 844; § 2.2-3705; 2002, cc. 87, 155, 242, 393, 478, 481, 499, 522, 571, 572, 633, 655, 715, 798, 830; 2003, cc. 274, 307, 327, 332, 358, 704, 801, 884, 891, 893, 897, 968; 2004, cc. 605, 690, 766; 2005, c. 601; 2006, cc. 25, 95; 2008, cc. 387, 668, 689, 758; 2009, cc. 237, 326, 340; 2011, cc. 798, 871; 2012, cc. 476, 507, 803, 835; 2013, cc. 571, 572, 690, 717, 723; 2014, cc. 225, 414, 609, 788; 2015, cc. 38, 730; 2016, cc. 272, 620, 716; 2017, c. 778; 2020, c. 48; 2022, cc. 589, 590.

**§ 2.2-3705.4. Exclusions to application of chapter; educational records and certain records of educational institutions**

A. The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except as provided in subsection B or where such disclosure is otherwise prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Scholastic records containing information concerning identifiable individuals, except that such access shall not be denied to the person who is the subject thereof, or the parent or legal guardian of the student. However, no student shall have access to (i) financial records of a parent or guardian or (ii) records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto, that are in the sole possession of the maker thereof and that are not accessible or revealed to any other person except a substitute.

The parent or legal guardian of a student may prohibit, by written request, the release of any individual information regarding that student until the student reaches the age of 18 years. For scholastic records of students under the age of 18 years, the right of access may be asserted only by his legal guardian or parent, including a noncustodial parent, unless such parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For scholastic records of students who are emancipated or attending a public institution of higher education in the Commonwealth, the right of access may be asserted by the student.

Any person who is the subject of any scholastic record and who is 18 years of age or older may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, such records shall be disclosed.

2. Confidential letters and statements of recommendation placed in the records of educational agencies or institutions respecting (i) admission to any educational agency or institution, (ii) an application for employment or promotion, or (iii) receipt of an honor or honorary recognition.

3. Information held by the Brown v. Board of Education Scholarship Committee that would reveal personally identifiable information, including scholarship applications, personal financial information, and confidential correspondence and letters of recommendation.

4. Information of a proprietary nature produced or collected by or for faculty or staff of public institutions of higher education, other than the institutions' financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical or scholarly issues, whether sponsored by the institution alone or in conjunction with a governmental body or a private concern, where such information has not been publicly released, published, copyrighted or patented.

5. Information held by the University of Virginia or the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, that contain proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would be harmful to the competitive position of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be.

6. Personal information, as defined in § 2.2-3801, provided to the Board of the Virginia College Savings Plan or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1, including personal information related to (i) qualified beneficiaries as that term is defined in § 23.1-700, (ii) designated survivors, or (iii) authorized individuals. Nothing in this subdivision shall be construed to prevent disclosure or publication of information in a statistical or other form that does not identify individuals or provide personal information. Individuals shall be provided access to their own personal information.

For purposes of this subdivision:

"Authorized individual" means an individual who may be named by the account owner to receive information regarding the account but who does not have any control or authority over the account.

"Designated survivor" means the person who will assume account ownership in the event of the account owner's death.

7. Information maintained in connection with fundraising activities by or for a public institution of higher education that would reveal (i) personal fundraising strategies relating to identifiable donors or prospective donors or (ii) wealth assessments; estate, financial, or tax planning information; health-related information; employment, familial, or marital status information; electronic mail addresses, facsimile or telephone numbers; birth dates or social security numbers of identifiable donors or prospective donors. The exclusion provided by this subdivision shall not apply to protect from disclosure (a) information relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor or (b) the identities of sponsors providing grants to or contracting with the institution for the performance of research services or other work or the terms and conditions of such grants or contracts. For purposes of clause (a), the identity of the donor may be withheld if (1) the donor has requested anonymity in connection with or as a condition of making a pledge or donation and (2) the pledge or donation does not impose terms or conditions directing academic decision-making.

8. Information held by a threat assessment team established by a local school board pursuant to § 22.1-79.4 or by a public institution of higher education pursuant to § 23.1-805 relating to the assessment or intervention with a specific individual. However, in the event an individual who has been under assessment commits an act, or is prosecuted for the commission of an act that has caused the death of, or caused serious bodily injury, including any felony sexual assault, to another person, such information of the threat assessment team concerning the individual under assessment shall be made available as provided by this chapter, with the exception of any criminal history records obtained pursuant to § 19.2-389 or 19.2-389.1, health records obtained pursuant to § 32.1-127.1:03, or scholastic records as defined in § 22.1-289. The public body providing such information shall remove personally identifying information of any person who provided information to the threat assessment team under a promise of confidentiality.

9. Records provided to the Governor or the designated reviewers by a qualified institution, as those terms are defined in § 23.1-1239, related to a proposed memorandum of understanding, or proposed amendments to a memorandum of understanding, submitted pursuant to Chapter 12.1 (§ 23.1-1239 et seq.) of Title 23.1. A memorandum of understanding entered into pursuant to such chapter shall be subject to public disclosure after it is agreed to and signed by the Governor.

B. The custodian of a scholastic record shall not release the address, phone number, or email address of a student in response to a request made under this chapter without written consent. For any student who is (i) 18 years of age or older, (ii) under the age of 18 and emancipated, or (iii) attending an institution of higher education, written consent of the student shall be required. For any other student, written consent of the parent or legal guardian of such student shall be required.

1999, cc. 485, 518, 703, 726, 793, 849, 852, 867, 868, 881; § 2.1-342.01; 2000, cc. 66, 237, 382, 400, 430, 583, 589, 592, 594, 618, 632, 657, 720, 932, 933, 947, 1006, 1064; 2001, cc. 288, 518, 844; § 2.2-3705; 2002, cc. 87, 155, 242, 393, 478, 481, 499, 522, 571, 572, 633, 655, 715, 798, 830; 2003, cc. 274, 307, 327, 332, 358, 704, 801, 884, 891, 893, 897, 968; 2004, c. 600; 2006, c. 518; 2008, cc. 561, 665; 2010, cc. 456, 524; 2014, c. 313; 2016, cc. 554, 620, 716; 2017, c. 778; 2018, c. 756; 2019, cc. 638, 639; 2020, cc. 71, 78.

**§ 2.2-3705.5. Exclusions of chapter; health and social services records**

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Health records, except that such records may be personally reviewed by the individual who is the subject of such records, as provided in subsection F of § 32.1-127.1-03.

Where the person who is the subject of health records is confined in a state or local correctional facility, the administrator or chief medical officer of such facility may assert such confined person's right of access to the health records if the administrator or chief medical officer has reasonable cause to believe that such confined person has an infectious disease or other medical condition from which other persons so confined need to be protected. Health records shall only be reviewed and shall not be copied by such administrator or chief medical officer. The information in the health records of a person so confined shall continue to be confidential and shall not be disclosed by the administrator or chief medical officer of the facility to any person except the subject or except as provided by law.

Where the person who is the subject of health records is under the age of 18, his right of access may be asserted only by his guardian or his parent, including a noncustodial parent, unless such parent's parental rights have been terminated, a court of competent jurisdiction has restricted or denied such access, or a parent has been denied access to the health record in accordance with § 20-124.6. In instances where the person who is the subject thereof is an emancipated minor, a student in a public institution of higher education, or is a minor who has consented to his own treatment as authorized by § 16.1-338 or 54.1-2969, the right of access may be asserted by the subject person.

For the purposes of this chapter, statistical summaries of incidents and statistical data concerning abuse of individuals receiving services compiled by the Commissioner of Behavioral Health and Developmental Services shall be disclosed. No such summaries or data shall include any information that identifies specific individuals receiving services.

2. Applications for admission to examinations or for licensure and scoring records maintained by the Department of Health Professions or any board in that department on individual licensees or applicants; information required to be provided to the Department of Health Professions by certain licensees pursuant to § 54.1-2506.1; information held by the Health Practitioners' Monitoring Program Committee within the Department of Health Professions that identifies any practitioner who may be, or who is actually, impaired to the extent that disclosure is prohibited by § 54.1-2517; and information relating to the prescribing and dispensing of covered substances to recipients and any abstracts from such information that are in the possession of the Prescription Monitoring Program (Program) pursuant to Chapter 25.2 (§ 54.1-2519 et seq.) of Title 54.1 and any material relating to the operation or security of the Program.

3. Reports, documentary evidence, and other information as specified in §§ 51.5-122 and 51.5-184 and Chapter 1 (§ 63.2-100 et seq.) of Title 63.2 and information and statistical registries required to be kept confidential pursuant to Chapter 1 (§ 63.2-100 et seq.) of Title 63.2.

4. Investigative notes; proprietary information not published, copyrighted or patented; information obtained from employee personnel records; personally identifiable information regarding residents, clients or other recipients of services; other correspondence and information furnished in confidence to the Department of Education in connection with an active investigation of an applicant or licensee pursuant to Chapter 14.1 (§ 22.1-289.02 et seq.) of Title 22.1; other correspondence and information furnished in confidence to the Department of Social Services in connection with an active investigation of an applicant or licensee pursuant to Chapters 17 (§ 63.2-1700 et seq.) and 18 (§ 63.2-1800 et seq.) of Title 63.2; and information furnished to the Office of the Attorney General in connection with an investigation or litigation pursuant to Article 19.1 (§ 8.01-216.1 et seq.) of Chapter 3 of Title 8.01 and Chapter 9 (§ 32.1-310 et seq.) of Title 32.1. However, nothing in this subdivision shall prevent the disclosure of information from the records of completed investigations in a form that does not reveal the identity of complainants, persons supplying information, or other individuals involved in the investigation.

5. Information collected for the designation and verification of trauma centers and other specialty care centers within the Statewide Emergency Medical Services System and Services pursuant to Article 2.1 (§ 32.1-111.1 et seq.) of Chapter 4 of Title 32.1.

6. Reports and court documents relating to involuntary admission required to be kept confidential pursuant to § 37.2-818.

7. Information acquired (i) during a review of any child death conducted by the State Child Fatality Review Team established pursuant to § 32.1-283.1 or by a local or regional child fatality review team to the extent that such information is made confidential by § 32.1-283.2; (ii) during a review of any death conducted by a family violence fatality review team to the extent that such information is made confidential by § 32.1-283.3; (iii) during a review of any adult death conducted by the Adult Fatality Review Team to the extent made confidential by § 32.1-283.5 or by a local or regional adult fatality review team to the extent that such information is made confidential by § 32.1-283.6; (iv) by a local or regional overdose fatality review team to the extent that such information is made confidential by § 32.1-283.7; (v) during a review of any death conducted by the Maternal Mortality Review Team to the extent that such information is made confidential by § 32.1-283.8; or (vi) during a review of any death conducted by the Developmental Disabilities Mortality Review Committee to the extent that such information is made confidential by § 37.2-314.1.

8. Patient level data collected by the Board of Health and not yet processed, verified, and released, pursuant to § 32.1-276.9, to the Board by the nonprofit organization with which the Commissioner of Health has contracted pursuant to § 32.1-276.4.

9. Information relating to a grant application, or accompanying a grant application, submitted to the Commonwealth Neurotrauma Initiative Advisory Board pursuant to Article 12 (§ 51.5-178 et seq.) of Chapter 14 of Title 51.5 that would (i) reveal (a) medical or mental health records or other data identifying individual patients or (b) proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant.

10. Any information copied, recorded, or received by the Commissioner of Health in the course of an examination, investigation, or review of a managed care health insurance plan licensee pursuant to §§ 32.1-137.4 and 32.1-137.5, including books, records, files, accounts, papers, documents, and any or all computer or other recordings.

11. Records of the Virginia Birth-Related Neurological Injury Compensation Program required to be kept confidential pursuant to § 38.2-5002.2.

12. Information held by the State Health Commissioner relating to the health of any person subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of Title 32.1. However, nothing in this subdivision shall be construed to prevent the disclosure of statistical summaries, abstracts, or other information in aggregate form.

13. The names and addresses or other contact information of persons receiving transportation services from a state or local public body or its designee under Title II of the Americans with Disabilities Act, (42 U.S.C. § 12131 et seq.) or funded by Temporary Assistance for Needy Families (TANF) created under § 63.2-600.

14. Information held by certain health care committees and entities that may be withheld from discovery as privileged communications pursuant to § 8.01-581.17.

15. Data and information specified in § 37.2-308.01 relating to proceedings provided for in Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1 and Chapter 8 (§ 37.2-800 et seq.) of Title 37.2.

16. Records of and information held by the Emergency Department Care Coordination Program required to be kept confidential pursuant to § 32.1-372.

1999, cc. 485, 518, 703, 726, 793, 849, 852, 867, 868, 881, § 2.1-342.01; 2000, cc. 66, 237, 382, 400, 430, 583, 589, 592, 594, 618, 632, 657, 720, 932, 933, 947, 1006, 1064; 2001, cc. 288, 518, 844, § 2.2-3705; 2002, cc. 87, 155, 242, 393, 478, 481, 499, 522, 571, 572, 633, 655, 715, 798, 830; 2003, cc. 274, 307, 327, 332, 358, 704, 801, 884, 891, 893, 897, 968; 2004, cc. 65, 666, 690, 773, 1014, 1021; 2005, cc. 181, 227, 716; 2008, c. 539; 2009, cc. 472, 813, 840; 2011, cc. 110, 175, 535; 2012, cc. 476, 479, 507, 803, 835; 2015, cc. 22, 108, 127; 2016, cc. 620, 716; 2017, cc. 188, 475, 600, 719, 778; 2018, c. 600; 2019, c. 834; 2020, cc. 851, 860, 861.

The following information contained in a public record is excluded from disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, in accordance with § 2.2-3704.01.

1. Proprietary information gathered by or for the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1.
2. Financial statements not publicly available filed with applications for industrial development financings in accordance with Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2.
3. Proprietary information, voluntarily provided by private business pursuant to a promise of confidentiality from a public body, used by the public body for business, trade, and tourism development or retention; and memoranda, working papers, or other information related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where disclosure of such information would adversely affect the financial interest of the public body.
4. Information that was filed as confidential under the Toxic Substances Information Act (§ 32.1-239 et seq.), as such Act existed prior to July 1, 1992.
5. Fisheries data that would permit identification of any person or vessel, except when required by court order as specified in § 28.2-204.
6. Confidential financial statements, balance sheets, trade secrets, and revenue and cost projections provided to the Department of Rail and Public Transportation, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration.
7. Proprietary information related to inventory and sales, voluntarily provided by private energy suppliers to the Department of Energy, used by that Department for energy contingency planning purposes or for developing consolidated statistical information on energy supplies.
8. Confidential proprietary information furnished to the Board of Medical Assistance Services or the Medicaid Prior Authorization Advisory Committee pursuant to Article 4 (§ 32.1-331.12 et seq.) of Chapter 10 of Title 32.1.
9. Proprietary, commercial or financial information, balance sheets, trade secrets, and revenue and cost projections provided by a private transportation business to the Virginia Department of Transportation and the Department of Rail and Public Transportation for the purpose of conducting transportation studies needed to obtain grants or other financial assistance under the Transportation Equity Act for the 21st Century (P.L. 105-178) for transportation projects if disclosure of such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration. However, the exclusion provided by this subdivision shall not apply to any wholly owned subsidiary of a public body.
10. Confidential information designated as provided in subsection F of § 2.2-4342 as trade secrets or proprietary information by any person in connection with a procurement transaction or by any person who has submitted to a public body an application for prequalification to bid on public construction projects in accordance with subsection B of § 2.2-4317.
11. a. Memoranda, staff evaluations, or other information prepared by the responsible public entity, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed under the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) where (i) if such information was made public prior to or after the execution of an interim or a comprehensive agreement, § 33.2-1820 or 56-575.17 notwithstanding, the financial interest or bargaining position of the public entity would be adversely affected and (ii) the basis for the determination required in clause (i) is documented in writing by the responsible public entity; and  
b. Information provided by a private entity to a responsible public entity, affected jurisdiction, or affected local jurisdiction pursuant to the provisions of the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) if disclosure of such information would reveal (i) trade secrets of the private entity; (ii) financial information of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity where if such information was made public prior to the execution of an interim agreement or a comprehensive agreement, the financial interest or bargaining position of the public or private entity would be adversely affected. In order for the information specified in clauses (i), (ii), and (iii) to be excluded from the provisions of this chapter, the private entity shall make a written request to the responsible public entity:
  - (1) Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
  - (2) Identifying with specificity the data or other materials for which protection is sought; and
  - (3) Stating the reasons why protection is necessary.

The responsible public entity shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. To protect other information submitted by the private entity from disclosure, the responsible public entity shall determine whether public disclosure prior to the execution of an interim agreement or a comprehensive agreement would adversely affect the financial interest or bargaining position of the public or private entity. The responsible public entity shall make a written determination of the nature and scope of the protection to be afforded by the responsible public entity under this subdivision. Once a written determination is made by the responsible public entity, the information afforded protection under this subdivision shall continue to be protected from disclosure when in the possession of any affected jurisdiction or affected local jurisdiction.

Except as specifically provided in subdivision 11 a, nothing in this subdivision shall be construed to authorize the withholding of (a) procurement records as required by § 33.2-1820 or 56-575.17; (b) information concerning the terms and conditions of any interim or comprehensive agreement, service contract, lease, partnership, or any agreement of any kind entered into by the responsible public entity and the private entity; (c) information concerning the terms and conditions of any financing arrangement that involves the use of any public funds; or (d) information concerning the performance of any private entity developing or operating a qualifying transportation facility or a qualifying project.

For the purposes of this subdivision, the terms "affected jurisdiction," "affected local jurisdiction," "comprehensive agreement," "interim agreement," "qualifying project," "qualifying transportation facility," "responsible public entity," and "private entity" shall mean the same as those terms are defined in the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or in the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.).

12. Confidential proprietary information or trade secrets, not publicly available, provided by a private person or entity pursuant to a promise of confidentiality to the Virginia Resources Authority or to a fund administered in connection with financial assistance rendered or to be rendered by the Virginia Resources Authority where, if such information were made public, the financial interest of the private person or entity would be adversely affected.

13. Trade secrets or confidential proprietary information that is not generally available to the public through regulatory disclosure or otherwise, provided by a (i) bidder or applicant for a franchise or (ii) franchisee under Chapter 21 (§ 15.2-2100 et seq.) of Title 15.2 to the applicable franchising authority pursuant to a promise of confidentiality from the franchising authority, to the extent the information relates to the bidder's, applicant's, or franchisee's financial capacity or provision of new services, adoption of new technologies or implementation of improvements, where such new services, technologies, or improvements have not been implemented by the franchisee on a nonexperimental scale in the franchise area, and where, if such information were made public, the competitive advantage or financial interests of the franchisee would be adversely affected.

In order for trade secrets or confidential proprietary information to be excluded from the provisions of this chapter, the bidder, applicant, or franchisee shall (a) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (b) identify the data or other materials for which protection is sought, and (c) state the reason why protection is necessary.

No bidder, applicant, or franchisee may invoke the exclusion provided by this subdivision if the bidder, applicant, or franchisee is owned or controlled by a public body or if any representative of the public body is an officer or employee of the bidder, applicant, or franchisee.

14. Information of a proprietary or confidential nature furnished by a supplier or manufacturer of charitable gaming supplies to the Department of Agriculture and Consumer Services (i) pursuant to subsection E of § 18.2-340.34 and (ii) pursuant to regulations promulgated by the Commissioner of Agriculture and Consumer Services related to approval of electronic and mechanical equipment.

15. Information related to Virginia apple producer sales provided to the Virginia State Apple Board pursuant to § 3.2-1215.

16. Trade secrets submitted by CMRS providers as defined in § 56-484.12 to the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, relating to the provision of wireless E-911 service.

17. Information relating to a grant or loan application, or accompanying a grant or loan application, to the Commonwealth Health Research Board pursuant to Chapter 5.3 (§ 32.1-162.23 et seq.) of Title 32.1 if disclosure of such information would (i) reveal proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant.

18. Confidential proprietary information and trade secrets developed and held by a local public body (i) providing telecommunication services pursuant to § 56-265.4:4 and (ii) providing cable television services pursuant to Article 1.1 (§ 15.2-2108.2 et seq.) of Chapter 21 of Title 15.2 if disclosure of such information would be harmful to the competitive position of the locality.

In order for confidential proprietary information or trade secrets to be excluded from the provisions of this chapter, the locality in writing shall (a) invoke the protections of this subdivision, (b) identify with specificity the information for which protection is sought, and (c) state the reasons why protection is necessary. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

19. Confidential proprietary information and trade secrets developed by or for a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) to provide qualifying communications services as authorized by Article 5.1 (§ 56-484.7:1 et seq.) of Chapter 15 of Title 56, where disclosure of such information would be harmful to the competitive position of the authority, except that information required to be maintained in accordance with § 15.2-2160 shall be released.

20. Trade secrets or financial information of a business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, provided to the Department of Small Business and Supplier Diversity as part of an application for certification as a small, women-owned, or minority-owned business in accordance with Chapter 16.1 (§ 2.2-1603 et seq.). In order for such trade secrets or financial information to be excluded from the provisions of this chapter, the business shall (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state the reasons why protection is necessary.

21. Information of a proprietary or confidential nature disclosed by a carrier to the State Health Commissioner pursuant to §§ 32.1-276.5:1 and 32.1-276.7:1.

22. Trade secrets, including, but not limited to, financial information, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the State Inspector General for the purpose of an audit, special investigation, or any study requested by the Office of the State Inspector General in accordance with law.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the State Inspector General:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The State Inspector General shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. The State Inspector General shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

23. Information relating to a grant application, or accompanying a grant application, submitted to the Tobacco Region Revitalization Commission that would (i) reveal (a) trade secrets, (b) financial information of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (c) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant; and memoranda, staff evaluations, or other information prepared by the Commission or its staff exclusively for the evaluation of grant applications. The exclusion provided by this subdivision shall apply to grants that are consistent with the powers of and in furtherance of the performance of the duties of the Commission pursuant to § 3.2-3103.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Commission:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data, information or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The Commission shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets, financial information, or research-related information of the applicant. The Commission shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

24. a. Information held by the Commercial Space Flight Authority relating to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority if disclosure of such information would adversely affect the financial interest or bargaining position of the Authority or a private entity providing the information to the Authority; or

b. Information provided by a private entity to the Commercial Space Flight Authority if disclosure of such information would (i) reveal (a) trade secrets of the private entity; (b) financial information of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) other information submitted by the private entity and (ii) adversely affect the financial interest or bargaining position of the Authority or private entity.

In order for the information specified in clauses (a), (b), and (c) of subdivision 24 b to be excluded from the provisions of this chapter, the private entity shall make a written request to the Authority:

- (1) Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- (2) Identifying with specificity the data or other materials for which protection is sought; and
- (3) Stating the reasons why protection is necessary.

Authority or private entity. The Authority shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

25. Information of a proprietary nature furnished by an agricultural landowner or operator to the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Agriculture and Consumer Services, or any political subdivision, agency, or board of the Commonwealth pursuant to §§ 10.1-104.7, 10.1-104.8, and 10.1-104.9, other than when required as part of a state or federal regulatory enforcement action.

26. Trade secrets provided to the Department of Environmental Quality pursuant to the provisions of § 10.1-1458. In order for such trade secrets to be excluded from the provisions of this chapter, the submitting party shall (i) invoke this exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary.

27. Information of a proprietary nature furnished by a licensed public-use airport to the Department of Aviation for funding from programs administered by the Department of Aviation or the Virginia Aviation Board, where if such information was made public, the financial interest of the public-use airport would be adversely affected.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the public-use airport shall make a written request to the Department of Aviation:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

28. Information relating to a grant, loan, or investment application, or accompanying a grant, loan, or investment application, submitted to the Commonwealth of Virginia Innovation Partnership Authority (the Authority) established pursuant to Article 11 (§ 2.2-2351 et seq.) of Chapter 22, an advisory committee of the Authority, or any other entity designated by the Authority to review such applications, to the extent that such records would (i) reveal (a) trade secrets; (b) financial information of a party to a grant, loan, or investment application that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) research-related information produced or collected by a party to the application in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of a party to a grant, loan, or investment application; and memoranda, staff evaluations, or other information prepared by the Authority or its staff, or a reviewing entity designated by the Authority, exclusively for the evaluation of grant, loan, or investment applications, including any scoring or prioritization documents prepared for and forwarded to the Authority.

29. Proprietary information, voluntarily provided by a private business pursuant to a promise of confidentiality from a public body, used by the public body for a solar services or carbon sequestration agreement, where disclosure of such information would (i) reveal (a) trade secrets of the private business; (b) financial information of the private business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) other information submitted by the private business and (ii) adversely affect the financial interest or bargaining position of the public body or private business.

In order for the information specified in clauses (i)(a), (b), and (c) to be excluded from the provisions of this chapter, the private business shall make a written request to the public body:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

30. Information contained in engineering and construction drawings and plans submitted for the sole purpose of complying with the Building Code in obtaining a building permit if disclosure of such information would identify specific trade secrets or other information that would be harmful to the competitive position of the owner or lessee. However, such information shall be exempt only until the building is completed. Information relating to the safety or environmental soundness of any building shall not be exempt from disclosure.

31. Trade secrets, including, but not limited to, financial information, including balance sheets and financial statements that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the Virginia Department of Transportation for the purpose of an audit, special investigation, or any study requested by the Virginia Department of Transportation in accordance with law.

In order for the records specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the Department:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The Virginia Department of Transportation shall determine whether the requested exclusion from disclosure is necessary to protect trade secrets or financial records of the private entity. The Virginia Department of Transportation shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

32. Information related to a grant application, or accompanying a grant application, submitted to the Department of Housing and Community Development that would (i) reveal (a) trade secrets, (b) financial information of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (c) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant. The exclusion provided by this subdivision shall only apply to grants administered by the Department, the Director of the Department, or pursuant to § 36-139, Article 26 (§ 2.2-2484 et seq.) of Chapter 24, or the Virginia Telecommunication Initiative as authorized by the appropriations act.

In order for the information submitted by the applicant and specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Department:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data, information, or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The Department shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or confidential proprietary information of the applicant. The Department shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

33. Financial and proprietary records submitted with a loan application to a locality for the preservation or construction of affordable housing that is related to a competitive application to be submitted to either the U.S. Department of Housing and Urban Development (HUD) or the Virginia Housing Development Authority (VHDA), when the release of such records would adversely affect the locality, shall not be withheld after they have been made public by HUD or VHDA.

34. Information of a proprietary nature disclosed pursuant to a health carrier or pharmacy management pursuant to § 38.2-3407.15:6, a wholesale distributor pursuant to § 54.1-3436.1, or a manufacturer pursuant to § 54.1-3442.02.

1999, cc. 485, 518, 703, 726, 793, 849, 852, 867, 868, 881. § 2.1-342.01; 2000, cc. 66, 237, 382, 400, 430, 583, 589, 592, 594, 618, 632, 657, 720, 932, 933, 947, 1006, 1064; 2001, cc. 288, 518, 844. § 2.2-3705; 2002, cc. 87, 155, 242, 393, 478, 481, 499, 522, 571, 572, 633, 655, 715, 798, 830; 2003, cc. 274, 307, 327, 332, 358, 704, 801, 884, 891, 893, 897, 968; 2004, cc. 593, 690; 2005, cc. 258, 411; 2006, cc. 73, 76, 467, 831, 921, 936; 2006, Sp. Sess. I, c. 1; 2007, cc. 374, 693; 2008, cc. 71, 102, 266, 387, 633, 689, 736, 743; 2009, cc. 246, 311, 325, 765, 810, 869; 2010, cc. 310, 808; 2011, cc. 541, 781, 798, 871; 2012, cc. 693, 709; 2013, cc. 54, 482, 574; 2015, cc. 696, 697; 2016, cc. 620, 716, 724, 725, 775; 2017, cc. 662, 737, 778, 796, 816; 2018, cc. 470, 532, 533; 2019, cc. 358, 629; 2020, cc. 72, 79, 1164, 1169; 2021, Sp. Sess. I, cc. 298, 304, 532; 2022, cc. 554, 609.

**§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exclusions**

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. State income, business, and estate tax returns, personal property tax returns, and confidential records held pursuant to § 58.1-3.

2. Working papers and correspondence of the Office of the Governor, the Lieutenant Governor, or the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the Clerks of the House of Delegates or the Senate of Virginia; the mayor or chief executive officer of any political subdivision of the Commonwealth; or the president or other chief executive officer of any public institution of higher education in the Commonwealth. However, no information that is otherwise open to inspection under this chapter shall be deemed excluded by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence. Further, information publicly available or not otherwise subject to an exclusion under this chapter or other provision of law that has been aggregated, combined, or changed in format without substantive analysis or revision shall not be deemed working papers. Nothing in this subdivision shall be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor pursuant to § 2.2-106 or 2.2-107.

As used in this subdivision:

"Members of the General Assembly" means each member of the Senate of Virginia and the House of Delegates and their legislative aides when working on behalf of such member.

"Office of the Governor" means the Governor; the Governor's chief of staff, counsel, director of policy, and Cabinet Secretaries; the Assistant to the Governor for Intergovernmental Affairs; and those individuals to whom the Governor has delegated his authority pursuant to § 2.2-104.

"Working papers" means those records prepared by or for a public official identified in this subdivision for his personal or deliberative use.

3. Information contained in library records that can be used to identify (i) both (a) any library patron who has borrowed or accessed material or resources from a library and (b) the material or resources such patron borrowed or accessed or (ii) any library patron under 18 years of age. For the purposes of clause (ii), access shall not be denied to the parent, including a noncustodial parent, or guardian of such library patron.

4. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services, and records and automated systems prepared for the Department's Bid Analysis and Monitoring Program.

5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.

6. Information furnished by a member of the General Assembly to a meeting of a standing committee, special committee, or subcommittee of his house established solely for the purpose of reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of formulating advisory opinions to members on standards of conduct, or both.

7. Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer's name and service address, but excluding the amount of utility service provided and the amount of money charged or paid for such utility service.

8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development Authority concerning individuals who have applied for or received loans or other housing assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for housing assistance programs funded by local governments or by any such authority; or (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other local government agency concerning persons who have applied for occupancy or who have occupied affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's own information shall not be denied.

9. Information regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure of such information would have a detrimental effect upon the negotiating position of a governing body or on the establishment of the terms, conditions, and provisions of the siting agreement.

10. Information on the site-specific location of rare, threatened, endangered, or otherwise imperiled plant and animal species, natural communities, caves, and significant historic and archaeological sites if, in the opinion of the public body that has the responsibility for such information, disclosure of the information would jeopardize the continued existence or the integrity of the resource. This exclusion shall not apply to requests from the owner of the land upon which the resource is located.

11. Memoranda, graphics, video or audio tapes, production models, data, and information of a proprietary nature produced by or for or collected by or for the Virginia Lottery relating to matters of a specific lottery game design, development, production, operation, ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such information not been publicly released, published, copyrighted, or patented. Whether released, published, or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game to which it pertains.

12. Information held by the Virginia Retirement System, acting pursuant to § 51.1-124.30, or a local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for post-retirement benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the board of visitors of The College of William and Mary in Virginia, acting pursuant to § 23.1-2803, or by the Virginia College Savings Plan, acting pursuant to § 23.1-704, relating to the acquisition, holding, or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, if disclosure of such information would (i) reveal confidential analyses prepared for the board of visitors of the University of Virginia, prepared for the board of visitors of The College of William and Mary in Virginia, prepared by the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan, or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality of the future value of such ownership interest or the future financial performance of the entity and (ii) have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, the board of visitors of The College of William and Mary in Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested, or the present value of such investment.

13. Financial, medical, rehabilitative, and other personal information concerning applicants for or recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority under Chapter 23 of Title 15.2.



14. Information held by the Virginia Commonwealth University Health System Authority pertaining to any of the following: an individual's qualifications for or continued membership in its medical or teaching staffs; proprietary information gathered by or in the possession of the Authority from third parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in awarding contracts for construction or the purchase of goods or services; information of a proprietary nature produced or collected by or for the Authority or members of its medical or teaching staffs; financial statements not publicly available that may be filed with the Authority from third parties; the identity, accounts, or account status of any customer of the Authority; consulting or other reports paid for by the Authority to assist the Authority in connection with its strategic planning and goals; the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority; and information of a proprietary nature produced or collected by or for employees of the Authority, other than the Authority's financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical, or scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body or a private concern, when such information has not been publicly released, published, copyrighted, or patented. This exclusion shall also apply when such information is in the possession of Virginia Commonwealth University.

15. Information held by the Department of Environmental Quality, the State Water Control Board, the State Air Pollution Control Board, or the Virginia Waste Management Board relating to (i) active federal environmental enforcement actions that are considered confidential under federal law and (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such information shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the director of the agency. This subdivision shall not be construed to prevent the disclosure of information related to inspection reports, notices of violation, and documents detailing the nature of any environmental contamination that may have occurred or similar documents.

16. Information related to the operation of toll facilities that identifies an individual, vehicle, or travel itinerary, including vehicle identification data or vehicle enforcement system information; video or photographic images; Social Security or other identification numbers appearing on driver's licenses; credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll facility use.

17. Information held by the Virginia Lottery pertaining to (i) the social security number, tax identification number, state sales tax number, home address and telephone number, personal and lottery banking account and transit numbers of a retailer, and financial information regarding the nonlottery operations of specific retail locations and (ii) individual lottery winners, except that a winner's name, hometown, and amount won shall be disclosed. If the value of the prize won by the winner exceeds \$10 million, the information described in clause (ii) shall not be disclosed unless the winner consents in writing to such disclosure.

18. Information held by the Board for Branch Pilots relating to the chemical or drug testing of a person regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary action by the Board for a positive test result.

19. Information pertaining to the planning, scheduling, and performance of examinations of holder records pursuant to the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.) prepared by or for the State Treasurer or his agents or employees or persons employed to perform an audit or examination of holder records.

20. Information held by the Virginia Department of Emergency Management or a local governing body relating to citizen emergency response teams established pursuant to an ordinance of a local governing body that reveal the name, address, including e-mail address, telephone or pager numbers, or operating schedule of an individual participant in the program.

21. Information held by state or local park and recreation departments and local and regional park authorities concerning identifiable individuals under the age of 18 years. However, nothing in this subdivision shall operate to prevent the disclosure of information defined as directory information under regulations implementing the federal Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For such information of persons who are emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated person who is the subject of the information may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such information for inspection and copying.

22. Information submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management that reveal names, physical addresses, email addresses, computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable communications device information, or operating schedules of individuals or agencies, where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.

23. Information held by the Judicial Inquiry and Review Commission made confidential by § 17.1-913.

24. Information held by the Virginia Retirement System acting pursuant to § 51.1-124.30, a local retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement system), or the Virginia College Savings Plan, acting pursuant to § 23.1-704 relating to:

a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings Plan on the pursuit of particular investment strategies, or the selection or termination of investment managers, prior to the execution of such investment strategies or the selection or termination of such managers, if disclosure of such information would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan; and

b. Trade secrets provided by a private entity to the retirement system or the Virginia College Savings Plan if disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan.

For the records specified in subdivision b to be excluded from the provisions of this chapter, the entity shall make a written request to the retirement system or the Virginia College Savings Plan:

(1) Invoking such exclusion prior to or upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The retirement system or the Virginia College Savings Plan shall determine whether the requested exclusion from disclosure meets the requirements set forth in subdivision b.

Nothing in this subdivision shall be construed to prevent the disclosure of the identity or amount of any investment held or the present value and performance of all asset classes and subclasses.

25. Information held by the Department of Corrections made confidential by former § 53.1-233.

26. Information maintained by the Department of the Treasury or participants in the Local Government Investment Pool (§ 2.2-4600 et seq.) and required to be provided by such participants to the Department to establish accounts in accordance with § 2.2-4602.

27. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers, except that access shall not be denied to the person who is the subject of the information.

28. Information maintained in connection with fundraising activities by the Veterans Services Foundation pursuant to § 2.2-2716 that reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on a driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction, or credit card or bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the information.

Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor, unless the donor has requested anonymity in connection with or as a condition of making a pledge or donation. The exclusion provided by this subdivision shall not apply to

protect from disclosure (i) the identities of sponsors providing grants to the performance of services or other work or (ii) the terms of grants or contracts.

29. Information prepared for and utilized by the Commonwealth's Attorneys' Services Council in the training of state prosecutors or law-enforcement personnel, where such information is not otherwise available to the public and the disclosure of such information would reveal confidential strategies, methods, or procedures to be employed in law-enforcement activities or materials created for the investigation and prosecution of a criminal case.

30. Information provided to the Department of Aviation by other entities of the Commonwealth in connection with the operation of aircraft where the information would not be subject to disclosure by the entity providing the information. The entity providing the information to the Department of Aviation shall identify the specific information to be protected and the applicable provision of this chapter that excludes the information from mandatory disclosure.

31. Information created or maintained by or on the behalf of the judicial performance evaluation program related to an evaluation of any individual justice or judge made confidential by § 17.1-100.

32. Information reflecting the substance of meetings in which (i) individual sexual assault cases are discussed by any sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child are discussed by multidisciplinary child sexual abuse response teams established pursuant to § 15.2-1627.5, or (iii) individual cases of abuse, neglect, or exploitation of adults as defined in § 63.2-1603 are discussed by multidisciplinary teams established pursuant to §§ 15.2-1627.5 and 63.2-1605. The findings of any such team may be disclosed or published in statistical or other aggregated form that does not disclose the identity of specific individuals.

33. Information contained in the strategic plan, marketing plan, or operational plan prepared by the Virginia Economic Development Partnership Authority pursuant to § 2.2-2237.1 regarding target companies, specific allocation of resources and staff for marketing activities, and specific marketing activities that would reveal to the Commonwealth's competitors for economic development projects the strategies intended to be deployed by the Commonwealth, thereby adversely affecting the financial interest of the Commonwealth. The executive summaries of the strategic plan, marketing plan, and operational plan shall not be redacted or withheld pursuant to this subdivision.

34. Information discussed in a closed session of the Physical Therapy Compact Commission or the Executive Board or other committees of the Commission for purposes set forth in subsection E of § 54.1-3491.

35. Information held by the Commonwealth of Virginia Innovation Partnership Authority (the Authority), an advisory committee of the Authority, or any other entity designated by the Authority, relating to (i) internal deliberations of or decisions by the Authority on the pursuit of particular investment strategies prior to the execution of such investment strategies and (ii) trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided by a private entity to the Authority, if such disclosure of records pursuant to clause (i) or (ii) would have an adverse impact on the financial interest of the Authority or a private entity.

36. Personal information provided to or obtained by the Virginia Lottery in connection with the voluntary exclusion program administered pursuant to § 58.1-4015.1.

37. Personal information provided to or obtained by the Virginia Lottery concerning the identity of any person reporting prohibited conduct pursuant to § 58.1-4043.

1999, cc. 485, 518, 703, 726, 793, 849, 852, 867, 868, 881, § 2.1-342.01; 2000, cc. 66, 237, 382, 400, 430, 583, 589, 592, 594, 618, 632, 657, 720, 932, 933, 947, 1006, 1064; 2001, cc. 288, 518, 844, § 2.2-3705; 2002, cc. 87, 155, 242, 393, 478, 481, 499, 522, 571, 572, 633, 655, 715, 798, 830; 2003, cc. 274, 307, 327, 332, 358, 704, 801, 884, 891, 893, 897, 968; 2004, cc. 426, 690, 832; 2005, cc. 165, 508; 2007, cc. 406, 652, 660, 737, 739; 2008, cc. 16, 739; 2009, cc. 223, 827, 845; 2010, c. 300; 2011, cc. 827, 867; 2012, c. 726; 2013, cc. 199, 481, 554, 574; 2014, cc. 225, 808; 2015, cc. 38, 137, 549, 730; 2016, cc. 550, 620, 716, 729; 2017, cc. 587, 642, 778, 804, 824; 2018, cc. 58, 141; 2019, cc. 163, 170, 247, 300, 358, 729, 775; 2020, cc. 70, 587, 1164, 1169, 1218, 1227, 1246, 1256; 2021, Sp. Sess. I, cc. 344, 345.

#### § 2.2-3705.8. Limitation on record exclusions

Nothing in this chapter shall be construed as denying public access to the nonexempt portions of a report of a consultant hired by or at the request of a local public body or the mayor or chief executive or administrative officer of such public body if (i) the contents of such report have been distributed or disclosed to members of the local public body or (ii) the local public body has scheduled any action on a matter that is the subject of the consultant's report.

1999, cc. 485, 518, 703, 726, 793, 849, 852, 867, 868, 881, § 2.1-342.01; 2000, cc. 66, 237, 382, 400, 430, 583, 589, 592, 594, 618, 632, 657, 720, 932, 933, 947, 1006, 1064; 2001, cc. 288, 518, 844, § 2.2-3705; 2002, cc. 87, 155, 242, 393, 478, 481, 499, 522, 571, 572, 633, 655, 715, 798, 830; 2003, cc. 274, 307, 327, 332, 358, 704, 801, 884, 891, 893, 897, 968; 2004, c. 690; 2005, cc. 165, 508; 2007, cc. 406, 652, 660, 737, 739; 2008, cc. 16, 739; 2009, cc. 223, 827, 845; 2010, c. 300; 2011, cc. 827, 867; 2012, c. 726; 2013, cc. 199, 481, 554, 574; 2014, cc. 225, 808; 2015, cc. 38, 137, 549, 730; 2016, cc. 550, 620, 716, 729; 2017, cc. 587, 642, 778, 804, 824; 2018, cc. 58, 141; 2019, cc. 163, 170, 247, 300, 358, 729, 775; 2020, cc. 70, 587, 1164, 1169, 1218, 1227, 1246, 1256; 2021, Sp. Sess. I, cc. 344, 345.

#### § 2.2-3706. Disclosure of law-enforcement and criminal records; limitations

A. Records required to be released. All public bodies engaged in criminal law-enforcement activities shall provide the following records when requested in accordance with the provisions of this chapter:

1. Adult arrestee photographs taken during the initial intake following the arrest and as part of the routine booking procedure, except when necessary to avoid jeopardizing an investigation in felony cases until such time as the release of the photograph will no longer jeopardize the investigation;

2. Information relative to the identity of any individual, other than a juvenile, who is arrested and charged, and the status of the charge or arrest; and

3. Records of completed unattended death investigations to the parent or spouse of the decedent or, if there is no living parent or spouse, to the most immediate family member of the decedent, provided the person is not a person of interest or a suspect. For the purposes of this subdivision, "unattended death" means a death determined to be a suicide, accidental or natural death where no criminal charges will be initiated, and "immediate family" means the decedent's personal representative or, if no personal representative has qualified, the decedent's next of kin in order of intestate succession as set forth in § 64.2-200.

B. Discretionary releases. The following records are excluded from the mandatory disclosure provisions of this chapter, but may be disclosed by the custodian, in his discretion, except where such disclosure is prohibited by law:

1. Criminal investigative files, defined as any documents and information, including complaints, court orders, memoranda, notes, diagrams, maps, photographs, correspondence, reports, witness statements, and evidence, relating to a criminal investigation or prosecution not required to be disclosed in accordance with § 2.2-3706.1;

2. Reports submitted in confidence to (i) state and local law-enforcement agencies, (ii) investigators authorized pursuant to Chapter 3.2 (§ 2.2-307 et seq.), and (iii) campus police departments of public institutions of higher education established pursuant to Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1;

3. Records of local law-enforcement agencies relating to neighborhood watch programs that include the names, addresses, and operating schedules of individual participants in the program that are provided to such agencies under a promise of anonymity;

4. All records of persons imprisoned in penal institutions in the Commonwealth provided such records relate to the imprisonment;

5. Records of law-enforcement agencies, to the extent that such records contain specific tactical plans, the disclosure of which would jeopardize the safety or security of law-enforcement personnel or the general public;

6. All records of adult persons under (i) investigation or supervision by a local pretrial services agency in accordance with Article 5 (§ 19.2-152.2 et seq.) of Chapter 9 of Title 19.2; (ii) investigation, probation supervision, or monitoring by a local community-based probation services agency in accordance with Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1; or (iii)

investigation or surveillance by state probation and parole services in accordance with Article 2 (§ 53.1-141 et seq.) of Chapter 4 of Title 53.1;

7. Records of a law-enforcement agency to the extent that they disclose the telephone numbers for cellular telephones, pagers, or comparable portable communication devices provided to its personnel for use in the performance of their official duties;

8. Those portions of any records containing information related to undercover operations or protective details that would reveal the staffing, logistics, or tactical plans of such undercover operations or protective details. Nothing in this subdivision shall operate to allow the withholding of information concerning the overall costs or expenses associated with undercover operations or protective details;

9. Records of (i) background investigations of applicants for law-enforcement agency employment, (ii) administrative investigations relating to allegations of wrongdoing by employees of a law-enforcement agency, and (iii) other administrative investigations conducted by law-enforcement agencies that are made confidential by law;

10. The identity of any victim, witness, or undercover officer, or investigative techniques or procedures. However, the identity of any victim or witness shall be withheld if disclosure is prohibited or restricted under § 19.2-11.2; and

11. Records of the Sex Offender and Crimes Against Minors Registry maintained by the Department of State Police pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, including information obtained from state, local, and regional officials, except to the extent that information is required to be posted on the Internet pursuant to § 9.1-913.

C. Prohibited releases. The identity of any individual providing information about a crime or criminal activity under a promise of anonymity shall not be disclosed.

D. Noncriminal records. Public bodies (i) engaged in emergency medical services, (ii) engaged in fire protection services, (iii) engaged in criminal law-enforcement activities, or (iv) engaged in processing calls for service or other communications to an emergency 911 system or any other equivalent reporting system may withhold those portions of noncriminal incident or other noncriminal investigative reports or materials that contain identifying information of a personal, medical, or financial nature where the release of such information would jeopardize the safety or privacy of any person. Access to personnel records of persons employed by a law-enforcement agency shall be governed by the provisions of subdivision B 9 of this section and subdivision 1 of § 2.2-3705.1, as applicable.

E. Records of any call for service or other communication to an emergency 911 system or communicated with any other equivalent reporting system shall be subject to the provisions of this chapter.

F. Conflict resolution. In the event of conflict between this section as it relates to requests made under this section and other provisions of law, this section shall control.

1999, cc. 703, 726, § 2.1-342.2; 2000, c. 227; 2001, c. 844; 2002, cc. 393, 715, 769, 830; 2004, cc. 685, 735; 2006, cc. 857, 914; 2007, c. 133; 2010, c. 627; 2011, cc. 798, 871; 2013, c. 695; 2016, cc. 184, 546; 2017, c. 828; 2018, c. 48; 2021, Sp. Sess. I, c. 483.

#### § 2.2-3706.1. Disclosure of law-enforcement records; criminal incident information and certain criminal investigative files; limitations

A. For purposes of this section:

"Criminal investigative files" means any documents and information, including complaints, court orders, memoranda, notes, diagrams, maps, photographs, correspondence, reports, witness statements, and evidence, relating to a criminal investigation or prosecution, other than criminal incident information subject to disclosure in accordance with subsection B.

"Family representative" means the decedent's personal representative or, if no personal representative as set forth in § 64.2-100 has qualified, the decedent's next of kin in order of intestate succession as set forth in § 64.2-200.

"Immediate family members" means the decedent's family representative, spouse, child, sibling, parent, grandparent, or grandchild. "Immediate family members" include a stepparent, stepchild, stepsibling, and adoptive relationships.

"Ongoing" refers to a case in which the prosecution has not been finally adjudicated, the investigation continues to gather evidence for a possible future criminal case, and such case would be jeopardized by the premature release of evidence.

B. All public bodies engaged in criminal law-enforcement activities shall provide records and information when requested in accordance with the provisions of this chapter regarding criminal incident information relating to felony offenses contained in any report, notes, electronic communication, or other document, including filings through an incident-based reporting system, which shall include:

1. A general description of the criminal activity reported;
2. The date and time the alleged crime was committed;
3. The general location where the alleged crime was committed;
4. The identity of the investigating officer or other point of contact; and
5. A description of any injuries suffered or property damaged or stolen.

A verbal response as agreed to by the requester and the public body is sufficient to satisfy the requirements of this subsection.

C. Criminal investigative files relating to an ongoing criminal investigation or proceeding are excluded from the mandatory disclosure provisions of this chapter, but may be disclosed by the custodian, in his discretion, except as provided in subsection E or where such disclosure is prohibited by law.

D. Criminal investigative files relating to a criminal investigation or proceeding that is not ongoing are excluded from the mandatory disclosure provisions of this chapter, but may be disclosed by the custodian, in his discretion, except as provided in subsection E; however, such records shall be disclosed, by request, to (i) the victim; (ii) the victim's immediate family members, if the victim is deceased and the immediate family member to which the records are to be disclosed is not a person of interest or a suspect in the criminal investigation or proceeding; (iii) the parent or guardian of the victim, if the victim is a minor and the parent or guardian is not a person of interest or a suspect in the criminal investigation or proceeding; (iv) an attorney representing a petitioner in a petition for a writ of habeas corpus or writ of actual innocence pursuant to Chapter 19.2 (§ 19.2-327.2 et seq.) of Title 19.2 or any other federal or state post-conviction proceeding or pardon; and (v) for the sole purpose of inspection at the location where such records are maintained by the public body that is the custodian of the records, (a) an attorney or his agent when such attorney is considering representing a petitioner in a post-conviction proceeding or pardon, (b) an attorney who provides a sworn declaration that the attorney has been retained by an individual for purposes of pursuing a civil or criminal action and has a good faith basis to believe that the records being requested are material to such action, or (c) a person who is proceeding pro se in a petition for a writ of habeas corpus or writ of actual innocence pursuant to Chapter 19.2 (§ 19.2-327.2 et seq.) of Title 19.2 or any other federal or state post-conviction proceeding or pardon, who provides a sworn affidavit that the records being requested are material to such action. An attorney or his agent who is in receipt of criminal investigative files or has inspected criminal investigative files pursuant to clause (iv) or (v) shall not release such criminal investigative files or any information contained therein except as necessary to provide adequate legal advice or representation to a person whom the attorney either represents or is considering representing in a post-conviction proceeding or pardon or represents in a civil or criminal action.

An attorney who is in receipt of criminal investigative files pursuant to clause (iv) shall return the criminal investigative files to the public body that is the custodian of such records within 90 days of a final determination of any writ of habeas corpus, writ of actual innocence, or other federal or state post-conviction proceeding or pardon or, if no petition for such writ or post-conviction proceeding or pardon was filed, within six months of the attorney's receipt of the records.

No disclosure pursuant to clause (v) (c) of this subsection shall be required if the disclosure of the records requested are material to the action being pursued. The court shall order the person not to disclose or otherwise release any information contained in a criminal investigative file except as necessary for the pending action and may include other conditions as appropriate.

E. The provisions of subsections C and D shall not apply if the release of such information:

1. Would interfere with a particular ongoing criminal investigation or proceeding in a particularly identifiable manner;
2. Would deprive a person of a right to a fair trial or an impartial adjudication;
3. Would constitute an unwarranted invasion of personal privacy;
4. Would disclose (i) the identity of a confidential source or (ii) in the case of a record compiled by a law-enforcement agency in the course of a criminal investigation, information furnished only by a confidential source;
5. Would disclose law-enforcement investigative techniques and procedures, if such disclosure could reasonably be expected to risk circumvention of the law; or
6. Would endanger the life or physical safety of any individual.

Nothing in this subsection shall be construed to authorize the withholding of those portions of such information that are unlikely to cause any effect listed herein.

F. Notwithstanding the provisions of subsection C or D, no criminal investigative file or portion thereof, except disclosure of records under clause (iv) of subsection D or clause (v) (a) of subsection D, shall be disclosed to any requester pursuant to this section, unless the public body has made reasonable efforts to notify (i) the victim; (ii) the victim's immediate family members, if the victim is deceased and the immediate family member to be notified is not a person of interest or a suspect in the criminal investigation or proceeding; or (iii) the victim's parent or guardian, if the victim is a minor and the parent or guardian to be notified is not a person of interest or a suspect in the criminal investigation or proceeding.

Upon receipt of notice that a public body has received a request for criminal investigative files pursuant to this section, an individual listed in clause (i), (ii), or (iii) shall have 14 days to file in an appropriate court a petition for an injunction to prevent the disclosure of the records as set forth in § ~~8.01-622.2~~. The public body shall not respond to the request until at least 14 days has passed from the time notice was received by an individual listed in clause (i), (ii), or (iii). The period within which the public body shall respond to the underlying request pursuant to § ~~2.2-3704~~ shall be tolled pending the notification process and any subsequent disposition by the court.

G. No photographic, audio, video, or other record depicting a victim or allowing for a victim to be readily identified shall be released pursuant to subsection C or D to anyone except (i) the victim; (ii) the victim's family representative, if the victim is deceased and the family representative to which the records are to be disclosed is not a person of interest or a suspect in the criminal investigation or proceeding; or (iii) the victim's parent or guardian, if the victim is a minor and the parent or guardian is not a person of interest or a suspect in the criminal investigation or proceeding.

H. Nothing in this section shall prohibit the disclosure of current anonymized, aggregate location and demographic data collected pursuant to § ~~52-30.2~~ or similar data documenting law-enforcement officer encounters with members of the public.

I. In the event of a conflict between this section as it relates to requests made under this section and other provisions of law, the other provisions of law, including court sealing orders, that restrict disclosure of criminal investigative files shall control.

2021, Sp. Sess. I, c. 483; 2022, c. 386.

**§ 2.2-3707. (Effective until September 1, 2022) Meetings to be public; notice of meetings; recordings; minutes**

A. All meetings of public bodies shall be open, except as provided in §§ ~~2.2-3707.01~~ and ~~2.2-3711~~.

B. No meeting shall be conducted through telephonic, video, electronic or other electronic communication means where the members are not physically assembled to discuss or transact public business, except as provided in § 2.2-3708.2 or as may be specifically provided in Title 54.1 for the summary suspension of professional licenses.

C. Every public body shall give notice of the date, time, and location of its meetings by:

1. Posting such notice on its official public government website, if any;
2. Placing such notice in a prominent public location at which notices are regularly posted; and
3. Placing such notice at the office of the clerk of the public body or, in the case of a public body that has no clerk, at the office of the chief administrator.

All state public bodies subject to the provisions of this chapter shall also post notice of their meetings on a central, publicly available electronic calendar maintained by the Commonwealth. Publication of meeting notices by electronic means by other public bodies shall be encouraged.

The notice shall be posted at least three working days prior to the meeting.

D. Notice, reasonable under the circumstance, of special, emergency, or continued meetings shall be given contemporaneously with the notice provided to the members of the public body conducting the meeting.

E. Any person may annually file a written request for notification with a public body. The request shall include the requester's name, address, zip code, daytime telephone number, electronic mail address, if available, and organization, if any. The public body receiving such request shall provide notice of all meetings directly to each such person. Without objection by the person, the public body may provide electronic notice of all meetings in response to such requests.

F. 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 proposed agendas for meetings of state public bodies where at least one member has been appointed by the Governor shall state whether or not public comment will be received at the meeting and, if so, the approximate point during the meeting when public comment will be received.

G. Any person may photograph, film, record or otherwise reproduce any portion of a meeting required to be open. The public body conducting the meeting may adopt rules governing the placement and use of equipment necessary for broadcasting, photographing, filming or recording a meeting to prevent interference with the proceedings, but shall not prohibit or otherwise prevent any person from photographing, filming, recording, or otherwise reproducing any portion of a meeting required to be open. No public body shall conduct a meeting required to be open in any building or facility where such recording devices are prohibited.

H. Minutes shall be recorded at all open meetings. However, minutes shall not be required to be taken at deliberations of (i) standing and other committees of the General Assembly; (ii) legislative interim study commissions and committees, including the Virginia Code Commission; (iii) study committees or commissions appointed by the Governor; or (iv) study commissions or study committees, or any other committees or subcommittees appointed by the governing bodies or school boards of counties, cities and towns, except where the membership of any such committee or subcommittee is a majority of the county, city or town or school board.

Minutes, including draft minutes, and all other records of open meetings, including audio or audio/visual records shall be deemed public records and subject to the provisions of this chapter.

Minutes shall be in writing and shall include (a) the date, time, and location of the meeting; (b) the members of the public body recorded as present and absent; and (c) a summary of the discussion on matters proposed, deliberated or decided, and a record of any votes taken. In addition, for electronic communication meetings conducted in accordance with § 2.2-3708.2, minutes of state public bodies shall include (1) the identity of the members of the public body at each remote location identified in the notice who participated in the meeting through electronic communication means, (2) the identity of the members of the public body who were physically assembled at the primary or central meeting location, and (3) the identity of the members of the public body who were not present at the locations identified in clauses (1) and (2) but who monitored such meeting through electronic communication means.

1968, c. 479, § 2.1-343; 1973, c. 461; 1976, c. 467; 1977, c. 677; 1982, c. 333; 1989, c. 358; 1990, c. 538; 1993, c. 720; 1995, c. 562; 1999, cc. 696, 703, 726; 2000, c. 227; 2001, c. 844; 2004, cc. 730, 768; 2005, c. 352; 2007, c. 300; 2009, c. 628; 2010, c. 309; 2015, c. 131; 2017, c. 616; 2018, c. 55.

**§ 2.2-3707. (Effective September 1, 2022) Meetings to be public; notice of meetings; recordings; minutes**

A. All meetings of public bodies shall be open, except as provided in §§ 2.2-3707.01 and 2.2-3711.

B. No meeting shall be conducted through telephonic, video, electronic, or other electronic communication means where the members are not physically assembled to discuss or transact public business, except as provided in §§ 2.2-3708.2 and 2.2-3708.3 or as may be specifically provided in Title 54.1 for the summary suspension of professional licenses.

C. Every public body shall give notice of the date, time, and location of its meetings by:

1. Posting such notice on its official public government website, if any;
2. Placing such notice in a prominent public location at which notices are regularly posted; and
3. Placing such notice at the office of the clerk of the public body or, in the case of a public body that has no clerk, at the office of the chief administrator.

All state public bodies subject to the provisions of this chapter shall also post notice of their meetings on a central, publicly available electronic calendar maintained by the Commonwealth. Publication of meeting notices by electronic means by other public bodies shall be encouraged.

The notice shall be posted at least three working days prior to the meeting.

D. Notice, reasonable under the circumstance, of special, emergency, or continued meetings shall be given contemporaneously with the notice provided to the members of the public body conducting the meeting.

E. Any person may annually file a written request for notification with a public body. The request shall include the requester's name, address, zip code, daytime telephone number, electronic mail address, if available, and organization, if any. The public body receiving such request shall provide notice of all meetings directly to each such person. Without objection by the person, the public body may provide electronic notice of all meetings in response to such requests.

F. 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 proposed agendas for meetings of state public bodies where at least one member has been appointed by the Governor shall state whether or not public comment will be received at the meeting and, if so, the approximate point during the meeting when public comment will be received.

G. Any person may photograph, film, record, or otherwise reproduce any portion of a meeting required to be open. The public body conducting the meeting may adopt rules governing the placement and use of equipment necessary for broadcasting, photographing, filming, or recording a meeting to prevent interference with the proceedings, but shall not prohibit or otherwise prevent any person from photographing, filming, recording, or otherwise reproducing any portion of a meeting required to be open. No public body shall conduct a meeting required to be open in any building or facility where such recording devices are prohibited.

H. Minutes shall be taken at all open meetings. However, minutes shall not be required to be taken at deliberations of (i) standing and other committees of the General Assembly; (ii) legislative interim study commissions and committees, including the Virginia Code Commission; (iii) study committees or commissions appointed by the Governor; or (iv) study commissions or study committees, or any other committees or subcommittees appointed by the governing bodies or school boards of counties, cities, and towns, except where the membership of any such commission, committee, or subcommittee includes a majority of the governing body of the county, city, or town or school board.

Minutes, including draft minutes, and all other records of open meetings, including audio or audio/visual records shall be deemed public records and subject to the provisions of this chapter.

Minutes shall be in writing and shall include (a) the date, time, and location of the meeting; (b) the members of the public body recorded as present and absent; and (c) a summary of the discussion on matters proposed, deliberated, or decided, and a record of any votes taken. In addition, for electronic communication meetings conducted in accordance with § 2.2-3708.2 or 2.2-3708.3, minutes shall include (1) the identity of the members of the public body who participated in the meeting through electronic communication means, (2) the identity of the members of the public body who were physically assembled at one physical location, and (3) the identity of the members of the public body who were not present at the location identified in clause (2) but who monitored such meeting through electronic communication means.

1968, c. 479, § 2.1-343; 1973, c. 461; 1976, c. 467; 1977, c. 677; 1982, c. 333; 1989, c. 358; 1990, c. 538; 1993, c. 720; 1995, c. 562; 1999, cc. 696, 703, 726; 2000, c. 227; 2001, c. 844; 2004, cc. 730, 768; 2005, c. 352; 2007, c. 300; 2009, c. 628; 2010, c. 309; 2015, c. 131; 2017, c. 616; 2018, c. 55; 2022, c. 597.

**§ 2.2-3707.01. (Effective until September 1, 2022) Meetings of the General Assembly**

A. Except as provided in subsection B, public access to any meeting of the General Assembly or a portion thereof shall be governed by rules established by the Joint Rules Committee and approved by a majority vote of each house at the next regular session of the General Assembly. At least 60 days before the adoption of such rules, the Joint Rules Committee shall (i) hold regional public hearings on such proposed rules and (ii) provide a copy of such proposed rules to the Virginia Freedom of Information Advisory Council.

B. Floor sessions of either house of the General Assembly; meetings, including work sessions, of any standing or interim study committee of the General Assembly; meetings, including work sessions, of any subcommittee of such standing or interim study committee; and joint committees of conference of the General Assembly; or a quorum of any such committees or subcommittees, shall be open and governed by this chapter.

C. Meetings of the respective political party caucuses of either house of the General Assembly, including meetings conducted by telephonic or other electronic communication means, without regard to (i) whether the General Assembly is in or out of regular or special session or (ii) whether such caucuses invite staff or guests to participate in their deliberations, shall not be deemed meetings for the purposes of this chapter.

D. No regular, special, or reconvened session of the General Assembly held pursuant to Article IV, Section 6 of the Constitution of Virginia shall be conducted using electronic communication means pursuant to § 2.2-3708.2.

2004, c. 768; 2005, c. 352; 2018, c. 55.

**§ 2.2-3707.01. (Effective September 1, 2022) Meetings of the General Assembly**

A. Except as provided in subsection B, public access to any meeting of the General Assembly or a portion thereof shall be governed by rules established by the Joint Rules Committee and approved by a majority vote of each house at the next regular session of the General Assembly. At least 60 days before the adoption of such rules, the Joint Rules Committee shall (i) hold regional public hearings on such proposed rules and (ii) provide a copy of such proposed rules to the Virginia Freedom of Information Advisory Council.

B. Floor sessions of either house of the General Assembly; meetings, including work sessions, of any standing or interim study committee of the General Assembly; meetings, including work sessions, of any subcommittee of such standing or interim study committee; and joint committees of conference of the General Assembly; or a quorum of any such committees or subcommittees, shall be open and governed by this chapter.

C. Meetings of the respective political party caucuses of either house of the General Assembly, including meetings conducted by telephonic or other electronic communication means, without regard to (i) whether the General Assembly is in or out of regular or special session or (ii) whether such caucuses invite staff or guests to participate in their deliberations, shall not be deemed meetings for the purposes of this chapter.

D. No regular, special, or reconvened session of the General Assembly held pursuant to Article IV, § 6 of the Constitution of Virginia shall be conducted using electronic communication means pursuant to § ~~2.2-3708.2~~ or ~~2.2-3708.3~~.

2004, c. ~~768~~; 2005, c. ~~352~~; 2018, c. ~~55~~; 2022, c. ~~597~~.

#### **§ 2.2-3707.1. Posting of minutes for state boards and commissions**

All boards, commissions, councils, and other public bodies created in the executive branch of state government and subject to the provisions of this chapter shall post minutes of their meetings on such body's official public government website and on a central electronic calendar maintained by the Commonwealth. Draft minutes of meetings shall be posted as soon as possible but no later than 10 working days after the conclusion of the meeting. Final approved meeting minutes shall be posted within three working days of final approval of the minutes.

2002, cc. ~~580, 618~~; 2006, cc. ~~474, 595~~; 2007, c. ~~300~~; 2017, c. ~~616~~.

#### **§ 2.2-3707.2. Posting of minutes for local public bodies**

Except as provided in subsection H of § ~~2.2-3707~~, any local public body subject to the provisions of this chapter shall post minutes of its meetings on its official public government website, if any, within seven working days of final approval of the minutes.

If a local public body does not own or maintain an official public government website, such public body shall make copies of all meeting minutes available no later than seven working days after final approval of the minutes (i) at a prominent public location in which meeting notices are regularly posted pursuant to subdivision C 2 of § ~~2.2-3707~~; (ii) at the office of the clerk of the public body; or (iii) in the case of a public body that has no clerk, at the office of the chief administrator.

2022, c. ~~396~~.

#### **§§ 2.2-3708 and 2.2-3708.1. Repealed**

Repealed by Acts 2018, c. ~~55~~, cl. 2.

#### **§ 2.2-3708.1. Repealed**

Repealed by Acts 2018, c. ~~55~~, cl. 2, effective July 1, 2018.

#### **§ 2.2-3708.2. (Effective until September 1, 2022) Meetings held through electronic communication means**

A. The following provisions apply to all public bodies:

1. Subject to the requirements of subsection C, all public bodies may conduct any meeting wherein the public business is discussed or transacted through electronic communication means if, on or before the day of a meeting, a member of the public body holding the meeting notifies the chair of the public body that:

a. Such member is unable to attend the meeting due to (i) a temporary or permanent disability or other medical condition that prevents the member's physical attendance or (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance; or

b. Such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. Participation by a member pursuant to this subdivision b is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

2. If participation by a member through electronic communication means is approved pursuant to subdivision 1, the public body holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public. If participation is approved pursuant to subdivision 1 a, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to (i) a temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) a family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance. If participation is approved pursuant to subdivision 1 b, the public body shall also include in its minutes the specific nature of the personal matter cited by the member.

If a member's participation from a remote location pursuant to subdivision 1 b is disapproved because such participation would violate the policy adopted pursuant to subsection C, such disapproval shall be recorded in the minutes with specificity.

3. Any public body, or any joint meetings thereof, may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with § ~~44-146.17~~ or the locality in which the public body is located has declared a local state of emergency pursuant to § ~~44-146.21~~, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to provide for the continuity of operations of the public body or the discharge of its lawful purposes, duties, and responsibilities. The public body convening a meeting in accordance with this subdivision shall:

a. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body conducting the meeting;

b. Make arrangements for public access to such meeting through electronic communication means, including videoconferencing if already used by the public body;

c. Provide the public with the opportunity to comment at those meetings of the public body when public comment is customarily received; and

d. Otherwise comply with the provisions of this chapter.

The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes.

The provisions of this subdivision 3 shall be applicable only for the duration of the emergency declared pursuant to § ~~44-146.17~~ or ~~44-146.21~~.

B. The following provisions apply to regional public bodies:

1. Subject to the requirements in subsection C, regional public bodies may also conduct any meeting wherein the public business is discussed or transacted through electronic communication means if, on the day of a meeting, a member of a regional public body notifies the chair of the public body that such member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting.

2. If participation by a member from a remote location is disapproved because such participation would violate the policy adopted pursuant to subsection C, such disapproval shall be recorded in the minutes with specificity; however, the remote location need not be open to the public.

If a member's participation from a remote location is disapproved because such participation would violate the policy adopted pursuant to subsection C, such disapproval shall be recorded in the minutes with specificity.

C. Participation by a member of a public body in a meeting through electronic communication means pursuant to subdivisions A 1 and 2 and subsection B shall be authorized only if the following conditions are met:

1. The public body has adopted a written policy allowing for and governing participation of its members by electronic communication means, including an approval process for such participation, subject to the express limitations imposed by this section. Once adopted, the policy 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;
2. A quorum of the public body is physically assembled at one primary or central meeting location; and
3. The public body makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

D. The following provisions apply to state public bodies:

1. Except as provided in subsection D of § 2.2-3707.01, state public bodies may also conduct any meeting wherein the public business is discussed or transacted through electronic communication means, provided that (i) a quorum of the public body is physically assembled at one primary or central meeting location, (ii) notice of the meeting has been given in accordance with subdivision 2, and (iii) members of the public are provided a substantially equivalent electronic communication means through which to witness the meeting. For the purposes of this subsection, "witness" means observe or listen.

If a state public body holds a meeting through electronic communication means pursuant to this subsection, it shall also hold at least one meeting annually where members in attendance at the meeting are physically assembled at one location and where no members participate by electronic communication means.

2. Notice of any regular meeting held pursuant to this subsection shall be provided at least three working days in advance of the date scheduled for the meeting. Notice, reasonable under the circumstance, of special, emergency, or continued meetings held pursuant to this section shall be given contemporaneously with the notice provided to members of the public body conducting the meeting. For the purposes of this subsection, "continued meeting" means a meeting that is continued to address an emergency or to conclude the agenda of a meeting for which proper notice was given.

The notice shall include the date, time, place, and purpose for the meeting; shall identify the primary or central meeting location and any remote locations that are open to the public pursuant to subdivision 4; shall include notice as to the electronic communication means by which members of the public may witness the meeting; and shall include a telephone number that may be used to notify the primary or central meeting location of any interruption in the telephonic or video broadcast of the meeting. Any interruption in the telephonic or video broadcast of the meeting shall result in the suspension of action at the meeting until repairs are made and public access is restored.

3. A copy of the proposed agenda and agenda packets and, unless exempt, all materials that will be distributed 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 conducting the meeting.

4. Public access to the remote locations from which additional members of the public body participate through electronic communication means shall be encouraged but not required. However, if three or more members are gathered at the same remote location, then such remote location shall be open to the public.

5. If access to remote locations is afforded, (i) all persons attending the meeting at any of the remote locations shall be afforded the same opportunity to address the public body as persons attending at the primary or central location and (ii) a copy of the proposed agenda and agenda packets and, unless exempt, all materials that will be distributed to members of the public body for the meeting shall be made available for inspection by members of the public attending the meeting at any of the remote locations at the time of the meeting.

6. The public body shall make available to the public at any meeting conducted in accordance with this subsection a public comment form prepared by the Virginia Freedom of Information Advisory Council in accordance with § 30-179.

7. Minutes of all meetings held by electronic communication means shall be recorded as required by § 2.2-3707. Votes taken during any meeting conducted through electronic communication means shall be recorded by name in roll-call fashion and included in the minutes. For emergency meetings held by electronic communication means, the nature of the emergency shall be stated in the minutes.

8. Any authorized state public body that meets by electronic communication means pursuant to this subsection shall make a written report of the following to the Virginia Freedom of Information Advisory Council by December 15 of each year:

- a. The total number of meetings held that year in which there was participation through electronic communication means;
- b. The dates and purposes of each such meeting;
- c. A copy of the agenda for each such meeting;
- d. The primary or central meeting location of each such meeting;
- e. The types of electronic communication means by which each meeting was held;
- f. If possible, the number of members of the public who witnessed each meeting through electronic communication means;
- g. The identity of the members of the public body recorded as present at each meeting, and whether each member was present at the primary or central meeting location or participated through electronic communication means;
- h. The identity of any members of the public body who were recorded as absent at each meeting and any members who were recorded as absent at a meeting but who monitored the meeting through electronic communication means;
- i. If members of the public were granted access to a remote location from which a member participated in a meeting through electronic communication means, the number of members of the public at each such remote location;
- j. A summary of any public comment received about the process of conducting a meeting through electronic communication means; and
- k. A written summary of the public body's experience conducting meetings through electronic communication means, including its logistical and technical experience.

E. Nothing in this section shall be construed to prohibit the use of interactive audio or video means to expand public participation.

Any public body, or any joint meetings thereon, may meet by a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17 or the locality in which the public body is located has declared a local state of emergency pursuant to § 44-146.21, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to provide for the continuity of operations of the public body or the discharge of its lawful purposes, duties, and responsibilities. The public body convening a meeting in accordance with this section shall:

1. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body conducting the meeting;
2. Make arrangements for public access to such meeting through electronic communication means, including videoconferencing if already used by the public body;
3. Provide the public with the opportunity to comment at those meetings of the public body when public comment is customarily received; and
4. Otherwise comply with the provisions of this chapter.

The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes.

The provisions of this section shall be applicable only for the duration of the emergency declared pursuant to § 44-146.17 or 44-146.21.

2018, cc. 55, 56; 2019, c. 359; 2021, Sp. Sess. I, cc. 33, 490; 2022, c. 597.

**§ 2.2-3708.3. (Effective September 1, 2022) Meetings held through electronic communication means; situations other than declared states of emergency**

A. Public bodies are encouraged to (i) provide public access, both in person and through electronic communication means, to public meetings and (ii) provide avenues for public comment at public meetings when public comment is customarily received, which may include public comments made in person or by electronic communication means or other methods.

B. Individual members of a public body may use remote participation instead of attending a public meeting in person if, in advance of the public meeting, the public body has adopted a policy as described in subsection D and the member notifies the public body chair that:

1. The member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance;
2. A medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance;
3. The member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
4. The member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. However, the member may not use remote participation due to personal matters more than two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

If participation by a member through electronic communication means is approved pursuant to this subsection, the public body holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public and may be identified in the minutes by a general description. If participation is approved pursuant to subdivision 1 or 2, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to a (i) temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance. If participation is approved pursuant to subdivision 3, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to the distance between the member's principal residence and the meeting location. If participation is approved pursuant to subdivision 4, the public body shall also include in its minutes the specific nature of the personal matter cited by the member.

If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such disapproval shall be recorded in the minutes with specificity.

C. With the exception of local governing bodies, local school boards, planning commissions, architectural review boards, zoning appeals boards, and boards with the authority to deny, revoke, or suspend a professional or occupational license, any public body may hold all-virtual public meetings, provided that the public body follows the other requirements in this chapter for meetings, the public body has adopted a policy as described in subsection D, and:

1. An indication of whether the meeting will be an in-person or all-virtual public meeting is included in the required meeting notice along with a statement notifying the public that the method by which a public body chooses to meet shall not be changed unless the public body provides a new meeting notice in accordance with the provisions of § 2.2-3707;
2. Public access to the all-virtual public meeting is provided via electronic communication means;
3. The electronic communication means used allows the public to hear all members of the public body participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the public body as well;
4. A phone number or other live contact information is provided to alert the public body if the audio or video transmission of the meeting provided by the public body fails, the public body monitors such designated means of communication during the meeting, and the public body takes a recess until public access is restored if the transmission fails for the public;
5. A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting is made available to the public in electronic format at the same time that such materials are provided to members of the public body;
6. The public is afforded the opportunity to comment through electronic means, including by way of written comments, at those public meetings when public comment is customarily received;
7. No more than two members of the public body are together in any one remote location unless that remote location is open to the public to physically access it;
8. If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public resumes before the public body votes to certify the closed meeting as required by subsection D of § 2.2-3712;
9. The public body does not convene an all-virtual public meeting (i) more than two times per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, or (ii) consecutively with another all-virtual public meeting; and
10. Minutes of all-virtual public meetings held by electronic communication means are taken as required by § 2.2-3707 and include the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held. If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such disapproval shall be recorded in the minutes with specificity.

D. Before a public body uses all-virtual public meetings as described in subsection C or allows members to use remote participation as described in subsection B, the public body shall first adopt a policy, by **Industrial Development Authority Organizational Meeting Packet**, without exception, to the entire membership and without **Page 152 of 161** January 26, 2023 matters that will be considered or voted on at the meeting. The policy shall:



1. Describe the circumstances under which an all-virtual public meeting and 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 or all-virtual public meetings can be used per calendar year, not to exceed the limitations set forth in subdivisions B 4 and C 9.

Any public body that creates a committee, subcommittee, or other entity however designated of the public body to perform delegated functions of the public body or to advise the public body may also adopt a policy on behalf of its committee, subcommittee, or other entity that shall apply to the committee, subcommittee, or other entity's use of individual remote participation and all-virtual public meetings.

2022, c. 597.

**§ 2.2-3709. Expired**

Expired.

**§ 2.2-3710. Transaction of public business other than by votes at meetings prohibited**

A. Unless otherwise specifically provided by law, no vote of any kind of the membership, or any part thereof, of any public body shall be taken to authorize the transaction of any public business, other than a vote taken at a meeting conducted in accordance with the provisions of this chapter. No public body shall vote by secret or written ballot, and unless expressly provided by this chapter, no public body shall vote by telephone or other electronic communication means.

B. Notwithstanding the foregoing, nothing contained herein shall be construed to prohibit (i) separately contacting the membership, or any part thereof, of any public body for the purpose of ascertaining a member's position with respect to the transaction of public business, whether such contact is done in person, by telephone or by electronic communication, provided the contact is done on a basis that does not constitute a meeting as defined in this chapter or (ii) the House of Delegates or the Senate of Virginia from adopting rules relating to the casting of votes by members of standing committees. Nothing in this subsection shall operate to exclude any public record from the provisions of this chapter.

1987, c. 71, § 2.1-343.2; 1999, cc. 703, 726; 2000, c. 932; 2001, cc. 710, 844; 2002, c. 491.

**§ 2.2-3711. Closed meetings authorized for certain limited purposes**

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher education in the Commonwealth or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

9. Discussion or consideration by governing boards of public institutions of higher education of matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in the Commonwealth shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority, and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private sources.

11. Discussion or consideration of honorary degrees or special awards.

12. Discussion or consideration of tests, examinations, or other information used, administered, or prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

13. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

16. Discussion or consideration of medical and mental health records subject to the exclusion in subdivision 1 of § 2.2-3705.5.

17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

18. Those portions of meetings in which the State Board of Local and Regional Jails discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for postemployment benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or a local finance board or board of trustees, or the Virginia College Savings Plan or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality Review Team pursuant to § 32.1-283.8, and those portions of meetings in which individual death cases of persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review Committee established pursuant to § 37.2-314.1.

22. Those portions of meetings of the board of visitors of the University of Virginia or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or disposition by the Authority of real property, equipment, or technology software or hardware and related goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies plans of the Authority where disclosure of such strategies or plans would adversely affect the competitive position of the Authority; and members of the Authority's medical and teaching staffs and qualifications for appointments thereto.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application information subject to the exclusion in subdivision 17 of § 2.2-3705.6 by the Commonwealth Health Research Board.

31. Discussion or consideration by the Commitment Review Committee of information subject to the exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. Discussion or consideration of confidential proprietary information and trade secrets developed and held by a local public body providing certain telecommunication services or cable television services and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets subject to the exclusion in subdivision 19 of § 2.2-3705.6.

34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1.

35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files.

46. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port Authority.

38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6 related to economic development.

40. Discussion or consideration by the Board of Education of information relating to the denial, suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of information subject to the exclusion in subdivision 8 of § 2.2-3705.2.

42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable information of donors.

43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained in grant applications.

44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary information of a private entity provided to the Authority.

45. Discussion or consideration of personal and proprietary information related to the resource management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of applicants for licenses and permits and of licensees and permittees.

47. Discussion or consideration of grant, loan, or investment application records subject to the exclusion in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-2351 et seq.) of Chapter 22.

48. Discussion or development of grant proposals by a regional council established pursuant to Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity Board.

49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child by a child sexual abuse response team established pursuant to § 15.2-1627.5, or (iii) individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and 63.2-1605.

50. Discussion or consideration by the Board of the Virginia Economic Development Partnership Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33 of § 2.2-3705.7.

51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114.

52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership Authority (the Authority), an advisory committee of the Authority, or any other entity designated by the Authority, of information subject to the exclusion in subdivision 35 of § 2.2-3705.7.

53. Deliberations of the Virginia Lottery Board conducted pursuant to § 58.1-4105 regarding the denial or revocation of a license of a casino gaming operator, or the refusal to issue, suspension of, or revocation of any license or permit related to casino gaming, and discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007 regarding the denial of, revocation of, suspension of, or refusal to renew any license or permit related to sports betting and any discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

1968, c. 479, § 2.1-344; 1970, c. 456; 1973, c. 461; 1974, c. 332; 1976, cc. 467, 709; 1979, cc. 369, 684; 1980, cc. 221, 475, 476, 754; 1981, cc. 35, 471; 1982, cc. 497, 516; 1984, cc. 473, 513; 1985, c. 277; 1988, c. 891; 1989, cc. 56, 358, 478; 1990, cc. 435, 538; 1991, c. 708; 1992, c. 444; 1993, cc. 270, 499; 1995, c. 499; 1996, cc. 855, 862, 902, 905, 1046; 1997, cc. 439, 641, 785, 861; 1999, cc. 485, 518, 703, 726, 849, 867, 868; 2000, cc. 382, 400, 720, 1064; 2001, cc. 231, 844; 2002, cc. 87, 393, 455, 478, 499, 655, 715, 830; 2003, cc. 274, 291, 332, 618, 703; 2004, cc. 398, 690, 770; 2005, cc. 258, 411, 568; 2006, cc. 430, 499, 518, 560; 2007, cc. 133, 374, 566, 739; 2008, cc. 626, 633, 668, 721, 743; 2009, cc. 223, 325, 472, 765, 810, 827, 845; 2010, cc. 310, 630, 808; 2011, cc. 89, 111, 147, 536, 541, 816, 874; 2012, cc. 476, 507, 803, 835; 2013, cc. 571, 580, 695; 2014, c. 225; 2015, cc. 27, 38, 108, 169, 182, 549, 730; 2016, cc. 544, 620, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000. Page 155 of 1610, cc. 759, 851, 1164, 1169, 1197, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, Sp. Sess. I, cc. 7, 483.

§ 2.2-3712. Closed meetings procedures; certification of proceedings

A. No closed meeting shall be held unless the public body proposing to convene a meeting has taken an affirmative recorded vote in an open meeting approving a motion that (i) identifies the subject matter, (ii) states the purpose of the meeting as authorized in subsection A of § 2.2-3711 or other provision of law and (iii) cites the applicable exemption from open meeting requirements provided in subsection A of § 2.2-3711 or other provision of law. The matters contained in such motion shall be set forth in detail in the minutes of the open meeting. A general reference to the provisions of this chapter, the authorized exemptions from open meeting requirements, or the subject matter of the closed meeting shall not be sufficient to satisfy the requirements for holding a closed meeting.

B. The notice provisions of this chapter shall not apply to closed meetings of any public body held solely for the purpose of interviewing candidates for the position of chief administrative officer. Prior to any such closed meeting for the purpose of interviewing candidates, the public body shall announce in an open meeting that such closed meeting shall be held at a disclosed or undisclosed location within 15 days thereafter.

C. The public body holding a closed meeting shall restrict its discussion during the closed meeting only to those matters specifically exempted from the provisions of this chapter and identified in the motion required by subsection A.

D. At the conclusion of any closed meeting, the public body holding such meeting shall immediately reconvene in an open meeting and shall take a roll call or other recorded vote to be included in the minutes of that body, certifying that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body. Any member of the public body who believes that there was a departure from the requirements of clauses (i) and (ii), shall so state prior to the vote, indicating the substance of the departure that, in his judgment, has taken place. The statement shall be recorded in the minutes of the public body.

E. Failure of the certification required by subsection D to receive the affirmative vote of a majority of the members of the public body present during a meeting shall not affect the validity or confidentiality of such meeting with respect to matters considered therein in compliance with the provisions of this chapter. The recorded vote and any statement made in connection therewith, shall upon proper authentication, constitute evidence in any proceeding brought to enforce the provisions of this chapter.

F. A public body may permit nonmembers to attend a closed meeting if such persons are deemed necessary or if their presence will reasonably aid the public body in its consideration of a topic that is a subject of the meeting.

G. A member of a public body shall be permitted to attend a closed meeting held by any committee or subcommittee of that public body, or a closed meeting of any entity, however designated, created to perform the delegated functions of or to advise that public body. Such member shall in all cases be permitted to observe the closed meeting of the committee, subcommittee or entity. In addition to the requirements of § 2.2-3707, the minutes of the committee or other entity shall include the identity of the member of the parent public body who attended the closed meeting.

H. Except as specifically authorized by law, in no event may any public body take action on matters discussed in any closed meeting, except at an open meeting for which notice was given as required by § 2.2-3707.

I. Minutes may be taken during closed meetings of a public body, but shall not be required. Such minutes shall not be subject to mandatory public disclosure.

1989, c. 358, § 2.1-344.1; 1999, cc. 703, 726; 2001, c. 844; 2012, c. 428; 2017, c. 616.

#### § 2.2-3713. Proceedings for enforcement of chapter

A. Any person, including the attorney for the Commonwealth acting in his official or individual capacity, denied the rights and privileges conferred by this chapter may proceed to enforce such rights and privileges by filing a petition for mandamus or injunction, supported by an affidavit showing good cause. Such petition may be brought in the name of the person notwithstanding that a request for public records was made by the person's attorney in his representative capacity. Venue for the petition shall be addressed as follows:

1. In a case involving a local public body, to the general district court or circuit court of the county or city from which the public body has been elected or appointed to serve and in which such rights and privileges were so denied;
2. In a case involving a regional public body, to the general district or circuit court of the county or city where the principal business office of such body is located; and
3. In a case involving a board, bureau, commission, authority, district, institution, or agency of the state government, including a public institution of higher education, or a standing or other committee of the General Assembly, to the general district court or the circuit court of the residence of the aggrieved party or of the City of Richmond.

B. In any action brought before a general district court, a corporate petitioner may appear through its officer, director or managing agent without the assistance of counsel, notwithstanding any provision of law or Rule of Supreme Court of Virginia to the contrary.

C. Notwithstanding the provisions of § 8.01-644, the petition for mandamus or injunction shall be heard within seven days of the date when the same is made, provided the party against whom the petition is brought has received a copy of the petition at least three working days prior to filing. However, if the petition or the affidavit supporting the petition for mandamus or injunction alleges violations of the open meetings requirements of this chapter, the three-day notice to the party against whom the petition is brought shall not be required. The hearing on any petition made outside of the regular terms of the circuit court of a locality that is included in a judicial circuit with another locality or localities shall be given precedence on the docket of such court over all cases that are not otherwise given precedence by law.

D. The petition shall allege with reasonable specificity the circumstances of the denial of the rights and privileges conferred by this chapter. A single instance of denial of the rights and privileges conferred by this chapter shall be sufficient to invoke the remedies granted herein. If the court finds the denial to be in violation of the provisions of this chapter, the petitioner shall be entitled to recover reasonable costs, including costs and reasonable fees for expert witnesses, and attorney fees from the public body if the petitioner substantially prevails on the merits of the case, unless special circumstances would make an award unjust. In making this determination, a court may consider, among other things, the reliance of a public body on an opinion of the Attorney General or a decision of a court that substantially supports the public body's position.

E. In any action to enforce the provisions of this chapter, the public body shall bear the burden of proof to establish an exclusion by a preponderance of the evidence. No court shall be required to accord any weight to the determination of a public body as to whether an exclusion applies. Any failure by a public body to follow the procedures established by this chapter shall be presumed to be a violation of this chapter.

F. Failure by any person to request and receive notice of the time and place of meetings as provided in § 2.2-3707 shall not preclude any person from enforcing his rights and privileges conferred by this chapter.

1968, c. 479, § 2.1-346; 1976, c. 709; 1978, c. 826; 1989, c. 358; 1990, c. 217; 1996, c. 578; 1999, cc. 703, 726; 2001, c. 844; 2007, c. 560; 2009, c. 634; 2010, c. 299; 2011, cc. 133, 783; 2016, cc. 620, 716; 2019, c. 531.

#### § 2.2-3714. (Effective until September 1, 2022) Violations and penalties

A. In a proceeding commenced against any officer, employee, or member of a public body under § 2.2-3713 for a violation of § 2.2-3704, 2.2-3705.1 through 2.2-3705.7, 2.2-3706, 2.2-3706.1, 2.2-3707, 2.2-3708.2, 2.2-3710, 2.2-3711 or 2.2-3712, the court, if it finds that a violation was willfully and knowingly made, shall impose upon such officer, employee, or member in his individual capacity, whether a writ of mandamus or injunctive relief is awarded or not, a civil penalty of not less than \$500 nor more than \$2,000, which amount shall be paid into the Literary Fund. For ~~Industrial Development Authority Organizational Meeting Packet~~ 2,000 nor more than \$5,000.

B. In addition to any penalties imposed pursuant to subsection A, if the court finds that any officer, employee, or member of a public body failed to provide public records to a requester in accordance with the provisions of this chapter because such officer, employee, or member altered or destroyed the requested public records with the intent to avoid the provisions of this chapter with respect to such request prior to the expiration of the applicable record retention period set by the retention regulations promulgated pursuant to the Virginia Public Records Act (§ 42.1-76 et seq.) by the State Library Board, the court may impose upon such officer, employee, or member in his individual capacity, whether or not a writ of mandamus or injunctive relief is awarded, a civil penalty of up to \$100 per record altered or destroyed, which amount shall be paid into the Literary Fund.

C. In addition to any penalties imposed pursuant to subsections A and B, if the court finds that a public body voted to certify a closed meeting in accordance with subsection D of § 2.2-3712 and such certification was not in accordance with the requirements of clause (i) or (ii) of subsection D of § 2.2-3712, the court may impose on the public body, whether or not a writ of mandamus or injunctive relief is awarded, a civil penalty of up to \$1,000, which amount shall be paid into the Literary Fund. In determining whether a civil penalty is appropriate, the court shall consider mitigating factors, including reliance of members of the public body on (i) opinions of the Attorney General, (ii) court cases substantially supporting the rationale of the public body, and (iii) published opinions of the Freedom of Information Advisory Council.

1976, c. 467, § 2.1-346.1; 1978, c. 826; 1984, c. 252; 1989, c. 358; 1996, c. 578; 1999, cc. 703, 726; 2001, c. 844; 2003, c. 319; 2004, c. 690; 2008, cc. 233, 789; 2011, c. 327; 2017, c. 778; 2018, c. 55; 2019, c. 843; 2021, Sp. Sess. I, c. 483.

**Virginia Public Records Act**

**§ 42.1-76. Legislative intent; title of chapter**

The General Assembly intends by this chapter to establish a single body of law applicable to all public officers and employees on the subject of public records management and preservation and to ensure that the procedures used to manage and preserve public records will be uniform throughout the Commonwealth.

This chapter may be cited as the Virginia Public Records Act.

1976, c. 746.

**§ 42.1-76.1. Notice of Chapter**

Any person elected, reelected, appointed, or reappointed to the governing body of any agency subject to this chapter shall (i) be furnished by the agency or public body's administrator or legal counsel with a copy of this chapter within two weeks following election, reelection, appointment, or reappointment and (ii) read and become familiar with the provisions of this chapter.

2006, c. 60.

**§ 42.1-77. Definitions**

As used in this chapter, unless the context requires a different meaning:

"Agency" means all boards, commissions, departments, divisions, institutions, and authorities, and parts thereof, of the Commonwealth or its political subdivisions and includes the offices of constitutional officers.

"Archival record" means a public record of continuing and enduring value useful to the citizens of the Commonwealth and necessary to the administrative functions of public agencies in the conduct of services and activities mandated by law that is identified on a Library of Virginia approved records retention and disposition schedule as having sufficient informational value to be permanently maintained by the Commonwealth.

"Archives" means the program administered by The Library of Virginia for the preservation of archival records.

"Board" means the State Library Board.

"Conversion" means the act of moving electronic records to a different format, especially data from an obsolete format to a current format.

"Custodian" means the public official in charge of an office having public records.

"Disaster plan" means the information maintained by an agency that outlines recovery techniques and methods to be followed in case of an emergency that impacts the agency's records.

"Electronic record" means a public record whose creation, storage, and access require the use of an automated system or device. Ownership of the hardware, software, or media used to create, store, or access the electronic record has no bearing on a determination of whether such record is a public record.

"Essential public record" means records that are required for recovery and reconstruction of any agency to enable it to resume its core operations and functions and to protect the rights and interests of persons.

"Librarian of Virginia" means the State Librarian of Virginia or his designated representative.

"Lifecycle" means the creation, use, maintenance, and disposition of a public record.

"Migration" means the act of moving electronic records from one information system or medium to another to ensure continued access to the records while maintaining the records' authenticity, integrity, reliability, and usability.

"Original record" means the first generation of the information and is the preferred version of a record. Archival records should to the maximum extent possible be original records.

"Preservation" means the processes and operations involved in ensuring the technical and intellectual survival of authentic records through time.

"Public official" means all persons holding any office created by the Constitution of Virginia or by any act of the General Assembly, the Governor and all other officers of the executive branch of the state government, and all other officers, heads, presidents, or chairmen of boards, commissions, departments, and agencies of the state government or its political subdivisions.

"Public record" or "record" means recorded information that documents a transaction or activity by or with any public officer, agency, or employee of an agency. Regardless of physical form or characteristic, the recorded information is a "public record" if it is produced, collected, received, or retained in pursuance of law or in connection with the transaction of public business. The medium upon which such information is recorded has no bearing on the determination of whether the recording is a "public record."

For purposes of this chapter, "public record" does not include (i) nonrecord materials, meaning materials made or acquired and preserved solely for reference use or exhibition purposes, extra copies of documents preserved only for convenience or reference, or stocks of publications or (ii) records that are not related to or affect the carrying out of the constitutional, statutory, or other official ceremonial duties of a public official, including the correspondence, diaries, journals, or notes that are not prepared for, utilized for, circulated, or communicated in the course of the transaction of public business.

"Records retention and disposition schedule" means a Library of Virginia-approved timetable stating the required retention period and disposition action of a records series. The administrative, fiscal, historical, and legal value of a public record shall be considered in appraising its appropriate retention schedule. The terms "administrative," "fiscal," "historical," and "legal" value shall be defined as:

1. "Administrative value": Records shall be deemed of administrative value if they have continuing utility in the operation of an agency.
2. "Fiscal value": Records shall be deemed of fiscal value if they are needed to document and verify financial authorizations, obligations, and transactions.
3. "Historical value": Records shall be deemed of historical value if they contain unique information, regardless of age, that provides understanding of some aspect of the government and promotes the development of an informed and enlightened citizenry.
4. "Legal value": Records shall be deemed of legal value if they document actions taken in the protection and proving of legal or civil rights and obligations of individuals and agencies.

#### **§ 42.1-78. Confidentiality safeguarded**

Any records made confidential by law shall be so treated. Records that by law are required to be closed to the public shall not be deemed to be made open to the public under the provisions of this chapter. Records in the custody of The Library of Virginia that are required to be closed to the public shall be open for public access 75 years after the date of creation of the record. No provision of this chapter shall be construed to authorize or require the opening of any records ordered to be sealed by a court; however, upon a petition filed with the clerk, a judge may enter an order releasing any record sealed prior to January 1, 1901. All records deposited in the archives that are not made confidential by law shall be open to public access.

1976, c. 746; 1979, c. 110; 1990, c. 778; 1994, c. 64; 2006, c. 60; 2020, c. 773.

#### **§ 42.1-79. Records management function vested in The Library of Virginia**

A. The archival and records management function shall be vested in The Library of Virginia. The Library of Virginia shall be the official custodian and trustee for the Commonwealth of all public records of whatever kind, and regardless of physical form or characteristics, that are transferred to it from any agency. As the Commonwealth's official repository of public records, The Library of Virginia shall assume ownership and administrative control of such records on behalf of the Commonwealth. The Library of Virginia shall own and operate any equipment necessary to manage and retain control of electronic archival records in its custody, but may, at its discretion, contract with third-party entities to provide any or all services related to managing archival records on equipment owned by the contractor, by other third parties, or by The Library of Virginia.

B. The Librarian of Virginia shall name a State Archivist who shall perform such functions as the Librarian of Virginia assigns.

C. Whenever legislation affecting public records management and preservation is under consideration, The Library of Virginia shall review the proposal and advise the General Assembly on the effects of its proposed implementation.

1976, c. 746; 1986, c. 565; 1990, c. 778; 1994, c. 64; 1998, c. 427; 2005, c. 787; 2006, c. 60.

#### **§ 42.1-79.1. Repealed**

Repealed by Acts 2005, c. 787, cl. 2.

#### **§§ 42.1-80, 42.1-81. Repealed**

Repealed by Acts 2003, c. 177.

#### **§ 42.1-82. Duties and powers of Library Board**

A. The State Library Board shall:

1. Issue regulations concerning procedures for the disposal, physical destruction or other disposition of public records containing social security numbers. The procedures shall include all reasonable steps to destroy such documents by (i) shredding, (ii) erasing, or (iii) otherwise modifying the social security numbers in those records to make them unreadable or undecipherable by any means.

2. Issue regulations and guidelines designed to facilitate the creation, preservation, storage, filing, reformatting, management, and destruction of public records by agencies. Such regulations shall mandate procedures for records management and include recommendations for the creation, retention, disposal, or other disposition of public records.

B. The State Library Board may establish advisory committees composed of persons with expertise in the matters under consideration to assist the Library Board in developing regulations and guidelines.

1976, c. 746; 1977, c. 501; 1981, c. 637; 1990, c. 778; 1994, cc. 64, 955; 2003, cc. 914, 918; 2005, c. 787; 2006, c. 60.

#### **§ 42.1-83. Repealed**

Repealed by Acts 2006, c. 60, cl. 2.

#### **§ 42.1-84. Repealed**

Repealed by Acts 2005, c. 787, cl. 2.

#### **§ 42.1-85. Records Management Program; agencies to cooperate; agencies to designate records officer**

A. The Library of Virginia shall administer a records management program for the application of efficient and economical methods for managing the lifecycle of public records consistent with regulations and guidelines promulgated by the State Library Board, including operation of a records center or centers. The Library of Virginia shall establish procedures and techniques for the effective management of public records, make continuing surveys of records and records keeping practices, and recommend improvements in current records management practices, including the use of space, equipment, software, and supplies employed in creating, maintaining, and servicing records.

B. Any agency with public records shall cooperate with The Library of Virginia in conducting surveys. Each agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of such agency. The agency shall be responsible for ensuring that its public records are preserved, maintained, and accessible throughout their lifecycle, including converting and migrating electronic records as often as necessary so that information is not lost due to hardware, software, or media obsolescence or deterioration. Any public official who converts or migrates an electronic record shall ensure that it is an accurate copy of the original record. The converted or migrated record shall have the force of the original.

C. Each state agency and political subdivision of this Commonwealth shall designate as many as appropriate, but at least one, records officer to serve as a liaison to The Library of Virginia for the purposes of implementing and overseeing a records management program, and coordinating legal disposition, including destruction, of obsolete records. Designation of state agency records officers shall be by the respective agency head. Designation of a records officer for political subdivisions shall be by the governing body or chief administrative official of the political subdivision. Each entity responsible for designating a records officer shall provide The Library of Virginia with the name and contact information of the designated records officer, and shall ensure that such information is updated in a timely manner in the event of any changes.

D. The Library of Virginia shall develop and make available training and education opportunities concerning the requirements of and compliance with this chapter for records officers in the Commonwealth.

1976, c. 746; 1990, c. 778; 1994, c. 64; 1998, c. 427; 2006, c. 60.

#### **§ 42.1-86. Essential public records; security recovery copies; disaster plans**

A. In cooperation with the head of each agency, The Library of Virginia shall establish and maintain a program for the selection and preservation of essential public records. The program shall provide for preserving, classifying, arranging, and indexing essential public records so that such records are made available to the public. The program shall provide for making recovery copies or original copies of essential public records.

B. Recovery copies shall meet quality standards established by The Library of Virginia and shall be made by a process that accurately reproduces the record and forms a durable medium. A recovery copy may also be made by creating a paper or electronic copy of an original electronic record. Recovery copies shall have the same force and effect for all purposes as the original record and shall be as admissible in evidence as the original record whether the original record is in existence or not. Recovery copies shall be preserved in the place and manner prescribed by the State Library Board and the Governor.

C. The Library of Virginia shall develop a plan to ensure preservation of public records in the event of disaster or emergency as defined in § 44-146.16. This plan shall be coordinated with the Department of Emergency Management and copies shall be distributed to all agency heads. The plan shall be reviewed and updated at least once every five years. The personnel of the Library shall be responsible for coordinating emergency recovery operations when public records are affected. Each agency shall ensure that a plan for the protection and recovery of public records is included in its comprehensive disaster plan.

1976, c. 746; 1980, c. 365; 1990, c. 778; 1994, c. 64; 1998, c. 427; 2005, c. 787; 2006, c. 60.

#### § 42.1-86.01. Records may be retained in electronic medium

Notwithstanding any provision of law requiring a public record to be retained in a tangible medium, an agency may retain any public record in an electronic medium, provided that the record remains accessible for the duration of its retention schedule and meets all other requirements of this chapter. Nothing herein shall affect any law governing the retention of exhibits received into evidence in a criminal case in any court.

2018, c. 252.

#### § 42.1-86.1. Disposition of public records

A. No agency shall sell or give away public records. No agency shall destroy or discard a public record unless (i) the record appears on a records retention and disposition schedule approved pursuant to § 42.1-82 and the record's retention period has expired; (ii) a certificate of records destruction, as designated by the Librarian of Virginia, has been properly completed and approved by the agency's designated records officer; and (iii) there is no litigation, audit, investigation, request for records pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), or renegotiation of the relevant records retention and disposition schedule pending at the expiration of the retention period for the applicable records series. After a record is destroyed or discarded, the agency shall forward the original certificate of records destruction to The Library of Virginia.

B. No agency shall destroy any public record created before 1912 without first offering it to The Library of Virginia.

C. Each agency shall ensure that records created after July 1, 2006 and authorized to be destroyed or discarded in accordance with subsection A, are destroyed or discarded in a timely manner in accordance with the provisions of this chapter; provided, however, such records that contain identifying information as defined in clauses (iii) through (ix), or clause (xii) of subsection C of § 18.2-186.3, shall be destroyed within six months of the expiration of the records retention period.

1990, c. 778; 1998, c. 427; 2005, c. 787; 2006, cc. 60, 909.

#### § 42.1-87. Archival public records

A. Custodians of archival public records shall keep them in fire-resistant, environmentally controlled, physically secure rooms designed to ensure proper preservation and in such arrangement as to be easily accessible. Current public records should be kept in the buildings in which they are ordinarily used. It shall be the duty of each agency to consult with The Library of Virginia to determine the best manner in which to store long-term or archival electronic records. In entering into a contract with a third-party storage provider for the storage of public records, an agency shall require the third-party to cooperate with The Library of Virginia in complying with rules and regulations promulgated by the Board.

B. Public records deemed unnecessary for the transaction of the business of any state agency, yet deemed to be of archival value, may be transferred with the consent of the Librarian of Virginia to the custody of the Library of Virginia.

C. Public records deemed unnecessary for the transaction of the business of any county, city, or town, yet deemed to be of archival value, shall be stored either in The Library of Virginia or in the locality, at the decision of the local officials responsible for maintaining public records. Archival public records shall be returned to the locality upon the written request of the local officials responsible for maintaining local public records. Microfilm shall be stored in The Library of Virginia but the use thereof shall be subject to the control of the local officials responsible for maintaining local public records.

D. Record books deemed archival should be copied or repaired, renovated or rebound if worn, mutilated, damaged or difficult to read. Whenever the public records of any public official are in need of repair, restoration or rebinding, a judge of the court of record or the head of such agency or political subdivision of the Commonwealth may authorize that the records in need of repair be removed from the building or office in which such records are ordinarily kept, for the length of time necessary to repair, restore or rebind them, provided such restoration and rebinding preserves the records without loss or damage to them. Before any restoration or repair work is initiated, a treatment proposal from the contractor shall be submitted and reviewed in consultation with The Library of Virginia. Any public official who causes a record book to be copied shall attest it and shall certify an oath that it is an accurate copy of the original book. The copy shall then have the force of the original.

E. Nothing in this chapter shall be construed to divest agency heads of the authority to determine the nature and form of the records required in the administration of their several departments or to compel the removal of records deemed necessary by them in the performance of their statutory duty.

1976, c. 746; 1994, cc. 64, 955; 2005, c. 787; 2006, c. 60.

#### § 42.1-88. Custodians to deliver all records at expiration of term; penalty for noncompliance

Any custodian of any public records shall, at the expiration of his term of office, appointment or employment, deliver to his successor, or, if there be none, to The Library of Virginia, all books, writings, letters, documents, public records, or other information, recorded on any medium kept or received by him in the transaction of his official business; and any such person who shall refuse or neglect for a period of ten days after a request is made in writing by the successor or Librarian of Virginia to deliver the public records as herein required shall be guilty of a Class 3 misdemeanor.

1976, c. 746; 1994, c. 64; 1998, c. 427.

#### § 42.1-89. Petition and court order for return of public records not in authorized possession

The Librarian of Virginia or his designated representative such as the State Archivist or any public official who is the custodian of public records in the possession of a person or agency not authorized by the custodian or by law to possess such public records shall petition the circuit court in the city or county in which the person holding such records resides or in which the materials in issue, or any part thereof, are located for the return of such records. The court shall order such public records be delivered to the petitioner upon finding that the materials in issue are public records and that such public records are in the possession of a person not authorized by the custodian of the public records or by law to possess such public records. If the order of delivery does not receive compliance, the plaintiff shall request that the court enforce such order through its contempt power and procedures.

1975, c. 180; 1976, c. 746; 1998, c. 427.

#### § 42.1-90. Seizure of public records not in authorized possession

A. At any time after the filing of the petition set out in § 42.1-89 or contemporaneously with such filing, the person seeking the return of the public records may by ex parte petition request the judge or the court in which the action was filed to issue an order directed at the sheriff or other proper officer, as the case may be, commanding him to seize the materials which are the subject of the action and deliver the same to the court under the circumstances hereinafter set forth.



B. The judge aforesaid shall issue an order of seizure upon receipt of an affidavit from the petitioner which alleges that the material at issue may be sold, secreted, removed out of this Commonwealth or otherwise disposed of so as not to be forthcoming to answer the final judgment of the court respecting the same; or that such property may be destroyed or materially damaged or injured if permitted to remain out of the petitioner's possession.

C. The aforementioned order of seizure shall issue without notice to the respondent and without the posting of any bond or other security by the petitioner.

1975, c. 180; 1976, c. 746.

**§ 42.1-90.1. Auditing**

The Librarian may, in his discretion, conduct an audit of the records management practices of any agency. Any agency subject to the audit shall cooperate and provide the Library with any records or assistance that it requests. The Librarian shall compile a written summary of the findings of the audit and any actions necessary to bring the agency into compliance with this chapter. The summary shall be a public record, and shall be made available to the agency subject to the audit, the Governor, and the chairmen of the House and Senate Committees on General Laws, the House Committee on Appropriations, and the Senate Committee on Finance and Appropriations of the General Assembly.

2006, c. 60.

**§ 42.1-91. Repealed**

Repealed by Acts 2006, c. 60, cl. 2.