



Board of Supervisors Committee Meeting Packet

Monday, January 7, 2019

Personnel Committee

9:30 am

**Organizational Meeting /
Work Session**

10:00 am

Finance Committee

**Immediately Follows
Work Session**



Personnel Committee Items

Berryville/Clarke County Government Center, 2nd Floor
101 Chalmers Court, Berryville, Virginia 22611

Monday, January 7, 2019 9:30 am

*Item
No.*

Description

- A. Expiration of Term for appointments expiring through March 2019.

Appointments by Expiration Through March 2019

			<i>Appt Date</i>	<i>Exp Date</i>	<i>Orig Appt Date:</i>
<i>November 2017</i>					
Shenandoah Valley Workforce Development Board			4 Yr		
James	Patricia	Buckmarsh District	5/16/2017	11/9/2017	9/17/2013
Left area 11-09-2017 expires 6-30-2021					
3.01: MEMBERSHIP The voting members of the Consortium shall be the Chief Local Elected Official of each jurisdiction that is a party to this agreement, or that official's duly appointed designee. The Chair of the Shenandoah Valley Workforce Investment Board (SVWIB), or the Chair's duly appointed designee, shall serve as a voting member of the Consortium.					
3.02: TERMS OF OFFICE The term of office for a Consortium member or designee shall coincide with the member's term as chief elected official for the member jurisdiction.					
<i>December 2018</i>					
Clarke County Historic Preservation Commission			4 Yr		
Caldwell	Anne	Millwood District	4/18/2017	12/6/2018	4/16/2014
Resigned 12/06/2018, term expires 5/31/2021					
Section 3-E-3-d Zoning Ord "shall consist of at least 5 members not to exceed 7 members; Members shall be residents of Clarke County with a demonstrated interest in and knowledge of the historic character of Clarke County. Reasonable effort to appoint at least 2 members with professional training or equivalent experience in 1 or more of the following: architecture, architectural history, historic preservation, archeology, land use planning, or related fields. Reasonable effort to appoint at least 1 member that is a professional architect or architectural historian. At least 1 member shall be appointed from the Planning Commission upon recommendation to the Board by the Planning Commission. After the establishment of an Historic District, at least 1 member shall be a resident of a local Historic District."					
Economic Development Advisory Committee					
Milleson	John R.	2018 Chair, Banking, Finance	12/16/2014	12/31/2018	8/16/2011
Members of the committee should include one or more people from all key government and business groups such as planning commission, board of supervisors, school board, industrial development authority, town of Berryville, chamber of commerce, and key business sectors such as agriculture, banking, realty, light industry, retail and tourism. Membership not limited.					
Myer	Dr. Eric	Agriculture Rep, Business Owner	12/16/2014	12/31/2018	1/21/2003
Members of the committee should include one or more people from all key government and business groups such as planning commission, board of supervisors, school board, industrial development authority, town of Berryville, chamber of commerce, and key business sectors such as agriculture, banking, realty, light industry, retail and tourism. Membership not limited.					
Conrad	Bryan H.	Agriculture, Fire & Rescue	12/16/2014	12/31/2018	12/19/2000
Members of the committee should include one or more people from all key government and business groups such as planning commission, board of supervisors, school board, industrial development authority, town of Berryville, chamber of commerce, and key business sectors such as agriculture, banking, realty, light industry, retail and tourism. Membership not limited.					
Northwestern Community Services Board			3 Yr		
Harris	Celie	Millwood District	11/17/2015	12/31/2018	12/21/2010
Fills unexpired term of Kathleen Ruffo					
2 Clarke County Members; 3 Term Limit [AKA Chapter 10 Board; 37.2-501(A)]					

			<i>Appt Date</i>	<i>Exp Date</i>	<i>Orig Appt Date:</i>
Parks & Recreation Advisory Board			4 Yr		
Jones	Paul	Russell District; At Large	12/16/2014	12/31/2018	
<p>There shall be nine (9) voting members on the Advisory Board. Six (6) members shall be appointed by the Board of Supervisors to represent the five (5) voting districts and one (1) at large. The Superintendent of Schools or the Superintendent's designee shall serve on the Advisory Board. The Town Councils for Berryville and Boyce shall each appoint a representative to serve on the Advisory Board. The Board of Supervisors shall also designate one (1) member of the Board of Supervisors to serve as a non-voting liaison to the Advisory Board. All terms, except the student representatives, shall be staggered and the initial terms shall be established by random lot. All terms subsequent to the initial terms shall be (4) years.</p>					

January 2019

Northern Shenandoah Valley Regional Commission					
Stidham	Brandon	Citizen Representative [Planning Director]	4/19/2016	1/31/2019	6/19/2012
<p>The Charter of the Regional Commission states Clarke County shall have 2 members, 1 elected official; 1 citizen.</p>					

February 2019

Board of Zoning Appeals			5 Yr		
Brumback	Clay	White Post District	12/20/2017	2/15/2019	12/20/2017
<p>BoS Recommendation</p> <p>Appointed by Circuit Court; BOS letter of recommendation to Clerk. Oath of Office Required - Clerk of Circuit Court; 5 total members: 1 member may be on the Planning Commission Pg 1114 Supv Manual; other 4 have been generally 1 from each magisterial district, although not required.; Section 7-A-1 of the Zoning Ord states: "The Board shall consist of 5 residents of Clarke Co. Members of the Board shall hold no other public office in the locality except that 1 may be a member of the Clarke Co Planning Commission."</p>					
Volk	Laurie	White Post District	2/18/2014	2/15/2019	2/17/2004
<p>Appointed by Circuit Court; BOS letter of recommendation to Clerk. Oath of Office Required - Clerk of Circuit Court; 5 total members: 1 member may be on the Planning Commission Pg 1114 Supv Manual; other 4 have been generally 1 from each magisterial district, although not required.; Section 7-A-1 of the Zoning Ord states: "The Board shall consist of 5 residents of Clarke Co. Members of the Board shall hold no other public office in the locality except that 1 may be a member of the Clarke Co Planning Commission."</p>					
Borel	Alain F.	White Post District	1/23/2014	2/15/2019	3/21/2000
<p>Reappointed 1st 4/6/00 thru 2/15/04</p> <p>Appointed by Circuit Court; BOS letter of recommendation to Clerk. Oath of Office Required - Clerk of Circuit Court; 5 total members: 1 member may be on the Planning Commission Pg 1114 Supv Manual; other 4 have been generally 1 from each magisterial district, although not required.; Section 7-A-1 of the Zoning Ord states: "The Board shall consist of 5 residents of Clarke Co. Members of the Board shall hold no other public office in the locality except that 1 may be a member of the Clarke Co Planning Commission."</p>					

March 2019

Berryville Area Development Authority			3 Yr		
Ohrstrom, II	George	Russell District	3/15/2016	3/31/2019	3/20/2007
<p>Membership set by the County/Town Annexation Agreement of 1988 2.1 The Authority shall consist of six (6) members, shall be qualified voters of Clarke County; three (3) of the members shall be appointed by the BoS, three (3) of the members shall be appointed by the Town Council.</p> <p>2.2. The appointed members shall serve a term of three (3) years; except, when appointed to fill a vacancy occurring during a term, the appointment shall be for the remainder of the unexpired term.</p>					

			<i>Appt Date</i>	<i>Exp Date</i>	<i>Orig Appt Date:</i>
Our Health			3 Yr		
Shipe	Diane	Buckmarsh District	7/19/2016	3/15/2019	3/16/2010

1 Clarke County Member - "Group A Directors" shall serve at the discretion of the appointing Group A entity

Clarke County Committee Listing

			<i>Appt Date</i>	<i>Exp Date</i>
<i>Agricultural & Forestal District Advisory Committee</i>				6 Yr
Buckley	Samuel	Landowner/Producer	8/18/2015	7/15/2021
Childs	Corey	Landowner	8/18/2015	7/15/2021
Day	Emily	Landowner/Producer	8/18/2015	7/15/2021
Dorsey	Tupper	Landowner/Producer	8/18/2015	7/15/2021
Gordon	Carolyn	Landowner	8/18/2015	7/15/2021
Haynes	Carole	Landowner	9/15/2015	7/15/2021
McKay	Beverly B.	BoS - Appointed Member	8/18/2015	7/15/2021
Peake	Donna	Commissioner of the Revenue	8/18/2015	7/15/2021
<i>Barns of Rose Hill Board of Directors</i>				3 Yr
Cammack	Thomas		12/18/2018	12/31/2021
<i>BCCGC Joint Building Committee</i>				Open-End
Arnold, Jr.	Harry Lee	Berryville Town Council Representative	1/11/2018	
Ash	David L.	County Administrator		
Dalton	Keith	Berryville Town Manager		
McKay	Beverly B.	BoS - Appointed Member	1/16/2018	12/31/2018
<i>Berryville Area Development Authority</i>				4 Yr
McFillen	Thomas	Berryville District	3/20/2018	3/31/2022
Ohrstrom, II	George	Russell District	3/15/2016	3/31/2019
Smart	Kathy	White Post District	2/21/2017	3/31/2020
<i>Berryville/Clarke County Joint Committee for Economic Development and Tourism</i>				Ongoing
Arnold, Jr.	Harry Lee	BTC - Appointed Member		
Ash	David L.	County Administrator	1/16/2018	12/31/2018
Capelli	Len	Director of Economic Development	4/14/2015	
Dunkle	Christy	Staff Representative - Town		
Weiss	David S.	BoS - Appointed Member	1/16/2018	12/31/2018
<i>Board of Septic & Well Appeals</i>				4 Yr
Blatz	Joseph	White Post District; Citizen Member	1/19/2016	2/15/2020
Buckley	Randy	White Post District; Planning Commission Vice Chair - Alternate	1/3/2018	12/31/2018
Daniel	Mary L.C.	BoS - Alternate	1/16/2018	12/31/2018
Fincham	Ryan	Staff Representative	1/12/2015	
McKay	Beverly B.	BoS - Vice Chair Appointed Member	1/16/2018	12/31/2018
Ohrstrom, II	George	Russell District; Planning Commission Chair	1/3/2018	12/31/2018

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			<i>Appt Date</i>	<i>Exp Date</i>
<i>Board of Social Services</i>				1 Yr
Byrd	Barbara J.	BoS - Appointed Member	1/16/2018	12/31/2018
Dodson	Gerald	Berryville District	10/18/2016	7/15/2020
Gray	Lynn	Berryville District	7/17/2018	7/15/2022
Melusen	Alan	Russell District	7/17/2018	7/15/2022
Smith	James	Berryville District	8/15/2017	7/15/2021
<i>Board of Supervisors</i>				4 Yr
Byrd	Barbara J.	Russell District	1/9/2017	12/31/2019
Catlett	Terri T.	Millwood/Pinegrove Districts	1/1/2016	12/31/2019
Daniel	Mary L.C.	Berryville District	1/1/2016	12/31/2019
McKay	Beverly B.	White Post District, Vice Chair	1/1/2016	12/31/2019
Weiss	David S.	Buckmarsh/Blue Ridge Districts; Chair	1/1/2016	12/31/2019
<i>Board of Supervisors Finance Committee</i>				1 Yr
Byrd	Barbara J.	BoS - Alternate	1/16/2018	12/31/2018
Catlett	Terri T.	BoS - Appointed Member	1/16/2018	12/31/2018
McKay	Beverly B.	BoS - Alternate	1/16/2018	12/31/2018
Weiss	David S.	BoS - Appointed Member	1/16/2018	12/31/2018
<i>Board of Supervisors Personnel Committee</i>				1 Yr
McKay	Beverly B.	BoS - Appointed Member	1/16/2018	12/31/2018
Weiss	David S.	BoS - Appointed Member	1/16/2018	12/31/2018
<i>Board of Zoning Appeals</i>				5 Yr
Borel	Alain F.	White Post District	1/23/2014	2/15/2019
Brumback	Clay	White Post District	12/20/2017	2/15/2019
Caldwell	Anne	Millwood District	2/25/2015	2/15/2020
Fincham	Ryan	Staff Representative	1/12/2015	
Kackley	Charles	Russell District	5/2/2018	2/12/2023
Means	Howard	Millwood District	2/15/2016	2/15/2021
Volk	Laurie	White Post District	2/18/2014	2/15/2019
<i>Broadband Implementation Committee</i>				
Bouffault	Robina Rich	White Post District	2/21/2017	
Daniel	Mary L.C.	Berryville District	1/16/2018	12/31/2018
Kruhm	Doug	Buckmarsh / Battletown District	9/18/2018	
McKay	Beverly B.	White Post District	1/16/2018	12/31/2018
<i>Building and Grounds</i>				1 Yr
McKay	Beverly B.	BoS - Appointed Member	1/16/2018	12/31/2018
<i>Career and Technical Education Advisory Committee</i>				1 Yr

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			<i>Appt Date</i>	<i>Exp Date</i>
Catlett	Terri T.	BoS - Appointed Member	1/16/2018	12/31/2018
<i>Clarke County Historic Preservation Commission</i>				<i>4 Yr</i>
Arnett	Betsy	Berryville District	4/19/2016	5/31/2020
Berger	Katherine	Buckmarsh District	11/21/2017	5/31/2019
Caldwell	Anne	Millwood District	4/18/2017	12/6/2018
Carter	Paige	White Post District	4/19/2016	5/31/2020
Catlett	Terri T.	BoS - Liaison	1/16/2018	12/31/2018
Kruhm	Doug	Planning Commission Representative	1/3/2018	12/31/2018
Stieg, Jr.	Robert	Millwood District	6/17/2014	5/31/2022
Teetor	Alison	Staff Representative		
York	Robert	White Post District	4/18/2017	5/31/2021
<i>Clarke County Humane Foundation</i>				<i>1 Yr</i>
Byrd	Barbara J.	BoS - Liaison	1/16/2018	12/31/2018
<i>Clarke County Library Advisory Council</i>				<i>4 Yr</i>
Al-Khalili	Adeela	Buckmarsh District	3/17/2015	4/15/2019
Bogert	Aubrey	White Post District	4/17/2018	4/15/2022
Brondstater	Bette	Berryville District	2/21/2017	4/15/2019
Curran	Christopher	Buckmarsh District	2/21/2017	4/15/2021
Daisley	Shelley	Russell District	5/17/2016	4/15/2020
Daniel	Mary L.C.	BoS - Liaison	1/16/2018	12/31/2018
Foster	Nancy	Russell District	4/19/2016	4/15/2020
Graves	Suzette	Berryville District	11/21/2017	4/15/2021
Kalbiam	Maral	Millwood District	2/17/2015	4/15/2019
Payne	Lisa	Berryville District	7/17/2018	4/15/2021
<i>Clarke County Planning Commission</i>				<i>4 Yr</i>
Bouffault	Robina Rich	White Post / Greenway District	3/15/2016	4/30/2020
Buckley	Randy	White Post District; 2018 Vice Chair	4/17/2018	4/30/2022
Byrd	Barbara J.	BoS - Alternate	1/16/2018	12/31/2018
Caldwell	Anne	Millwood / Chapel District	3/21/2017	4/30/2021
Daniel	Mary L.C.	BoS - Appointed Member	1/16/2018	12/31/2018
Glover	Robert	Millwood District	1/16/2018	4/30/2019
Kreider	Scott	Buckmarsh / Battletown District	3/15/2016	4/30/2020
Kruhm	Doug	Buckmarsh / Battletown District	4/17/2018	4/30/2022
Lee	Francis	Berryville District	4/17/2018	4/30/2022
Malone	Gwendolyn	Berryville District	3/15/2016	4/30/2020
Nelson	Clifford	Russell / Longmarsh District	3/21/2017	4/30/2021
Ohrstrom, II	George	Russell District; Chair	3/17/2015	4/30/2019
Stidham	Brandon	Staff Representative	4/30/2012	

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			<i>Appt Date</i>	<i>Exp Date</i>
<i>Clarke County Sanitary Authority</i>				4 Yr
DeArment	Roderick	White Post District, Chair	1/17/2017	1/5/2021
Dunning, Jr.	A.R.	White Post District, Treasurer/Secretary	1/16/2018	1/5/2022
Mackay-Smith, Jr.	Alexander	White Post District, Vice Chair	1/17/2017	1/5/2021
McKay	Beverly B.	BoS - Liaison	1/16/2018	12/31/2018
Meredith	Mary	Staff Representative	1/2/2018	
Myer	Joseph	Town of Boyce	11/17/2015	1/5/2020
Welliver	Ralph	Berryville District	7/19/2016	6/30/2020
<i>Community Policy and Management Team</i>				3 Yr
Acker	Denise	Northwestern Community Services	12/18/2018	12/31/2021
Bauserman	Ellen	CCPS Director Pupil Svcs	7/18/2017	12/31/2019
Byrd	Barbara J.	BoS - Appointed Member	1/16/2018	12/31/2018
Goshen	Lisa	Parent Representative	11/21/2017	12/31/2020
Greene	Colin	VDH Representative	12/18/2018	12/31/2021
Jones	Angie	Director Clarke County DSS	7/18/2017	12/31/2019
Legrys	Mark	Court Services Unit Supervisor	7/18/2017	12/31/2019
Obradovic	Laura	Private Provider - Grafton School	7/18/2017	12/31/2020
<i>Conservation Easement Authority</i>				3 Yr
Bacon	Rives	Berryville District	8/15/2017	12/31/2019
Buckley	Randy	White Post District	12/20/2016	12/31/2019
Byrd	Barbara J.	BoS - Appointed Member	1/16/2018	12/31/2018
Engel	Peter	White Post District	12/18/2018	12/31/2021
Jones	Michelle	Millwood / Pine Grove District	12/20/2016	12/31/2019
Ohrstrom, II	George	Russell District; Planning Commission Representative	3/15/2016	4/30/2019
Teetor	Alison	Staff Representative		
Thomas	Walker	Buckmarsh District	12/18/2018	12/31/2021
<i>Constitutional Officer</i>				
Butts	Helen	Clerk of the Circuit Court	1/1/2016	12/31/2023
Keeler	Sharon	Treasurer	1/1/2016	12/31/2019
Peake	Donna	Commissioner of the Revenue	1/1/2016	12/31/2019
Roper	Anthony	Sheriff	1/1/2016	12/31/2019
Williams	Anne	Commonwealth Attorney	11/7/2017	12/31/2019
<i>County Administrator</i>				
Ash	David L.	County Administrator	3/19/1991	
<i>Director of Economic Development</i>				
Capelli	Len	Director of Economic Development	4/14/2015	

			<i>Appt Date</i>	<i>Exp Date</i>
<i>Economic Development Advisory Committee</i>				<i>4 Yr</i>
Barb	Jim	Real Estate Rep, Business Owner	12/19/2017	12/31/2021
Capelli	Len	Director of Economic Development		
Conrad	Bryan H.	Agriculture, Fire & Rescue	12/16/2014	12/31/2018
Dunkle	Christy	Town of Berryville Representative	1/1/2016	12/31/2019
Kraybill	Christina	2018 Vice Chair, Berryville District, Business Owner	12/19/2017	12/31/2021
McKay	Beverly B.	BoS - Appointed Member	1/16/2018	12/31/2018
Milleson	John R.	2018 Chair, Banking, Finance	12/16/2014	12/31/2018
Myer	Dr. Eric	Agriculture Rep, Business Owner	12/16/2014	12/31/2018
Pritchard	Elizabeth	Hospitality Industry	8/16/2016	8/31/2020
Walburn	Lora	EDAC Clerk		
<i>Family Assessment and Planning Team</i>				<i>3 Yr</i>
Allen	Gay	DSS - Foster Care Worker	12/31/2018	12/31/2021
Davis	Sara	Parent Representative	8/15/2017	12/31/2020
Myers-DePina	Martia	Northwestern Community Svcs Board Rep	12/18/2018	12/31/2021
Phillips	Courtney	26th District Court Svcs Unit	10/17/2017	12/31/2019
Rousseau	Christian	Private Provider - Intensive Supervisor & Counseling	6/12/2017	12/31/2020
Thompson	Christine	CCPS - Social Worker	7/18/2017	12/31/2019
<i>Fire & EMS Commission</i>				<i>4 Yr</i>
Conrad	Bryan H.	Citizen-at-large	9/1/2015	8/31/2019
Harrison	Diane	Citizen-at-large	6/20/2017	8/31/2021
Hoff	Matt	Boyce VFRC Rep	9/18/2018	8/31/2019
Lawrence	Doug	John H. Enders VFRC Rep	10/16/2018	8/31/2019
Lichty	Brian	Staff Representative	11/14/2016	
Nicholson	Andrew	Citizen-at-large	10/17/2017	8/31/2020
Roper	Anthony	Sheriff	1/1/2016	12/31/2019
Weiss	David S.	BoS - Representative	1/16/2018	12/31/2018
White	Jacob	Blue Ridge VFRC Rep	10/16/2018	8/31/2019
<i>Handley Regional Library Board</i>				<i>4 Yr</i>
Leahy	Cindy	White Post District	11/21/2017	11/30/2021
<i>Industrial Development Authority of the Clarke County, Virginia</i>				
Capelli	Len	Director of Economic Development		
Cochran	Mark	Buckmarsh District; Chair 2018	10/17/2017	10/30/2021
Ferrell	Brian	Buckmarsh District; Vice Chair 2018	6/21/2016	10/30/2019
Jones	Paul	Russell District	3/15/2016	10/30/2019
Juday	David	Russell District	10/16/2018	10/30/2022

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			<i>Appt Date</i>	<i>Exp Date</i>
Koontz	English	Buckmarsh District	10/16/2018	10/30/2022
Pierce	Rodney	Buckmarsh District	10/18/2016	10/30/2020
Waite	William	Millwood District; Secretary/Treasurer 2018	10/31/2017	10/30/2021
Walburn	Lora	IDA Clerk		
Weiss	David S.	BoS - Liaison	1/16/2018	12/31/2018
<i>Joint Administrative Services Board</i>				<i>Open-End</i>
Ash	David L.	County Administrator	12/22/1993	
Bishop	Chuck	School Superintendent	7/1/2014	
Judge	Tom	Staff Representative	2/14/1994	
Keeler	Sharon	Treasurer	3/12/2005	
McKay	Beverly B.	BoS - Alternate	1/16/2018	12/31/2018
Schutte	Charles	School Board Representative	1/8/2012	
Weiss	David S.	BoS - Appointed Member	1/16/2018	12/31/2018
<i>Josephine School Community Museum Board</i>				
Daniel	Mary L.C.	BoS - Liaison	1/16/2018	12/31/2018
<i>Legislative Liaison and High Growth Coalition</i>				<i>1 Yr</i>
Daniel	Mary L.C.	BoS - Liaison	1/16/2018	12/31/2018
<i>Lord Fairfax Community College Board</i>				<i>4 Yr</i>
Daniel	William	Berryville District	7/19/2016	6/30/2020
<i>Lord Fairfax Emergency Medical Services Council</i>				<i>1 Yr</i>
Conrad	Bryan H.	Volunteer Representative; White Post District	8/15/2018	8/15/2019
Trent	Carolyn	Medical Professional	8/15/2018	8/15/2019
Wilson	Wade	Career Representative	8/15/2018	8/15/2019
<i>Northern Shenandoah Valley Regional Commission</i>				<i>1 Yr</i>
Daniel	Mary L.C.	BoS - Alternate	1/16/2018	12/31/2018
McKay	Beverly B.	BoS - Appointed Member	1/16/2018	12/31/2018
Stidham	Brandon	Citizen Representative [Planning Director]	4/19/2016	1/31/2019
<i>Northwest Regional Adult Drug Treatment Court Advisory Committee</i>				<i>Open End</i>
Byrd	Barbara J.	Russell District	1/16/2018	12/31/2018
<i>Northwestern Community Services Board</i>				<i>3 Yr</i>
Brown	Audrey	White Post District	11/21/2017	12/31/2020
Harris	Celie	Millwood District	11/17/2015	12/31/2018
<i>Northwestern Regional Jail Authority</i>				<i>1 Yr</i>
Ash	David L.	BoS - Appointed Member	1/16/2018	12/31/2018
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			<i>Appt Date</i>	<i>Exp Date</i>
Byrd	Barbara J.	BoS - Liaison - Alternate	1/16/2018	12/31/2018
Roper	Anthony	Sheriff	1/1/2016	12/31/2019
Wyatt	Jimmy	Millwood District	11/17/2015	12/31/2019
<i>Northwestern Regional Juvenile Detention Center Commission</i>				<i>1 Yr</i>
Byrd	Barbara J.	BoS - Liaison	1/16/2018	12/31/2018
Wyatt	Jimmy	Millwood District	12/20/2016	12/20/2020
<i>Old Dominion Alcohol Safety Action Policy Board & Division of Court Services</i>				<i>3 Yr</i>
Roper	Anthony	Sheriff	12/20/2016	12/31/2019
<i>Old Dominion Community Criminal Justice Board</i>				<i>3 Yr</i>
Roper	Anthony	Sheriff	12/20/2016	12/31/2019
<i>Our Health</i>				<i>3 Yr</i>
Shipe	Diane	Buckmarsh District	7/19/2016	3/15/2019
<i>Parks & Recreation Advisory Board</i>				<i>1 Yr</i>
Catlett	Terri T.	BoS - Liaison	1/16/2018	12/31/2018
Heflin	Dennis	White Post District	12/20/2016	12/31/2019
Huff	Ronnie	Town of Berryville Representative	1/1/2016	12/31/2019
Jones	Paul	Russell District; At Large	12/16/2014	12/31/2018
Lichliter	Gary	Russell District	12/20/2016	12/31/2019
Rhodes	Emily	Buckmarsh District	11/17/2015	12/31/2019
Sheetz	Daniel A.	Berryville District	12/19/2017	12/31/2021
Smith	Tracy	Millwood District	12/19/2017	12/31/2021
Trenary	Randy	School Superintendent Designee	10/24/2013	
Wisecarver	Steve	Appointed by Town of Boyce	1/2/2018	7/31/2018
<i>People Inc. of Virginia</i>				<i>3 Yr</i>
Hillerson	Coleen	Clarke County Rep Board of Directors	8/16/2016	7/31/2019
<i>Regional Airport Authority</i>				<i>1 Yr</i>
Ash	David L.	BoS - Alternate	1/16/2018	12/31/2018
Crawford	John	Buckmarsh District	7/19/2016	6/30/2020
McKay	Beverly B.	BoS - Alternate	1/16/2018	12/31/2018
<i>Shenandoah Area Agency on Aging, Inc.</i>				<i>4 Yr</i>
Pritchard	Elizabeth		9/30/2018	9/30/2022
<i>Shenandoah Valley Chief Local Elected Officials Consortium</i>				
Ash	David L.	BoS Designee for Chief Elected Official		
<i>Shenandoah Valley Workforce Development Board</i>				<i>4 Yr</i>
James	Patricia	Buckmarsh District	5/16/2017	11/9/2017
<i>Wednesday, December 26, 2018</i>				<i>Page 7 of 8</i>

			<i>Appt Date</i>	<i>Exp Date</i>
<i>Strategic Planning Committee</i>				1 Yr
Catlett	Terri T.	BoS - Appointed Member	1/16/2018	12/31/2018
<i>Towns and Villages: Berryville</i>				1 Yr
Byrd	Barbara J.	BoS - Liaison	1/16/2018	12/31/2018
Daniel	Mary L.C.	BoS - Liaison - Alternate	1/16/2018	12/31/2018
<i>Towns and Villages: Boyce</i>				1 Yr
Catlett	Terri T.	BoS - Liaison	1/16/2018	12/31/2018
McKay	Beverly B.	BoS - Liaison	1/16/2018	12/31/2018
<i>Towns and Villages: Millwood</i>				1 Yr
Catlett	Terri T.	BoS - Liaison	1/16/2018	12/31/2018
<i>Towns and Villages: Pine Grove</i>				1 Yr
Catlett	Terri T.	BoS - Liaison	1/16/2018	12/31/2018
Weiss	David S.	BoS - Liaison	1/16/2018	12/31/2018
<i>Towns and Villages: White Post</i>				1 Yr
McKay	Beverly B.	BoS - Liaison	1/16/2018	12/31/2018



Board of Supervisors Organizational Meeting & Work Session Agenda

Berryville/Clarke County Government Center, 2nd Floor
101 Chalmers Court, Berryville, Virginia 22611

January 7, 2019 10:00 AM

Item
No. Description

A. Organizational Items:

- Elect 2019 Chair
- Elect 2019 Vice Chair
- Set Meeting Date, Time and Location for 2019
- Adopt Rules of Procedure
- 2018 Chair Appointments Review for 2019 Appointments
- Annual Distribution: Information Only
 - o *Code of Virginia Title 2.2. Administration of Government Chapter 37. Virginia Freedom of Information Act*
 - o *Code of Virginia Title 42.1. Libraries Chapter 7. Virginia Public Records Act*

B. Distribution and Selection of New Clarke County Wordmark Logo by Cathy Kuehner

Reminders:

- 2019 Conflict of Interest mailed Wednesday, December 26, 2018, due in Clarke County Administration by 5 pm, Friday, February 1, 2019.

2019 Clarke County Board of Supervisors Meeting Schedule - Draft

<i>Meeting Type</i>	<i>Day</i>	<i>Date</i>	<i>Time</i>	<i>Additional Info</i>
Work Session*	Monday	January 7	10:00 am	2019 Organizational Meeting
Regular Meeting	Tuesday	January 15	1 pm	
Work Session*	Monday	February 11	10:00 am	
Regular Meeting	Tuesday	February 19	1 pm	
Work Session*	Monday	March 11	10:00 am	
Regular Meeting	Tuesday	March 19	1 pm	
Work Session*	Monday	April 8	10:00 am	
Regular Meeting	Tuesday	April 16	1 pm	
Work Session*	Monday	May 13	10:00 am	
Regular Meeting	Tuesday	May 21	1 pm	
Work Session*	Monday	June 10	10:00 am	
Regular Meeting	Tuesday	June 18	1 pm	
Work Session*	Monday	July 8	10:00 am	
Regular Meeting	Tuesday	July 16	1 pm	
Work Session*	Monday	August 12	10:00 am	
Regular Meeting	Tuesday	August 20	1 pm	
Work Session*	Monday	September 9	10:00 am	
Regular Meeting	Tuesday	September 17	1 pm	
<i>Work Session*</i>	Monday	<i>October 7</i>	10:00 am	
Regular Meeting	Tuesday	October 15	1 pm	
<i>Work Session*</i>	<i>Thursday</i>	<i>November 7</i>	<i>10:00 am</i>	<i>85th VACo Conference November 10 - 12</i>
Regular Meeting	Tuesday	November 19	1 pm	
Work Session	Monday	December 9	10:00 am	
Regular Meeting	Tuesday	December 17	1 pm	

Unless otherwise noted, Regular Meetings are held in the Main Meeting Room, Work Sessions and Committee Meetings are held in Meeting Room AB in the Berryville Clarke County Government Center, 2nd Floor, 101 Chalmers Court, Berryville, Virginia

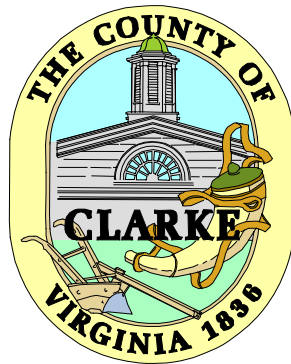
*Note: Unless otherwise noted, BoS Personnel Committee Meetings typically start at 9:30 am on Work Session days; BoS Finance Committee Meetings typically start immediately after Work Sessions. Work Sessions scheduled for Committee Meeting days on matters for which the Board has deemed additional discussion and/or information necessary.

Agenda Items / Packet Material due by 5 pm on the Monday one week prior to the scheduled meeting.

Revision Date: 11-07-2018

Clarke County, Virginia Board of Supervisors

Rules of Procedure



Rules of Procedure

Record of Revision

<i>Revision No.</i>	<i>Revision Date</i>	<i>Description of Change</i>
8	01/09/2012	Section 4-1 Order of Business: Add Item j) Joint Administrative Services Board Monthly Update; move Board of Supervisors Committee Status Reports before Closed Session; move f) Citizen Comment Period and g) Department of Transportation Matters below item c) and re-letter; add to first sentence "normally"
9	1/7/2013	Change Article IV —Conduct Of Business Section 4-1. Order of Business Move Citizen Comment Period to Item C after Adoption of Agenda.
10	1/13/2014	Article 1 Meetings Section 1-11. Limitations on duration and hour of meetings; Adjournment change from three [3] to four [4] hours. Article IV – Conduct of Business Section 4-1. Order of Business d) School Board Update add [as requested]
11	1/12/2015	Add Section 1-12. Electronic Participation in Meetings from Remote Locations
N/A	1/11/2016	Reviewed – No Change
N/A	1/09/2017	Reviewed – No Change
12	1/08/2018	Amend and replace Section 4.2 Adoption of Agenda
13	08/29/2018	Amend and retitle "Section 1-12. Electronic Participation in Meetings from Remote Locations" to "Section 1-12 Meetings held through electronic communication means" as set forth in § 2.2-3708.2. Sections §2.2-3708 and §2.2-3708.1 repealed by Acts 2018

Rules of Procedure

Record of Revisions

<i>Revision No.</i>	<i>Revision Date</i>	<i>Description of Change</i>
New	01/15/02	New Document
1	01/21/03	For consistent language, use Chair and Vice Chair throughout document. Information map and add attachment section: Closed Meetings Procedure, Sample Sign-in Sheets Citizen Comments and Public Hearing
N/A	1/12/04	Reviewed and adopted as written – no change
2	1/18/05	Page 13, Article IV Conduct of Business, Section 4-1. Order of Business, Item J Public Hearings be moved to G; Item I Scheduled Presentations moved to H, and the section renumbered accordingly
3	1/17/06	<i>2006 date set for Board meetings is the third Tuesday of each month beginning at 2:00 pm; The alternate date for meetings for 2006 was set for 2:00 pm on the Thursday following the regularly-scheduled Tuesday; Page 12 Conduct of Business move Item (g) Public Hearings to Item (n) and list Item (e) Citizens' Comment in afternoon and evening session as Item (m)</i>
4	3/20/07	<i>2007 regular meeting date and alternate remain unchanged. Start time changed from 2:00 pm to 1:00 pm. Section 4-5 Scheduled Presentations add bullet "The bias of the Board is that the Chair . . . rest of the Board at the meeting."</i>
5	01/12/2009	Amend Section 1-1. Annual Meeting; Schedule of Regular Meetings Main Meeting Room, Berryville Clarke County Joint Government Center, Board of Supervisors' Meeting Room of the Circuit Courthouse, Berryville, Virginia; ; Amend Section 3-3. Posting and Notice and included with the calendars mailed pursuant to § 2.2-3707(E) of the Code of Virginia, as amended.; Amend Section 5-6. Order of Speaking; Remove Attachment C
6	01/01/2010	Amend 1-8 Reconsideration of Motions, Etc., Upon Which Vote Has Been: Remove At any meeting of the Board, ... Add - A motion to reconsider may only be made at the meeting at which the vote was taken, or at the next succeeding regular meeting of the Board or at any intervening meeting of the Board before the next succeeding regular meeting of the Board. Announced 4-1 Order of Business: Add School Board Update after Adoption of Agenda, Add Board Member Committee Status Reports after Closed Session [when necessary]
7	01/01/2011	3.3 change from www.co.clarke.va.us to www.clarkecounty.gov ; 3.4 change from the Public Library to official County website ; add Individuals desiring complete paper copies . . . ;

Rules of Procedure

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Rules of Procedure

Article I—Meetings

Section 1-1. Annual Meeting; Schedule of Regular Meetings

On the third Tuesday of January of each year, or on such other date in the month of January as it may designate, the Board shall assemble in the Main Meeting Room, Berryville Clarke County Joint Government Center or such other public place as it may designate, in regular session and conduct its annual or organizational meeting.

During the course of such meeting, the Board shall fix the date, time, and place of all of its regular meetings during the ensuing calendar year, and shall fix the day on which a regular meeting shall be continued should the Chair later declare that weather or other conditions make it hazardous for members to attend.

Thereafter, no changes shall be made to the schedule of regular meetings and continued dates of same unless the requirements of Section 15.2-1416 of the Code of Virginia, 1950, as amended, are first met.

Section 1-2. Special Meetings

The Board of Supervisors may hold such special meetings as it deems necessary and at such times and places as it may find convenient.

A special meeting can only be called pursuant to the requirements imposed by Sections 15.2-1417 and 15.2-1418 of the Code of Virginia, 1950, as amended.

Section 1-3. Adjourned Meetings

Upon majority vote of the members attending, the Board may continue its meetings, regular or special, from time to time as it may find convenient or necessary with no requirement to further advertise or announce.

Section 1-4. Quorum and Method of Voting

At any meeting, a majority of the Supervisors shall constitute a quorum.

All questions submitted to the Board for decision shall be determined by a majority vote of the Supervisors present and voting on any such question, unless otherwise provided by law or these Rules of Procedure.

The name of each member voting and how he or she voted will be recorded for each action taken by the Board of Supervisors.

The Board of Supervisors has elected not to have a tiebreaker, as provided for by the Code of Virginia, 1950, as amended.

Rules of Procedure

Section 1-5. Motions Subject to limitations imposed hereafter in these rules, discussion of items on the agenda shall be permitted for purposes of clarifying the issues and/or the options available for consideration.

No call for a vote shall be allowed until a member of the Board moves a specific action with reasonable clarity and each member of the Board has thereafter had an opportunity to speak to the specific motion. Motions shall not require a second.

When possible, Board members making complex, multi-part, or lengthy motions are requested to provide the clerk with a written copy of the motion at the time the motion is made.

Section 1-6. Motion to Adjourn At a meeting of the Board, a motion to adjourn shall always be in order and shall be decided without debate, provided each member of the Board is given a reasonable opportunity to be heard.

Section 1-7. Motions While a Question is Under Debate When a motion is under debate at a meeting of the Board no motion shall be received unless it is one:

- To amend,
- To commit,
- To postpone,
- For the previous question,
- For a substitute motion to lay on the table,
- Or to adjourn.

Section 1-8. Reconsideration of Motions, Etc., Upon Which Vote Has Been Announced When any vote upon any motion, resolution, ordinance, or question has been previously announced, it may not be reconsidered unless and until a motion to that effect is presented by a member of the Board who previously voted with the prevailing side when such motion, resolution, ordinance, or question was considered. A motion to reconsider may only be made at the meeting at which the vote was taken, or at the next succeeding regular meeting of the Board or at any intervening meeting of the Board before the next succeeding regular meeting of the Board.

Any such motion to reconsider shall be decided by a majority vote of the members present at the time such motion to reconsider is presented.

Rules of Procedure

Section 1-9. Robert's Rules of Order; Suspending Rules

The proceedings of the Board of Supervisors, except as otherwise provided in these rules and by applicable State law, shall be governed by Robert's Rules of Order.

These Rules of Procedure of the Board may only be suspended on presentation of a motion to that effect, which is carried by unanimous vote of the members present and voting.

Section 1-10. Board to Sit with Open Doors

The Board of Supervisors shall sit with open doors, and all persons conducting themselves in an orderly manner may attend the meetings. However, the Board may hold closed meetings as permitted by law.

Closed meetings may be placed on the agenda, or may be requested by any member of the Board. However, no closed meeting shall be convened unless and until the Board has favorably acted on a motion to so convene, and, then, only if such motion accurately states a lawful reason for such closed meeting as permitted by and outlined in Section 2.2-3701344 of the Code of Virginia, 1950, as amended.

For additional detail, refer to Attachment A – Closed Meetings Procedure of this document.

Section 1-11. Limitations on duration and hour of meetings; Adjournment

Meetings of the Board of Supervisors shall not continue for more than four [4] consecutive hours or later than 10:00 pm without the consent of a majority of the members present.

Should it appear to the Chair that the matter or matters before the Board cannot be heard within the time remaining, the Chair shall poll the members of the Board to determine the desire of the members.

The Chair shall adjourn or recess the meeting upon final action on the current agenda item unless a majority of the members agree to exceed the limits established by this section.

Any items not taken up by the Board of Supervisors prior to adjourning will be added to the agenda of the next meeting without further action of the Board.

Rules of Procedure

Section 1-12.
Meetings held through
electronic
communication means
policy and approval
process

Policy:

It is the policy of Clarke County Board of Supervisors that its individual members may participate in meetings of the Board of Supervisors by electronic means as permitted by Virginia Code § 2.2-3708.2. 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 Supervisors to be physically assembled at the primary or central meeting location, 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.

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 Supervisors shall vote whether to allow such participation.

If Board of Supervisors 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;
-

Rules of Procedure

- 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.

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;
-

Rules of Procedure

- 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 part

Rules of Procedure

State 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, subject to the follow 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.

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;
 - c. Otherwise comply with the provisions of § 2.2-3708.2.
 - 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.
-

Rules of Procedure

Article II—Officers

*Section 2-1. Chair
and Vice Chair*

At the annual or organizational meeting of the Board of Supervisors, as described in Section 1-3 hereof, the Board shall elect from its membership a Chair and a Vice Chair, each of whom shall serve for a one-year term expiring on December 31st of the same year in which he or she is elected, provided however, that unless the term of office has expired and the member has not been re-elected, the Chair and Vice-Chair shall serve until their respective successor(s) shall have been elected and qualify.

In the event that the Chair is absent from any meeting the Vice Chair shall assume the authority and duties of the Chair.

In the event the Chair and Vice Chair are absent from any meeting of the Board, then, the members present at such meeting shall choose one of their number as temporary Chair by majority vote of the members present and voting.

*Section 2-2. Authority
of the Chair*

The efficient and dignified conduct of public business is the ultimate concern of the Board. Accordingly, it is the policy of the Board that its meetings be conducted with the highest degree of order and decorum, and the Board will permit no behavior, which is not in keeping with this policy.

The Chair shall preserve order and decorum at all meetings.

- He shall recognize persons desiring to speak and shall ensure that speaker's comments are limited to the issue before the Board for consideration and that any limitations on time are observed.
 - The Chair shall ensure that all persons entitled and desiring to speak are permitted to do so without interruption or comment during their presentation.
 - The Chair shall determine if statements are demeaning, inappropriate, or out of order, and shall have the authority to revoke the speaker's right to continue.
-

*Section 2-2 Authority
of the Chair
Continued*

The Chair may order the expulsion of any person for violation of rules, disruptive behavior, or any words or action that incite violence or disorder, subject to appeal to the Board.

- Any person so expelled shall not be readmitted for the remainder of the meeting from which he was expelled.
 - Any person who has been so expelled and who at a later meeting again engages in words or actions justifying expulsion may be barred from
-

Rules of Procedure

attendance at future meetings of the Board for a specified and reasonable period of time not to exceed six months or upon a still subsequent expulsion, a period not to exceed one year, either by the Chair, subject to appeal to the board, or by motion passed by the Board.

The Chair shall have the power to administer an oath of honesty to any person concerning any matter submitted to the Board, or, connected with its powers and duties. The power to administer an oath granted to the Chair in this section shall be no greater than the same power authorized by Section 15.2-1410 of the Code of Virginia, 1950, as amended.

Section 2-3. Clerk

The Clerk of the Board shall be the County Administrator, and the duties and responsibilities of that position shall be as specified in Sections 15.2-407 and 15.2-1539 of the Code of Virginia, 1950, as amended.

At the discretion of the Board, any County employee can be designated as Deputy Clerk, or Temporary Clerk, as the circumstances may require, and said employee shall have the same powers and duties outlined herein for the duration of said appointment.

Rules of Procedure

Article III—Agenda

Section 3-1. Preparation

The Clerk shall prepare an Agenda for each meeting of the Board of Supervisors, conforming to the order of business specified in Section 4-1 under Order of Business.

- Supporting information for every item to be placed on the Regular Meeting Agenda shall be received in the Office of the County Administrator before the close of the working day on the Monday that falls in the week immediately prior to the regularly scheduled Board meeting.
 - Agendas for special meetings shall be prepared as far in advance as the circumstances necessitating the special meeting allow.
 - The clerk shall include on the agenda all matters for which a written request and supporting information have been received in advance of the deadline herein established.
-

Section 3-2. Delivery

Each member of the Board shall receive the Regular Meeting Agenda, along with the supporting information available to staff, on the Friday of the week prior to the regular meeting to be held on the third Tuesday of each month.

Special meeting Agendas and supporting information will be delivered as far in advance as the circumstances necessitating the special meeting allow.

Section 3-3. Posting and Notice

A copy of the Meeting Agendas shall be available in the Office of the County Administrator as of the date and time the information is distributed to members of the Board.

Agendas will also be posted on the County Web page at www.clarkecounty.gov.

Section 3-4. Copies

The Clerk or Deputy Clerk of the Board shall prepare or cause to be prepared extra copies of the Agenda and supporting information, and shall make the same available to the public in the Office of the County Administrator and official County website at the same time that the Agenda is posted pursuant to Section 3-3, above.

Individuals desiring complete paper copies of Agenda packages shall arrange with the Clerk for the delivery and cost of the information desired.

The Clerk or Deputy Clerk shall also have a copy of agenda packet available at each meeting.

Rules of Procedure

**Article IV—Conduct Of
Business**

*Section 4-1. Order of
Business*

At meetings of the Board, the order of business should normally be as follows:

- (a) Call to Order
- (b) Adoption of Agenda
- (c) Citizens' Comment
- (d) School Board Update *[as requested]*
- (e) Department of Transportation Matters
- (f) Approval of Minutes
- (g) Approval of Consent Agenda
- (h) Scheduled Presentations
- (i) Ratification of Committee Action
- (j) Joint Administrative Services Board Monthly Update
- (k) Project Update
- (l) Miscellaneous Items
- (m) Summary of Required Action
- (n) Board Member Committee Status Reports
- (o) Closed Session *[when required]*

When public hearings are scheduled, there will be a recess at this point until 6:30 pm and Items (p), (q), and (r) shall be conducted.

- (p) Citizens' Comment
 - (q) Public Hearings (when required)
 - (r) Adjournment
-

*Section 4-2. Adoption
of Agenda*

The Agenda for adoption shall be the agenda prepared and delivered as required in Article III.

The Board shall not take action on any matter not identified in the agenda.

The Board shall not approve additions to the published agenda except for matters requiring the immediate action of the Board on official County business,

Rules of Procedure

the nature of which demands deliberation and action and for which the Board cannot schedule timely deliberation and action at its next regular meeting or at a specially called session meeting the requirements of § 2.2-3707. Should a matter arise that requires immediate deliberation and action by the Board, the Chair shall, upon determining the matter is not properly identified on the agenda, call for a motion adding the matter to the agenda and identifying need for immediate action, the call for a special meeting, or directing the matter be placed on the next regular meeting agenda.

This procedure shall not be construed to prohibit the reporting of information by and between Board members and staff or identifying matters requested or recommended for future discussion or decision, or matters of interest to individual members or future meetings of other bodies nor notice of future items or meetings of interest to one or more members of the Board.

Section 4-3. Consent Agenda

The Consent Agenda shall be introduced by a motion "to approve the Consent Agenda", and shall be considered by the Board as a single item. There shall be no debate or discussion by any member of the Board regarding any item on the Consent Agenda, beyond asking questions for simple clarification.

On objection by any member of the Board of Supervisors to inclusion of any item on the Consent Agenda, that item shall be removed from the Consent Agenda forthwith.

- Such objection may be recorded at any time prior to completing the taking of a vote on the motion to approve the Consent Agenda.
- Items, which have been objected to and removed from the Consent Agenda, shall be moved to the Miscellaneous Item on the agenda and be considered individually and in the order in which they were objected to.

Approval of the motion to approve the Consent Agenda shall constitute approval, adoption, or enactment of each motion, resolution, or other item of business thereon, exactly as if each had been acted upon individually.

Section 4-4. Citizen Comment Period.

Any person desiring to address the Board of Supervisors at the Citizen Comment period shall be required to abide by the rules governing such presentations as set forth in these rules in Article VI—Citizen Responsibilities.

A register for persons desiring to address the Board of Supervisors during the Citizen Comment Period shall be furnished prior to the beginning of every regular meeting of the Board of Supervisors. [For sample, refer to Attachment B – Citizen Comment Period – Sign-In Sheet of this document.] Citizens desiring to address the Board of Supervisors during this period shall provide their name,

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the issue they want to address, and their place of residence on the register provided.

Each speaker at a Citizen's Comment Period shall be limited to one appearance at each regular meeting of the Board and only issues that are not scheduled for future Public Hearings may be addressed. Individuals speaking during the Citizens' Comment Period shall be subject to a five-minute time limitation.

Members of the Board shall neither engage in debate with, nor shall they be expected to answer questions posed by individuals speaking during the Citizen Comment period.

Should a review of the register indicate that more than two persons desire to speak on the same issue during the Citizen Comment Period the Chair may ask those desiring to speak to pick two people to represent their views.

- If those desiring to speak cannot agree on two representative speakers the Chair shall let the first two citizens speak for up to 5 minutes each but may limit subsequent speakers to the time required to present different opinions or new information.
- In lieu of the above, a majority of the Board of Supervisors present and voting at the meeting may direct the matter be scheduled for public comment at the next regular meeting of the Board, and defer public comment until that time.

*Section 4-5.
Scheduled
Presentations*

Any person desiring to address the Board of Supervisors at a Scheduled Presentation period of a Board of Supervisors meeting shall be required to abide by the rules governing such presentations as set forth in these rules in Article VI—Citizen Responsibilities.

Any citizen or staff member who desires to address the Board during the "Scheduled Presentations" portion of the Agenda at a Regular Meeting shall submit a written request to the Clerk, or his/her designee, identifying, with reasonable certainty, the subject matter of the presentation.

- Such request must be in the Clerk's hands not later than the Agenda deadline specified in Section 3-1 hereof.
 - The bias of the Board is that the Chair should honor all such requests and the person making the request should be allowed at least five [5] minutes of meeting time to address the Board. However, the Chair may delay the request to a future meeting or decline the request entirely if the meeting schedule is full or the topic is deemed to be inappropriate. Any such action on the part of the Chair must be reported to the rest of the Board at the meeting.
-

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- Only the person requesting to make the presentation may do so, unless otherwise permitted by the Chair, and every such speaker shall be subject to a five minute time limit for the presentation itself, which limit can be extended with agreement of the Chair.
 - Board Member questions and discussion of the material presented shall not be subject to any time limit.
 - Persons making presentations should be prepared to answer questions and provide detailed information in response to questions from members of the Board.
-

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Article V – Public Hearings

Section 5-1. Format for Public Hearings

It is the purpose and objective of the Board of Supervisors to give each citizen an opportunity to express his/her views on the issue(s) at hand at public hearings and to give all speakers equal treatment and courtesy.

While it is often necessary to have a presentation by an applicant and staff, it is the desire of the Board to hear from the public, and therefore, the applicant and staff presentations will be as brief as possible.

In order to accomplish this objective it is necessary that certain rules of order prevail at all hearings of the Board of Supervisors as follows:

Section 5-2. Order of Business

At public hearings, the order of business will be as follows:

- (a) Identification of Issue and Verification of Notice
 - (b) Staff and/or Applicant Presentation
 - (c) Public Comment
 - (d) Board Member Questions
 - (e) Staff, Applicant or Public Response
 - (f) Close of Public Hearing
 - (g) Board discussion and/or consideration
-

Section 5-3. Identification of Issue and Verification of Required Notice

The Chair shall call upon the appropriate County Staff member to verify that any required notice has been given and to read or summarize the notice for the benefit of those attending the public hearing.

Section 5-4. Staff and/or applicant presentation

The Chair will call upon the appropriate County staff and/or applicant to present such information as is necessary to explain the action requested of the Board of Supervisors.

Presentations will be brief, concise summaries for the Supervisor's and the public's information and understanding, provided that sufficient time will be allowed to present, properly and fairly, the subject matter.

When written information has been provided prior to the hearing, that information should be summarized and only new information should be presented in detail.

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*Section 5-5. Public
Comment*

Any person desiring to address the Board of Supervisors at a Public Hearing conducted by the Board of Supervisors shall be required to abide by the rules governing such presentations as set forth in these rules in Article VI—Citizen Responsibilities.

Prior to permitting public comment, the Chair shall determine, to the best of his ability, the approximate number of persons desiring to comment at the public hearing and shall establish the manner in which speakers are recognized and the length of time each may speak.

Should the Chair determine that the likely number of persons desiring to speak is 10 or more in number, he may direct that individuals desiring to speak register with staff, providing their name and the district in which they reside. Should registration be required, the Chair shall verify that all such registration has been completed before beginning the hearing begins.

*Section 5-6. Order
of Speaking*

Members of the public shall be permitted to speak as the Chair recognizes each, provided that no member of the public shall be recognized to speak a second time until all persons desiring to speak have had an opportunity to do so. In the event the number of persons desiring to speak necessitates a register, speakers shall be recognized in the order in which they have registered.

In the event the number of speakers results in the continuation of a public hearing, any persons registered but not heard at the initial Public Hearing will be the first given an opportunity to speak at the continued hearing.

*Section 5-7.
Presentation of
Comments*

Each person may address the Board as many times as the Chair, in his or her discretion, may allow, but no speaker shall exceed the total time limit set by the Chair regardless of the number of times recognized.

*Section 5-8.
Supervisors'
Questions*

Upon completion of a presentation by staff, applicant or member of the public, any Member of the Board may ask questions to enhance their understanding of the issue, verify information presented or clarify the action or actions requested.

Members of the Board shall not engage in debate with the person or persons making the presentation.

*Section 5-9. Close
of Hearing*

When the Chair of the Board shall have closed a Public Hearing no further public comments shall be received.

At the close of the public hearing, the Board of Supervisors shall, at its discretion,

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act or defer action upon the matter set for public hearing. In the event the Board defers action to a later date, the record shall be left open to receive written comments up until the time that a vote is taken.

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**Article VI—Citizen
Responsibilities**

*Section 6-1.
Application of Rules.*

Any person desiring to address the Board of Supervisors during any portion of a meeting designated for public comment shall be required to abide by the rules governing such presentations as hereafter set forth in these rules.

*Section 6-2.
Addressing the Board.*

All persons speaking at a meeting of the Board during any portion of a meeting designated for public comment shall address their comments to the Board of Supervisors and shall limit their comments to the matter before the Board of Supervisors. Speakers shall not engage in debate with other speakers or members of the public.

Questions shall not be asked of other speakers, but may be directed to the Chair of the Board for consideration by the Board in later deliberating the matter.

*Section 6-3. Conduct
while Speaking*

Persons speaking at a meeting of the Board of Supervisors shall do so in a courteous manner.

- Cursing or other obscene language or gestures; threats; insults; or other actions intended to harass, provoke or incite a fight, brawl, or other such disorderly response will not be permitted.
 - Any person whose conduct is contrary to this section will be removed as provided for in section 2-2. of these rules.
-

*Section 6-4. Name
and place of
residence.*

Individuals addressing the Board during any portion of a meeting designated for public comment shall clearly state their name and place of residence prior to making any further comments. Should a person be recognized to speak more than once, they shall identify themselves each time before speaking.

*Section 6-5.
Organizational
Representation*

Any person speaking at any portion of a meeting designated for public comment, who represents himself as being an officer or representative of an organization, group, association, corporation, or other entity, shall, upon request of a member of the Board,

- (a) Disclose for the organization, group, association, corporation, or other entity,
 - (b) The history,
 - (c) Size,
-

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- (d) Dues,
- (e) Structure,
- (f) Date of creation,
- (g) Requirements for membership,
- (h) Tax status; and
- (i) Shall reveal the organizations method of determining its official position, and
- (j) The speaker's authority to represent the organization.

Unreasonable failure to provide this information to the satisfaction of the Board of Supervisors shall bar the speaker from speaking on behalf of the organization.

Section 6-6. Order of Speaking

Persons speaking during any portion of a meeting designated for public comment shall do so in the order in which they are recognized and called upon by the Chair.

Section 6-7. Time Limits

All persons speaking during any portion of a meeting designated for public comment shall observe all time limits established by the board and shall yield the floor when informed their time has expired.

Section 6-8. Registration.

Should registration of speakers be required, all persons desiring to speak shall sign the register, providing their name and place of residence.

Section 6-9. Written copy of comments

Speakers are requested, but not required, to leave written statements and/or comments with the Clerk or Deputy Clerk of the Board to be incorporated into the written record of the meeting.

Section 6-10. Information sources

No person who speaks or otherwise presents information during any portion of a meeting designated for public comment shall knowingly present false or untrue information to the Board of Supervisors, and shall, upon request of any Board Member, provide the source of any information presented.

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**Article VII—
Appointments**

*Section 7-1.
Appointments*

Subject to ratification of a majority of the members of the Board of Supervisors, the Chair shall appoint members of the Board to such authorities, boards, commissions, committees or other organizations or positions as the Board shall so authorize.

**Article VIII—
Amendments**

*Section 8-1.
Amendments*

These Rules of Procedure may, from time to time, be revised, repealed, or otherwise amended upon an affirmative vote by a majority of the members of the Board of Supervisors present and voting.

Attachments

- A. Closed Meetings Procedure
 - B. Citizen Comment Sign-in Sheet
-

Rules of Procedure

Attachment A – Closed Meetings Procedure

Closed Meetings can be held only for discussion of certain limited topics and can be entered only from a properly convened public meeting upon motion of a member of the Board of Supervisors. Most frequently, the Board of Supervisors convenes a closed session to discuss one of the following:

- Specific Employees or appointees of the Board - §2.2-3711-A1
- Acquisition or Sale of Property - §2.2-3711-A3
- Privacy of individuals in personal matters - §2.2-3711-A4
- Discussion of unannounced business location - §2.2-3711-A5
- Discussion of the investment of public funds where competition or bargaining is involved - §2.2-3711-A6
- 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; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. - §2.2-3711-A7
- 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 - §2.2-3711-A29

To convene a closed session, a member of the Board of Supervisors should:

“Move to convene a closed session pursuant to Section (see section number above), of the Code of Virginia, as amended, to discuss (identify to extent possible).”

To reconvene in public session after a closed session, the Board of Supervisors should readmit the public and only then a member of the Board should:

“Move to reconvene in open session.” With the vote taken immediately thereafter.

Next, a member of the Board should:

“Move to certify that to the best of the member’s knowledge (i) only public business matters lawfully exempted from open meeting requirements under Chapter 2.2-3700, et sec, of the Code of Virginia, as amended, 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 Board.”

A roll-call vote is required. Any member of the Board who believes that there was a departure from the requirements of the certifications in the above motion shall so state prior to the vote, indicating the substance of the departure that, in his judgment, has taken place. That statement shall be recorded in the minutes of the Board.

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Attachment B – Citizen Comment Period – Sign-In Sheet

Citizen Comment Period - Sign-In Sheet

Name (Please Print)	Address	Topic
1.		
2.		
3.		
4.		
5.		
6.		
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8.		
9.		
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11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		

If you are representing an Organization: Rules of Procedure - Section 6-5. – Organizational Representation

Any person speaking at any portion of a meeting designated for public comment, who represents himself as being an officer or representative of an organization, group, association, corporation, or other entity, shall, upon request of a member of the Board, disclose for the organization, group, association, corporation, or other entity, the history, size, dues, structure, date of creation, requirements for membership, tax status; and shall reveal the organizations method of determining its official position and the speaker's authority to represent the organization. Unreasonable failure to provide this information to the satisfaction of the Board of Supervisors shall bar the speaker from speaking on behalf of the organization.

End of document.

2018 Board of Supervisors Assignments By Supervisor

	<i>Position</i>	<i>Appt Date</i>	<i>Exp Date</i>
David Ash			
BCCGC Joint Building Committee	County Administrator		
Berryville/Clarke County Joint Committee for Economic Development and Tourism	BoS - Appointed Member	1/16/2018	12/31/2018
Joint Administrative Services Board	County Administrator		
Northwestern Regional Jail Authority	BoS - Appointed Member	1/16/2018	12/31/2018
Regional Airport Authority	BoS - Alternate	1/16/2018	12/31/2018
Barbara J. Byrd			
Board of Supervisors Finance Committee	BoS - Alternate	1/16/2018	12/31/2018
Board of Supervisors Personnel Committee	BoS - Alternate	1/16/2018	12/31/2018
Clarke County Humane Foundation	BoS - Liaison	1/16/2018	12/31/2018
Clarke County Planning Commission	BoS - Alternate	1/16/2018	12/31/2018
Clarke County School Board	BoS - Alternate	1/16/2018	12/31/2018
Community Policy and Management Team	BoS - Appointed Member	1/16/2018	12/31/2018
Conservation Easement Authority	BoS - Appointed Member	1/16/2018	12/31/2018
Northwest Regional Adult Drug Treatment Court Advisory Committee	BoS - Appointed Member	1/16/2018	12/31/2018
Northwestern Regional Jail Authority	BoS - Liaison - Alternate	1/16/2018	12/31/2018
Northwestern Regional Juvenile Detention Center Commission	BoS - Liaison	1/16/2018	12/31/2018
Towns and Villages: Berryville	BoS - Liaison	1/16/2018	12/31/2018
Terri T. Catlett			
Board of Supervisors Finance Committee	BoS - Appointed Member	1/16/2018	12/31/2018
Career and Technical Education Advisory Committee	BoS - Appointed Member	1/16/2018	12/31/2018
Clarke County Historic Preservation Commission	BoS - Liaison	1/16/2018	12/31/2018
Clarke County School Board	BoS - Liaison	1/16/2018	12/31/2018
Parks & Recreation Advisory Board	BoS - Liaison	1/16/2018	12/31/2018
Strategic Planning Committee	BoS - Appointed Member	1/16/2018	12/31/2018

	<i>Position</i>	<i>Appt Date</i>	<i>Exp Date</i>
Towns and Villages: Boyce	BoS - Liaison - Alternate	1/16/2018	12/31/2018
Towns and Villages: Millwood	BoS - Liaison	1/16/2018	12/31/2018
Towns and Villages: Pine Grove	BoS - Liaison	1/16/2018	12/31/2018

Mary L.C. Daniel

Board of Septic & Well Appeals	BoS - Alternate	1/16/2018	12/31/2018
Broadband Implementation Committee	BoS - Appointed Member	1/16/2018	12/31/2018
Clarke County Library Advisory Council	BoS - Liaison	1/16/2018	12/31/2018
Clarke County Planning Commission	BoS - Appointed Member	1/16/2018	12/31/2018
Clarke County Sheriff's Office	BoS - Liaison	1/16/2018	12/31/2018
Josephine School Community Museum Board	BoS - Liaison	1/16/2018	12/31/2018
Legislative Liaison and High Growth Coalition	BoS - Liaison	1/16/2018	12/31/2018
Northern Shenandoah Valley Regional Commission	BoS - Alternate	1/16/2018	12/31/2018
Towns and Villages: Berryville	BoS - Liaison - Alternate	1/16/2018	12/31/2018

Beverly B. McKay

Agricultural & Forestal District Advisory Committee	BoS - Appointed Member	1/16/2018	12/31/2018
BCCGC Joint Building Committee	BoS - Appointed Member	1/16/2018	12/31/2018
Board of Septic & Well Appeals	BoS - Appointed Member Vice Chair	1/16/2018	12/31/2018
Board of Supervisors	Vice Chair	1/16/2018	12/31/2018
Board of Supervisors Finance Committee	BoS - Alternate	1/16/2018	12/31/2018
Board of Supervisors Personnel Committee	BoS - Appointed Member	1/16/2018	12/31/2018
Broadband Implementation Committee	BoS - Appointed Member	1/16/2018	12/31/2018
Building and Grounds	BoS - Appointed Member	1/16/2018	12/31/2018
Clarke County Sanitary Authority	BoS - Liaison	1/16/2018	12/31/2018
Economic Development Advisory Committee	BoS - Appointed Member	1/16/2018	12/31/2018
Housing and Community Services Board	BoS - Appointed Member	1/16/2018	12/31/2018
Joint Administrative Services Board	BoS - Alternate	1/16/2018	12/31/2018
Northern Shenandoah Valley Regional Commission	BoS - Appointed Member	1/16/2018	12/31/2018
Regional Airport Authority	BoS - Alternate	1/16/2018	12/31/2018

	<i>Position</i>	<i>Appt Date</i>	<i>Exp Date</i>
Towns and Villages: Boyce	BoS - Liaison	1/16/2018	12/31/2018
Towns and Villages: White Post	BoS - Liaison	1/16/2018	12/31/2018

David S. Weiss

Berryville/Clarke County Joint Committee for Economic Development and Tourism	BoS - Appointed Member	1/16/2018	12/31/2018
Board of Supervisors	Chair	1/16/2018	12/31/2018
Board of Supervisors Finance Committee	BoS - Appointed Member	1/16/2018	12/31/2018
Board of Supervisors Personnel Committee	BoS - Appointed Member	1/16/2018	12/31/2018
Building and Grounds	BoS - Alternate	1/16/2018	12/31/2018
Emergency Services	BoS - Chair	1/16/2018	12/31/2018
Fire & EMS Commission	BoS - Representative	1/16/2018	12/31/2018
Industrial Development Authority of the Clarke County	BoS - Liaison	1/16/2018	12/31/2018
Joint Administrative Services Board	BoS - Appointed Member	1/16/2018	12/31/2018
Towns and Villages: Pine Grove	BoS - Liaison	1/16/2018	12/31/2018

Chapter 37. 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. 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.

"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.

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.

§ 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, except that (i) information from the Virginia Parole 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; and (iii) all records concerning the finances of the Virginia Parole Board 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. The Virginia State Crime Commission; and

5. The records maintained by the clerks of the courts of record, as defined in § 1-212, 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.

§ 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 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. A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. 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. All charges for the supplying of requested records shall be estimated in advance at the request of the citizen.

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 agree to payment of 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 responsible for retrieving and supplying such public records to the requester. In the event a public body has transferred public records for storage, maintenance, or archiving and such 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.

§ 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. 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. All charges for the supplying of requested records shall be estimated in advance at the request of the citizen 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](#).

§ 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 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, 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 annually 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 each year 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](#).

§ 2.2-3705. Repealed.

Repealed by Acts 2004, c. [690](#).

§ 2.2-3705.1. 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 for the purpose of receiving electronic mail from the public body, provided that the electronic mail recipient has requested that the public body not 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 for the purpose of receiving electronic mail from the public body 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.

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.

§ 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 describes the design, 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, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), 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 techniques, personnel deployments, alarm or security systems or technologies, or operational or transportation plans or protocols; or

d. Interconnectivity, 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](#).

§ 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, 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 facility involved, the identity of the person who was the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation fails to support a complaint 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 confidence and related to an investigation by the Attorney General under Article 1 (§ 3.2-4200 et seq.) or Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 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.

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.

§ 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. Nothing in this subdivision, however, 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 or contracting with the institution for the performance of research services or other work or (ii) the terms and conditions of such grants or contracts.

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.

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. [690](#);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](#).

§ 2.2-3705.5. Exclusions to application 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 51.5-141 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 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;or (iv) by a local or regional overdose fatality review team to the extent that such information is made confidential by § 32.1-283.7.

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.

§ 2.2-3705.6. Exclusions to application of chapter; proprietary records and trade secrets.

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. 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 Mines, Minerals and 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 as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (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, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), 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 applicable franchising authority serves on the management board or as an officer 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 Charitable Gaming Board 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, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) of Title 59.1, 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 Innovation and Entrepreneurship Investment Authority pursuant to Article 3 (§ 2.2-2233.1 et seq.) of Chapter 22 of Title 2.2 or 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 as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) 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, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), 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 as

defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), (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 as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (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.

The Authority 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 Authority shall determine whether public disclosure would adversely affect the financial interest or bargaining position of the 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, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), 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 or loan application, or accompanying a grant or loan application, submitted to the Virginia Research Investment Committee established pursuant to Article 8 (§ 23.1-3130 et seq.) of Chapter 31 of Title 23.1, to the extent that such records would (i) reveal (a) trade secrets as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (b) financial information of a party to a grant or loan 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 or loan application; and memoranda, staff evaluations, or other information prepared by the Committee or its staff, or a reviewing entity pursuant to subsection D of § 23.1-3133, exclusively for the evaluation of grant or loan applications, including any scoring or prioritization documents prepared for and forwarded to the Committee pursuant to subsection D of § 23.1-3133.

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 Committee:

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

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 agreement, where disclosure of such information would (i) reveal (a) trade secrets of the private business as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (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, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), 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.

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](#).

§ 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 material from a library and (b) the material such patron borrowed 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 11 (§ 51.5-53 et seq.) of Title 51.5.

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 on 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.

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 Uniform Disposition of Unclaimed Property Act (§ 55-210.1 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 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, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), 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 § 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 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, however, 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 or contracting with the foundation for the performance of services or other work or (ii) the terms and conditions of such 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 team established pursuant to § 15.2-1627.4 or (ii) individual child abuse or neglect cases or sex offenses involving a child are discussed by multidisciplinary child abuse teams established pursuant to § 15.2-1627.5. 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.

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.

§ 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; 2017, c. 778.

§ 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. Criminal incident information relating to felony offenses, which shall include:
 - a. A general description of the criminal activity reported;
 - b. The date the alleged crime was committed;
 - c. The general location where the alleged crime was committed;
 - d. The identity of the investigating officer or other point of contact; and
 - e. A general 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 subdivision 1.

Where the release of criminal incident information, however, is likely to jeopardize an ongoing investigation or prosecution or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until the above-referenced damage is no longer likely to occur from release of the information. Nothing in subdivision 1 shall be construed to authorize the withholding of those portions of such information that are not likely to cause the above-referenced damage;

2. 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;

3. 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
4. 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, other than criminal incident information subject to release in accordance with subdivision A 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 supervision 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.

§ 2.2-3707. 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 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,

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.

§ 2.2-3707.01. 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.

§ 2.2-3707.1. 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.

§ 2.2-3708. Repealed.

Repealed by Acts 2018, c. 55, cl. 2.

§ 2.2-3708.2. 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 a temporary or permanent disability or other medical condition that prevents 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 is limited each calendar year to two meetings.

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 a temporary or permanent disability or other medical condition that prevented 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 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, 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 address the emergency. 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; and

c. Otherwise comply with the provisions of this section.

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.

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 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.

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 subsections A and 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.

2018, cc. [55](#), [56](#).

§ 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, 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 Board of Corrections 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, and those portions of meetings in which individual death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7.

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, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), 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 (i) the Commonwealth Health Research Board or (ii) the

Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

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 § 24.2-625.1.

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 subject to the exclusion in subdivision B 1 of § 2.2-3706.

36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

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 or loan application records subject to the exclusion in subdivision 28 of § 2.2-3705.6 related to the submission of an application for an award from the Virginia Research Investment Fund pursuant to Article 8 (§ 23.1-3130 et seq.) of Chapter 31 of Title 23.1 or interviews of parties to an application by a reviewing entity pursuant to subsection D of § 23.1-3133 or by the Virginia Research Investment Committee.

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 team established pursuant to § 15.2-1627.4 or (ii) individual child abuse or neglect cases or sex offenses involving a child by a child abuse team established pursuant to § 15.2-1627.5.

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.

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, 724, 725, 775, 778, 779; 2017, cc. 587, 616, 778, 796, 804, 816, 824; 2018, cc. 48, 532, 533, 600, 829.

§ 2.2-3712. Closed meetings procedures; certification of proceedings.

A. No closed meeting shall be held unless the public body proposing to convene such 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 the 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. 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 attorneys' 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.

§ 2.2-3714. Violations and penalties.

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, 2.2-3707, 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 State Literary Fund. For a second or subsequent violation, such civil penalty shall be not less than \$2,000 nor more than \$5,000.

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.

Chapter 7. 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:

"Agency" means all boards, commissions, departments, divisions, institutions, authorities, or parts thereof, of the Commonwealth or its political subdivisions and includes the offices of constitutional officers.

"Archival quality" means a quality of reproduction consistent with established standards specified by state and national agencies and organizations responsible for establishing such standards, such as the Association for Information and Image Management, the American National Standards Institute, and the National Institute of Standards and Technology.

"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.

"Metadata" means data describing the context, content, and structure of records and their management through time.

"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.

"Private record" means a record that does not relate 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 transacting public business.

"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" shall not include 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, and stocks of publications.

"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.

1976, c. 746; 1977, c. 501; 1981, c. 637; 1987, c. 217; 1990, c. 778; 1994, cc. [390](#), [955](#); 1998, cc. [427](#), [470](#); 2005, c. [787](#); 2006, c. [60](#).

§ 42.1-78. Confidentiality safeguarded.

Any records made confidential by law shall be so treated. Records which 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 which 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. 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](#).

§ 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. 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 designate as recovery copies existing copies of such 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 contemporaneous 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 and the House Appropriations and Senate Finance Committees of the General Assembly.

2006, c. 60.

§ 42.1-91. Repealed.

Repealed by Acts 2006, c. 60, cl. 2.

To: Board of Supervisors
From: Cathy Kuehner, director of public information
Re: Clarke County, Virginia, wordmark logo
Date: Jan. 7, 2019

The purpose of this agenda item is to select a new graphic design that will represent Clarke County online and in print in lieu of using the county seal.

The official County of Clarke seal is not a logo, although for years it has served as such in print and on all manner of merchandise. The official government seal — oval with cupola, plow, muzzle-loading powder horn, and founding year 1836 — should be used only by the Board of Supervisors, county administration and departments, constitutional offices, and courts and only on official government documents and for official government occasions.

Because the County of Clarke seal is not a logo, the county needs a “wordmark logo.”

Wordmark logos (or logotypes) are font-based graphics that focus on an entity’s name. Coca-Cola, Visa, and Google are good examples. The name is memorable so — when combined with strong typography — the wordmark logo reinforces brand recognition.

The Clarke County wordmark logo is designed for use on social media, websites, and anything imprinted with the Clarke County brand, including but not limited to staff apparel, county vehicles, economic development and marketing materials, etc. A graphics policy for staff will be written to clarify when and how to use the wordmark logo and official county seal.

Over time, the consistent use of the Clarke County wordmark logo will inspire a sense of place and pride among its residents.

In August 2018, graphic designer (and lifelong Clarke County resident) John Burns was commissioned to create a wordmark logo for the county.

Wordmark logo design parameters:

- Present “Clarke County” in fonts and colors that reflect the county’s commitment to its agriculture-based economy, historical resources, and natural resources.

- Reflect a 21st century aesthetic that says Clarke is looking forward.
- Include a tagline that reflects the county's respect for its past and plans for the future.
- Use green from county flag, which also suggests a rare and beautiful emerald.
- The wordmark logo needs to work in color, black-and-white, and reversed as well as printed small (for a business card) or large (for a banner).
- Horizontal and stacked versions of the wordmark logo are needed for different uses.
- The wordmark logo may also drive official county typefaces and colors.
- Avoid cliché images of jagged mountain peaks that appear in other regional logos.

Mr. Burns first submitted a number of rough pencil sketches, so he and Director of Public Information Cathy Kuehner could hone in on the ideal components.

This packet contains five (5) versions of a Clarke County wordmark logo. Each version is presented in color, black-and-white, and reverse, as well as horizontal and stacked.

The county seal and wordmark logo are designed to be the only graphics that officially represent Clarke County, though the official County of Clarke seal will no longer be used as a casual logo or brand identifier.

Staff recommends the Board review the graphic design options presented here, and choose one as the new Clarke County wordmark logo.











MEMORANDUM

TO: Board of Supervisors

FR: Thomas Judge, Director of Joint Administrative Services

DT: 1/7/2019

RE: *January Finance Agenda*

1. **Sheriff's FY 20 Budget Request.**
2. **106 North Church Lease Agreement.** This item is carried over from December.
3. **Bank Reconciliation Update.** Clarke staff and an outside accounting firm have reconciled the general ledger for FY 17 and FY 18 to the bank, by identifying and booking differences to within a range deemed immaterial by Robinson, Farmer, and Cox. The final report on this from Mary Earhart is forthcoming.
4. **FY 18 Fund Balance Designation Adjustment.** See attached.
5. **Bills and Claims.** This is recommended for approval.
6. **Standing Reports.** See Reconciliation of Appropriations and Capital Budget attached.

Use this form to request a new position or an expansion in hours for an existing position. Complete a separate sheet for each request. Attach additional information as necessary.

Department, School, or Agency Name: Emergency Communications Center, Sheriff's Office

Account Manager or Contact Person (Name): Pamela Hess

Title of Requested Position: Communications Specialist Hours/ Week: 40

Weeks, days, or months per year (specify): 12 months

Position Cost (salary only, annual basis): \$33,204.00 (salary)+\$12,614.00 (benefits) \$45,818.00 (total)

Month and Year needed : July 1, 2019

Non-local Revenue for Position:

Source: Virginia Wireless Fund

Amount: **Varies based on overall personnel costs

JUSTIFICATION Please justify your request as succinctly, factually, and legibly as possible:

We operate a 24x7 operation with a minimum staffing of 2 people. We submitted an overtime budget last year to assist us in being able to use leave and assist in reducing leave liability. With the fact that we operate at minimum staffing as it is as soon as we lose one person it automatically means that we start using overtime. As our overtime usage indicates it is obvious when we are short staffed. We have a compounded problem of operating exactly at the minimum staffing that is required to work a reasonable 2x24x7 schedule & constantly suffering from not being able to retain trained employees. I stand firm with my contention that it is necessary to hire at least one additional staff member. Bringing our staffing level to one above minimum staffing should significantly reduce our current overtime usage. While we eventually are able to get our new hires trained they many times are thrown to the wolves and have to be a partner and not a trainee on a shift. This leads to incredible anxiety, trying to learn and perform something that is emergent. I believe this could be one of the reasons we have a high turnover rate. We have wrestled for several years to maintain full staffing levels and have turned over 5 employees since December of 2017.

Use this form to request a new position or an expansion in hours for an existing position. Complete a separate sheet for each request. Attach additional information as necessary.

Department, School, or Agency Name: Clarke County Sheriff's Office

Account Manager or Contact Person (Name): Anthony W. Roper

Title of Requested Position: School Resource Officer Hours/Week: 40

Weeks, days, or months per year (specify): 52 weeks (Full Time)

Position Cost (salary only, annual basis): \$44,678.00

Month and Year needed : July 2019

Non-local Revenue for Position:

Source: _____

Amount: _____

JUSTIFICATION Please justify your request as succinctly, factually, and legibly as possible:

The Clarke County Sheriff's Office asks the County to continue funding the School Resource Officer position that is assigned to Johnson Williams Middle School. The Sheriff's Office received a grant to fund the position for one year. The grant funding will end on September 30, 2019.

Use this form to request a capital outlay item including furniture, equipment, vehicles, major maintenance, or other similar infrequent large dollar purchase. Use the Technology Request form for computers, printers, etc. Complete a separate sheet for each request, and attach additional information as necessary.

Department, School, or Agency Name: Clarke County Sheriff's Office

Account Manager or Contact Person: Anthony W. Roper, Sheriff

Object or Project Name: Radio System Upgrade

Month & Year Needed: July 2019 *New or Replacement?* Replacement *Cost:* \$562,085.00

Non-local Revenue for Object: None

JUSTIFICATION Please justify your request below as succinctly, factually, and legibly as possible:

This is Phase 2 project to replace outdated and non-manufactured equipment for our existing county wide public safety radio system. These figures and phases have been recommended by our consulting Firm OmniComm after an in depth needs assessment. This project has been discussed with the finance committee and has the support of both the technology committee and the EMS Commission.

Use this form to request a capital outlay item including furniture, equipment, vehicles, major maintenance, or other similar infrequent large dollar purchase. Use the Technology Request form for computers, printers, etc. Complete a separate sheet for each request, and attach additional information as necessary.

Department, School, or Agency Name: Clarke County Sheriff's Office

Account Manager or Contact Person: Anthony W. Roper

Object or Project Name: Camera System

Month & Year Needed: July 2019 New or Replacement? New Cost: \$10,000

Non-local Revenue for Object:

Source: _____

Amount: _____

JUSTIFICATION Please justify your request below as succinctly, factually, and legibly as possible:

We need to continue to install cameras in the Courthouse complex. We were asked to spread this project over several years to accommodate the budget. The total projected cost in total was \$35,000. We have completed phase one, the amount requested is for phase two.

FY-19 Justifications statement: The Clarke County Sheriff's Office requires the installation of cameras in the courthouse complex and courtrooms to enhance security. The cameras will be placed in several areas and will be monitored by Communications staff. The video footage can be recorded and played back in the event an incident or a crime occurs. This is a long overdue necessity that will provide a safe environment for all persons in the complex.

Use this form to request a capital outlay item including furniture, equipment, vehicles, major maintenance, or other similar infrequent large dollar purchase. Use the Technology Request form for computers, printers, etc. Complete a separate sheet for each request, and attach additional information as necessary.

Department, School, or Agency Name: Clarke County Sheriff's Office
Account Manager or Contact Person: Anthony W. Roper
Object or Project Name: Vehicles

Month & Year Needed: July 2019 New or Replacement? Replacement Cost: \$212,000

Non-local Revenue for Object:

Source: _____

Amount: _____

JUSTIFICATION Please justify your request below as succinctly, factually, and legibly as possible:

The Clarke County Sheriff's Office cannot perform its function to our citizens without the use of cruisers and investigation vehicles. It is imperative that we provide the best possible equipment to our deputies so they can strive to perform their role as law enforcement officers safely and efficiently. When a citizen calls for the service of a deputy, they expect the deputy to arrive quickly. Having vehicles in our fleet with excessively high mileage and / or age can make meeting that need difficult. Newer vehicles will aid us in providing the service our citizens expect and deserve.

FY20

- 4 – 2019 Ford Police Interceptor Utility for Field Staff. \$53,000 each. Total - \$212,000
- All of these vehicles come fully equipped with the price including installation and labor costs.

Use this form to request a capital outlay item including furniture, equipment, vehicles, major maintenance, or other similar infrequent large dollar purchase. Use the Technology Request form for computers, printers, etc. Complete a separate sheet for each request, and attach additional information as necessary.

Department, School, or Agency Name: Clarke County Sheriff's Office
Account Manager or Contact Person: Anthony W. Roper
Object or Project Name: Bullet Proof Vest

Month & Year Needed: July 2019 New or Replacement? Replacement Cost: \$14,400

Non-local Revenue for Object:

Source: Department of Justice

Amount: \$4,000

JUSTIFICATION Please justify your request below as succinctly, factually, and legibly as possible:

Every five year our Bullet Proof Vests expire. This is the year we need to purchase the vests.

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Use this form to request technology improvements including hardware, software, telephone service, training, programming, and maintenance. Complete a separate sheet for each project. Attach additional information as necessary.

Department, School, or Agency Name: Clarke County Sheriff's Office

Account Manager or Contact Person: Anthony W. Roper

Technology Object or Project Name: Communications Copier

Month and Year Needed: July 2019 New or Replacement? New Cost: \$6,000

Non-local Revenue for Object (if any):

Source: _____

Amount: _____

JUSTIFICATION Please justify your request below as succinctly, factually, and legibly as possible:

Currently the Communications Center utilizes two printer to run the shop. One of the printers serves as a fax machine/color printer where the other is a laser printer. The cartridges for the ink of these two printers are becoming expensive. We need to upgrade to a copier, printer, fax machine (all in one) that will better serve the needs of the center.

Use this form to request a capital outlay item including furniture, equipment, vehicles, major maintenance, or other similar infrequent large dollar purchase. Use the Technology Request form for computers, printers, etc. Complete a separate sheet for each request, and attach additional information as necessary.

Department, School, or Agency Name: Clarke County Sheriff's Office

Account Manager or Contact Person: Anthony W. Roper

Object or Project Name: Mobile and Portable Radios

Month & Year Needed: July 2019 New or Replacement? Replacement Cost: \$25,000

Non-local Revenue for Object:

Source: _____

Amount: _____

JUSTIFICATION Please justify your request below as succinctly, factually, and legibly as possible:

The radios the field staff use (mobile and radios) are set to sundown in November 2019. Motorola may not be able to repair the radios after this time period. We are confident that our radios will still last beyond this time frame. We are asking for the County to set aside \$25,000 a year. This money will be used to replace a radio if it is not serviceable. We may not use the money in this fiscal year however having the money designated will save time through the procurement process. If we replaced all of the mobile and portable radios now it would costs roughly \$330,000. We feel this approach is more fiscally responsible.

Use this form to request technology improvements including hardware, software, telephone service, training, programming, and maintenance. Complete a separate sheet for each project. Attach additional information as necessary.

Department, School, or Agency Name: Clarke County Emergency Communications Center

Account Manager or Contact Person: Pamela L. Hess, Director

Technology Object or Project Name: Recorder Replacement

Month and Year Needed: July 2019 *New or Replacement?* NEW *Cost:* \$31,593.50

Non-local Revenue for Object (if any):

Source: Wireless Services Board Grant

Amount: \$31,593.50

JUSTIFICATION Please justify your request below as succinctly, factually, and legibly as possible:

Our existing recorder is at end of life due to the company being sold to NICE. We are seeking to replace the recorder as part of the overall text to 911 upgrade that is being submitted under a separate request. If we are unable to obtain the grant funds it will need to be funded locally.

Use this form to request technology improvements including hardware, software, telephone service, training, programming, and maintenance. Complete a separate sheet for each project. Attach additional information as necessary.

Department, School, or Agency Name: Clarke County Emergency Communications Center

Account Manager or Contact Person: Pamela L. Hess, Director

Technology Object or Project Name: Next Generation 911 Migration

Month and Year Needed: July 2019 New or Replacement? NEW Cost: \$209,858.05

Non-local Revenue for Object (if any):

Source: Wireless Services Board Grant

Amount: \$209,858.05

JUSTIFICATION Please justify your request below as succinctly, factually, and legibly as possible:

The Commonwealth of Virginia is funding the FCC mandate that all 911 Public Safety Answering Points be enabled to answer text to 911 emergency notifications. As part of this they have decided to migrate the existing 911 system over to Internet Protocol based network (Next Generation 9-1-1) with no single point of failure.

Virginia has chosen AT&T to be the provider that is on State Contract. The upgrade is being fully funded. They are also including 24 months of the recurring monthly charges and that is reflected in the above figure. Our existing monthly charges are \$1013.29 so at the end of the 24 months we will see an increase and the total monthly amount will become \$3,180.17 which will be an increase of \$2,155.88. Whether the Commonwealth will decide to continue to incur those monthly costs beyond the 24 months has not yet been discussed. See attached migration proposal.

THIS LEASE AGREEMENT, made and entered into this 16th day of April, 2013, by and between **THE COUNTY OF CLARKE COUNTY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, hereinafter called the Lessor, and Dunn Land Surveys, Inc., a Virginia corporation, hereinafter called the Lessee.

WITNESSETH:

For and in consideration of the rental sums reserved hereunder and the mutual promises and covenants herein contained, Lessor does hereby lease to Lessee the following described property consisting of a good and substantial brick building, one story high, containing two rooms to be occupied for offices, upon the following terms and conditions:

1. DESCRIPTION:

The Lessor hereby leases to the Lessee that certain lot or parcel of land, and the building located thereon lying and being situated in the Town of Berryville, County of Clarke, Virginia, and situated on that certain lot or parcel of land beginning at the North-west Corner of the Court House lot near the G.E. Church and running thence along Church Street in said Town of Berryville fronting on said street sixty feet, thence in an Easterly direction from said street a distance of sixty feet, by a straight line a distance of sixty feet to the northern boundary line of said Court House lot, thence with said boundary line to the place of beginning, together with the improvements thereon and appurtenances thereto belonging, said lot being designated for street purposes as 106 North Church Street, Berryville, Virginia.

2. TERM:

The term of this lease shall be three (3) years commencing upon the date Lessee takes occupancy and possession of the Property.

3. RENT:

As rental for the leased premises, Lessee shall pay to Lessor the sum of Five Hundred and Fifty Dollars (\$550.00) per month, payable in advance on or before MAY 1, 2013 and on the first day of each month thereafter. In the event that the monthly rent payment is not paid within FIFTEEN (15) days of the due date, there shall be added to the rental amount a late charge of five percent (5%) of the payment amount.

~~4. OPTION TO EXTEND:~~

At the expiration of the primary term of this Lease, provided Lessee shall not be in default in the payment of rent or the performance of any of the covenants on its part to be performed, and except as hereinafter provided, Lessee shall have the option to renew this Lease for an additional term of three (3) years, upon giving written notice of the intention to renew to Lessor not less than ninety (90) days prior to expiration of the primary term. The terms and conditions on the renewal term shall be the same as set forth herein, except as to rent. Upon being notified of Lessee's intention to renew, Lessor shall advise Lessee of the rental amount for the renewal term not less than sixty (60) days prior to the expiration of the primary term; Lessee shall then notify Lessor not less than forty-five (45) days prior to expiration of the primary term whether Lessees shall elect to renew at the new rental rate. Provided, however, that if the Lessor intends to use the Property for its own uses at the expiration of the primary term, it shall notify Lessee in writing not less than six (6) months prior to the expiration of the primary term, in which

event the option to renew contained herein shall become null and void and in no further force and effect.

5. ASSIGNMENT:

Lessees shall not assign this lease or sublet the described Property or any part thereof, without the written consent of Lessor, which consent shall not be unreasonably withheld.

6. USE:

The Property shall be used as office space for the Lessee's doing survey business. No other use of the Property shall be permitted without the prior express written consent of Lessor. No use of the Property may be maintained that would be in violation of any contractual obligation or duty of Lessor. Lessor shall have the right to terminate this Lease when in its judgment the Lessee is no longer using the Property for the approved use stated above.

7. PARKING:

Lessee shall have use of a maximum of two (2) unreserved parking spaces in the Courthouse parking lot. Such use is not exclusive, and available parking spaces from day to day shall not be guaranteed. Overnight parking shall be prohibited on the paved areas of the courthouse lot, but shall be permissible on the unpaved gravel portion behind the old library.

8. UTILITIES:

During the term of this Lease, costs of electricity are included in the monthly rental term. Lessee shall be responsible for arranging and paying for phone service.

Lessor discloses and Lessee acknowledges that there is no plumbing in or on the Property. Public restroom facilities are located in the adjacent Clarke County District Court Building (104 North Church Street in the Town of Berryville, Virginia), and are accessible during regular District Court Clerk's Office hours only.

9. REPAIRS AND MAINTENANCE:

Lessee agrees to maintain the Property in a good and sufficient state of repair, and in a clean and healthy condition, loss by fire and ordinary wear and tear excepted.

Lessor agrees that during the term of this Lease and any renewal thereof, Lessor shall do the following:

- (a) Keep the exterior walls in proper and substantial repair;
- (b) Keep the roof in proper and substantial repair;
- (c) Keep the heating system in proper and substantial repair; and
- (d) Maintain the exterior appearance of the building, including paint, windows and landscaping.

It is agreed by the parties that Lessor is not an insurer and that Lessor's responsibility and liability for each of the terms of maintenance and repair set forth above shall be to make the proper repairs within a reasonable time after the necessity, nature, and location thereof has been called to Lessor's attention by Lessee.

10. EXTERIOR SIGNAGE:

The Lessee shall have the right to place and maintain on the exterior of the Property, at its own expense, necessary or appropriate identification signs, in conformance with any regulations for such established by the Town of Berryville,

Virginia; provided, however, that no such sign shall be placed without the prior approval of Lessor as to design and location, which approval shall not be unreasonably withheld.

11. IMPROVEMENTS:

- A. **Improvements by Lessee:** Lessee shall have the right to make modifications and improvements to the Property to adapt it for Lessee's use of the Property as described above. However, no alterations of the building will be permitted without prior written consent of Lessor, which consent will not be unreasonably withheld.
- B. **Improvements by Lessor:** Lessor is under no obligation to make any improvements to Property. Lessee accepts Property as-is. Lessor reserves the right to address any exterior building features that it deems compromised or in disrepair by repairing or removing the feature.

12. DAMAGE OR DESTRUCTION:

If the leased premises shall, without fault of Lessee, be destroyed or be so damaged as to become wholly or partially untenable by fire or by providential means, then, if the Lessor shall elect to rebuild or repair, this lease shall remain in force and Lessor shall rebuild or repair the premises within a reasonable time after such election, putting premises in as good condition as they were at time of destruction or damage, and for that purpose they may enter said premises, and rent shall abate during time the premises are untenable; but if Lessor does not elect, as aforesaid, to rebuild or repair, then Lessor shall have possession of the premises hereby let, Lessee shall deliver and surrender to Lessor possession of the premises, this lease shall terminate, and the Lessee

shall have no obligation for the payment of rent from the date the premises became wholly or partially untenable.

13. DEFAULT:

If any rent shall be due or unpaid for a period of twenty (20) days, or if default shall be made in any of the conditions or covenants herein contained, and if such a default should continue for thirty (30) days after written notification thereof is given to Lessee, Lessor shall have the right to terminate this lease and to recover any amounts due and owing by Lessee upon termination.

14. INSURANCE:

A. Property Insurance:

Lessor shall maintain in full force and effect during the term of this Lease Agreement a policy of hazard insurance on the Property at Lessor's sole cost and expense, to its full insurable value. Such policy shall be sufficient to protect against loss incurred by damage or destruction by fire or other perils covered by the standard form of extended coverage endorsements to fire insurance policies in the Commonwealth of Virginia in effect at the time the policy is obtained.

Lessee shall be solely responsible for maintaining contents insurance for Lessee's personal property and equipment, should Lessee be so advised.

B. Liability Insurance

Lessee shall maintain in effect throughout the terms of this Lease, and any extension thereof, general public liability insurance coverage with limits of at least One Million and 00/100 Dollars (\$1,000,000.00). Lessee shall annually provide Lessor with a proof of such insurance coverage. Lessor shall be listed as

an additional named insured under said policy. The policy shall be subject to the term and condition that it shall not be cancelled prior to thirty (30) day written notice to Lessor. Failure to obtain or maintain such insurance shall be grounds for termination of this Lease Agreement by Lessor without further notice to Lessee.

15. INDEMNIFICATION:

Lessee agrees to indemnify and hold Lessor harmless from any and all liability, cost, expense, including attorney's fees, which the Lessor may or shall be required to pay or undertake as a result of the use, occupancy and operation of the Property by the Lessee under this Lease.

16. NOTICES:

Any notice, invoice, statement, instructions, or direction required or permitted by this Lease Agreement shall be addressed as follows:

- a. To the Lessor: David Ash, County Administrator
101 Chalmers Court, Suite B
Berryville, VA 22611
- b. To the Lessee: W. Stuart Dunn
Dunn Land Surveys, Inc.
106 North Church Street
Berryville, VA 22611

or to such other address or addresses as shall at any time or from time to time be specified by any Party by written notice to the other Party.

17. MODIFICATION OF AGREEMENT:

Any modification of this agreement or additional obligation assumed by either party in connection with this Lease Agreement shall be binding only if evidenced in writing and signed by each party or an authorized representative of each party.

18. MISCELLANEOUS:

A. Entire Agreement:

This Lease Agreement shall constitute the entire agreement between Lessor and Lessee. Any prior understanding or representation of any kind preceding the date of this agreement shall not be binding upon either party except to the extent to the extent incorporated in this Agreement. Lessee has had the opportunity to have this Lease Agreement reviewed by independent legal counsel of his choosing.

B. Governing Law:

This Lease Agreement shall be governed by, construed, and enforced in accordance with the laws of the Commonwealth of Virginia, and any action brought to enforce its provisions shall be brought in the Circuit Court of Clarke County, Virginia.

C. Provisions Several:

The provisions of the Lease Agreement are several, and should a court of competent jurisdiction declare that any one or more of the provisions is unenforceable, the remainder shall remain in full force and effect.

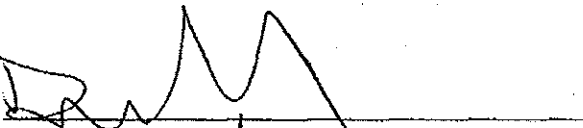
D. Attorneys' Fees:

In the event that any legal action is taken in relation to this Lease Agreement, the unsuccessful party in the action shall pay to the successful party in addition to all sums that either party may be called on to pay, a reasonable sum for the successful party's attorney's fees.

WITNESS the following signatures and seals:

COUNTY OF CLARKE, VIRGINIA, Lessor

By:

A handwritten signature in black ink, appearing to be 'W. Stuart Dunn', written over a horizontal line.

W. Stuart Dunn, Lessee

By:

W STUART DUNN

Clarke County Board of Supervisors



Berryville Voting District
J. Michael Hobert
(540) 955-4141

Millwood Voting District
John R. Staelin
(540) 837-1903

White Post Voting District
Bev McKay - Vice Chair
(540) 837-1331

Buckmarsh Voting District
David S. Weiss - Chair
(540) 955-2151

Russell Voting District
Barbara J. Byrd
(540) 955-1215

County Administrator
David L. Ash
(540) 955-5175

December 3, 2015

Dunn Land Surveys, Inc.
106 North Church Street
Berryville, VA 22611

Attention: W. Stuart Dunn

Re: Renewal of Lease of Property Located at 106 North
Church Street

During its work session held Monday, September 14, 2015, the Clarke County Board of Supervisors unanimously approved the renewal of your lease for 106 North Church Street, Berryville, for a term of three additional years as provided for in the original document.

The Board did adjust the rent to \$550 per month beginning May 1, 2016 for the three year extension.

If you have any questions, please give me a call.

Regards,



Dave Ash

Attachments: Lease agreement

Title: *General Fund Balance*
 Source: *Clarke County Joint Administrative Services*

12/27/18

<u>Prior Titles</u>	<u>Prior</u>	<u>Current</u>	<u>Notes</u>
General Fund Balance Year End 16/17	11,591,619	11,663,513	Exhibit 3 General Fund Balance less inventory
Expenditure FY 17/18	(29,591,089)	(29,485,794)	Total GF expenditure; minor change expected
Revenue FY 17/18	29,005,656	29,050,045	
Balance Sheet Adjustment per Auditors		305,235	Change possible.
General Fund Balance Year End FY 17/18	11,006,186	11,532,999	
 General Fund Balance Per Munis		11,533,022	\$23 fix needed

Designations

Liquidity Designation @ 12% of FY 19 Budgeted Operating Revenue	(\$3,518,828)	(\$3,518,828)	
Stabilization Designation @ 3% of FY 19 Budgeted Operating Revenue	(879,707)	(879,707)	
Continuing Local GF Appropriations for Capital Projects	(3,347,526)		
Conservation Easements from Government Savings	(150,000)	(132,062)	
School Operating Transfer	(305,887)	(305,887)	Should be \$392,979
Comprehensive Services Act Shortfall	(300,000)	(300,000)	
Parks Master Plan	(130,000)	(130,000)	
Emergency Vehicles	(50,000)	(50,000)	
Government Savings (GenGov, JAS, DSS)	(500,000)	(418,402)	
Data and Communications Technology	(150,000)	(150,000)	
Leave Liability	(300,000)	(269,667)	
Community Facilities	(300,000)	(300,000)	
Economic Development	(100,000)	(100,000)	
FY 18/19 Original Budget Surplus (Deficit)	(339,590)	(339,590)	
TOTAL Designations	(10,371,538)	(6,894,143)	
 FY 18/19 Supplemental Expenditure	(336,614)	(3,995,617)	
FY 18/19 Supplemental Revenue	185,233	521,064	
 Undesignated With FY 19 Supplementals	483,267	1,164,303	

Changes to Government Savings:

<i>Barns of Rose Hill Donation</i>	5,000
<i>Health Department</i>	37,326
<i>Historic Book</i>	1,000
<i>Resource Officer</i>	38,272
 <i>TOTAL</i>	81,598

<i>Changes to Conservation Easement: Opequon</i>	17,938
<i>Changes to Leave Liability</i>	30,333

Clarke County
 Invoice History Report
 December 31, 2018

<u>VENDOR NAME</u>	<u>ACCOUNT DESC</u>	<u>FULL DESC</u>	<u>INVOICE DATE</u>	<u>AMOUNT</u>
Amazon Acct	County Adm Materials &Supplies	First Aid Kits	10/19/2018	214.50
Amazon Acct	Treasurer Materials & Supplies	SupaClips	10/16/2018	2.64
Amazon Acct	District C Materials & Supplie	First Aid Kits	10/19/2018	1,284.94
Amazon Acct	Clk of CC Materials & Supplies	First Aid Kits	10/19/2018	650.00
Amazon Acct	Comm Atty Materials & Supplies	First Aid Kit	10/26/2018	23.69
Amazon Acct	Comm Atty Materials & Supplies	Desk Organizer	10/24/2018	239.40
Amazon Acct	Sheriff Police Supplies	Replacement AED Pads	10/31/2018	1.52
Amazon Acct	Sheriff Police Supplies	Ear Piece for SRO	10/31/2018	12.00
Amazon Acct	Sheriff Office Supplies	2019 Calendar Refill - Mason	11/02/2018	40.00
Amazon Acct	Sheriff Uniform Sworn Staff	CLOTHING: UNIFORM	10/13/2018	47.56
Amazon Acct	AnimalCtrl Materials & Supplie	First Aid Kits	10/26/2018	19.04
Amazon Acct	Maintenanc Materials & Supplie	First Aid Kits	10/19/2018	28.07
Amazon Acct	JAS Inventory -Mtls & Supplies	Central Store Supplies	10/31/2018	52.81
Amazon Acct	Finance Materials & Supplies	First Aid Kits	10/19/2018	162.50
Amazon Acct Total				2,778.67
Anderson Control	Maintenanc Purchased Services	rm Anderson C ACO alarm monitoring	12/10/2018	10.12
Anderson Control	Maintenanc Purchased Services	rm Anderson C 524 Westwood Rd fire alarm monitorin	12/10/2018	8.00
Anderson Control Total				18.12
Arnett, Betsy	HstPrvCom Board Member Fees	Attd @ HPC 11-28-18 mtg	12/06/2018	53.78
Arnett, Betsy Total				53.78
At&t	Sheriff Telephone	Monthly Statement	12/01/2018	1,150.00
At&t Total				1,150.00
Attic Promotions	Parks Adm Clothing	employee shirts	11/29/2018	4.25
Attic Promotions	Programs Clothing	employee shirts	11/28/2018	4.00
Attic Promotions Total				8.25
BB&T	BoS Travel	brt Bld Dept, Co Admin, and IT	12/10/2018	198.08
BB&T	BoS Miscellaneous Expenditures	brt Bld Dept, Co Admin, and IT	12/10/2018	200.00
BB&T	County Adm Purchased Svcs	brt Bld Dept, Co Admin, and IT	12/10/2018	822.51
BB&T	County Adm Dues Subscr & Memb	brt Bld Dept, Co Admin, and IT	12/10/2018	127.00
BB&T	County Adm Materials &Supplies	brt Bld Dept, Co Admin, and IT	12/10/2018	299.90
BB&T	IT Materials & Supplies	brt Bld Dept, Co Admin, and IT	12/10/2018	226.40
BB&T	Sheriff Travel - Sworn Staff	Lawful Employment Class - Putnam and Rose	12/10/2018	1,549.39
BB&T	Sheriff Travel - Sworn Staff	Monthly Statement	12/12/2018	165.64
BB&T	Sheriff Dues Subscr & Memb	Monthly Statement	12/10/2018	2,311.06
BB&T	Sheriff Materials & Supplies	Credit for fraud charges already taken before	11/09/2018	690.00
BB&T	Sheriff Police Supplies	Monthly Statement	12/12/2018	99.40
BB&T	Sheriff Office Supplies	Monthly Statement	12/12/2018	180.00
BB&T	Sheriff Uniform Communications	Monthly Statement	12/10/2018	4.08
BB&T	Sheriff Uniform Communications	Uniforms	12/10/2018	4.00
BB&T	EMS Materials & Supplies	Fire & EMS BBT credit card purchases Dec 2018	12/10/2018	150.00
BB&T	Bldg Insp Travel	brt Bld Dept, Co Admin, and IT	12/10/2018	120.54
BB&T	Bldg Insp Materials & Supplies	brt Bld Dept, Co Admin, and IT	12/10/2018	56.90
BB&T	AnimalCtrl Materials & Supplie	rm BB&T Credit Card Charges 11/09/18-12/09/18	12/10/2018	47.56
BB&T	Maintenanc Materials & Supplie	rm BB&T Credit Card Charges 11/09/18-12/09/18	12/10/2018	93.00
BB&T	Programs Materials & Supplies	supplies	12/04/2018	4.00
BB&T	Econ Dev Purchased Services	brt Bld Dept, Co Admin, and IT	12/10/2018	59.33
BB&T	LEMPG Grant	Fire & EMS BBT credit card purchases Dec 2018	12/10/2018	344.77
BB&T	Sheriff Materials & Supplies	Monthly Statement	12/12/2018	3.25
BB&T	Citizens Convenience Ctr	rm BB&T Credit Card Charges 11/09/18-12/09/18	12/10/2018	81.38
BB&T Total				7,838.19
Ben Jenkins	Sheriff Travel - Sworn Staff	Airfare for Chaplain Conference	12/20/2018	23.78
Ben Jenkins Total				23.78
Berryville Auto Part	Sheriff Purchased Services	CCSO Vehicle Repair	12/10/2018	327.31
Berryville Auto Part	Sheriff Purchased Services	CCSO Vehicle Repair - 1401	12/10/2018	21.75
Berryville Auto Part	Sheriff Purchased Services	CCSO Vehicle Repair - 1302	12/17/2018	12.86
Berryville Auto Part	Sheriff Vehicle Repair Parts	CCSO Vehicle Repair	12/10/2018	16.00
Berryville Auto Part	Sheriff Vehicle Repair Parts	CCSO Vehicle Repair - 1401	12/10/2018	29.77
Berryville Auto Part	Sheriff Vehicle Repair Parts	CCSO Vehicle Repair - 1302	12/17/2018	26.77
Berryville Auto Part	Maintenanc Materials & Supplie	rm BAP Maint 97 Ford Service and state inspec	12/06/2018	20.50
Berryville Auto Part	Maintenanc Materials & Supplie	rm BAP ACO Service and State Inspec on van	12/07/2018	327.31
Berryville Auto Part	Maintenanc Materials & Supplie	rm BAP Maint 2017 Ford Servie and State Inspect	12/10/2018	40.00
Berryville Auto Part	Maintenanc Materials & Supplie	rm BAP Pool extension 1/2 skt	12/05/2018	40.00
Berryville Auto Part Total				862.27
Berryville True Valu	Maintenanc Materials & Supplie	rm BH Maint white enamel	11/28/2018	40.00
Berryville True Valu	Maintenanc Materials & Supplie	rm BH Maint Truck blast file	12/11/2018	66.69

Clarke County
Invoice History Report
December 31, 2018

VENDOR NAME	ACCOUNT DESC	FULL DESC	INVOICE	
			DATE	AMOUNT
Berryville True Valu	JGC Maintenanc Materials & Sup	rm BH 101 Chalmers Ct picture hangers	12/10/2018	225.00
Berryville True Valu	Maintenanc Materials & Supplie	rm BH ACO coupling	12/12/2018	120.00
Berryville True Valu	Maintenanc Materials & Supplie	rm BH Rec Center heating cable	11/29/2018	10,268.18
Berryville True Valu	Maintenanc Materials & Supplie	rm BH Rec Center general fastners	12/03/2018	90.46
Berryville True Valu	Maintenanc Materials & Supplie	rm BH Pool antifreeze	12/03/2018	27.62
Berryville True Valu	Citizens Convenience Ctr	rm BH CCCC flat washers	12/18/2018	1,121.96
Berryville True Valu	Maintenanc Materials & Supplie	rm BH 101 Chalmers Ct picture hangers	12/10/2018	294.16
Berryville True Valu Total				12,254.07
Blossman Gas, Inc.	Maintenanc Heating	rm Blossman ACO Lp Gas	11/20/2018	2,380.50
Blossman Gas, Inc.	Maintenanc Heating	rm Blossman ACO lp gas	11/11/2018	283.48
Blossman Gas, Inc.	Maintenanc Heating	rm Blossman ACO lp gas heat	12/14/2018	18.00
Blossman Gas, Inc.	Maintenanc Heating	rm Blossman ACO LP Gas	11/25/2018	344.40
Blossman Gas, Inc. Total				3,026.38
Blue Sky Towers	Sheriff Leases & Rentals	Tower, Transmittal, 12/01-01/01	12/01/2018	89.00
Blue Sky Towers Total				89.00
Bottom Line Telecomm	Tk Improve Capital Outlay Repl	IP Phones	09/07/2018	450.00
Bottom Line Telecomm Total				450.00
Bouffault, Robina	Plan Com Board Member Fees	Attd @ PC Dec mtgs	12/12/2018	373.50
Bouffault, Robina Total				373.50
Broy & Son Pump	JGC Maintenanc Purchased Servi	rm Broy & Son 101 Chalmers Town drain stopped up	11/27/2018	33.55
Broy & Son Pump	Maintenanc Purchased Services	rm Broy&Son Park Winterize Park	11/27/2018	356.70
Broy & Son Pump	Maintenanc Purchased Services	rm Broy & Son 101 Chalmers Town drain stopped up	11/27/2018	128.92
Broy & Son Pump Total				519.17
Buckley, Randy	Plan Com Board Member Fees	Attd @ PC 12-4-18 mtg	12/12/2018	24.98
Buckley, Randy Total				24.98
Caldwell, Anne	Plan Com Board Member Fees	Attd @ PC Dec mtgs	12/12/2018	845.12
Caldwell, Anne	HstPrvCom Board Member Fees	Attd @ HPC 11-28-18 mtg	12/06/2018	36.65
Caldwell, Anne Total				881.77
Capelli, Len	Econ Dev Purchased Services	lbw Pd 11 10-22 thru 11-30	12/06/2018	122.59
Capelli, Len	Econ Dev Local Mileage	lbw SVTP Monthly Meeting Harrisonburg	12/07/2018	20.94
Capelli, Len Total				143.53
Cardillo, Robin Couc	Cnsrv Esmt Donation- Purch Svc	Year end appeal ltr and thank-you ltrs & postage	12/05/2018	22.34
Cardillo, Robin Couc Total				22.34
Carter, Page	HstPrvCom Board Member Fees	Attd @ HPC 11-28-18 mtg	12/06/2018	22.34
Carter, Page Total				22.34
Central Shenandoah P	Econ Dev Dues Subscr & Memb	brt Econ Dev Farm to Fork	11/30/2018	84.00
Central Shenandoah P Total				84.00
Certified Labs	Maintenanc Materials & Supplie	rm Certified Lab Maint Free aerosol	12/08/2018	1,756.25
Certified Labs Total				1,756.25
Chatman, Stacey	Programs Purchased Services	contracted employee	12/17/2018	78.94
Chatman, Stacey Total				78.94
Chief Supply Corp	Sheriff Uniform Sworn Staff	duty belt	12/04/2018	118.46
Chief Supply Corp	Sheriff Uniform Sworn Staff	Boots	12/05/2018	21.29
Chief Supply Corp	Sheriff Uniform Sworn Staff	Duty Rig	12/07/2018	39.25
Chief Supply Corp	Sheriff Uniform Sworn Staff	Cuffs	12/12/2018	306.25
Chief Supply Corp	Sheriff Uniform Sworn Staff	Duty Belt / Belt Keepers	12/12/2018	49.85
Chief Supply Corp Total				535.10
Clarke County Health	Programs Dues Subscr & Memb	tb test	12/03/2018	34.68
Clarke County Health Total				34.68
Comcast	IT Telecomm Online Tech	Government	12/19/2018	63.74
Comcast Total				63.74
ComputerPlus	IT Maint Contracts	IBM Hardware Support-AS400 January	12/01/2018	53.00
ComputerPlus Total				53.00
County of Frederick	RefuseDisp Intergov Svc Agreem	Refuse	12/04/2018	106.00
County of Frederick	RefuseDisp Intergov Svc Agreem	refuse	12/04/2018	272.50
County of Frederick Total				378.50
Crossroads Counselin	CSA Srvc 3 NoManCom	Mentoring services	11/30/2018	2,007.42
Crossroads Counselin Total				2,007.42
Dehaven Berkeley	Comm Atty Materials & Supplies	Water Bill December	12/12/2018	46.61
Dehaven Berkeley	Sheriff Mtls & Supplies Commun	Water	12/12/2018	176.40
Dehaven Berkeley Total				223.01
DMV	Treasurer DMV Stop	DMV Stops - November 2018	11/30/2018	594.02
DMV Total				594.02
Eggleton, Marie	VictimWit Travel	Reimburse travel expense 12/02/18	12/10/2018	26.00
Eggleton, Marie Total				26.00

Clarke County
 Invoice History Report
 December 31, 2018

<u>VENDOR NAME</u>	<u>ACCOUNT DESC</u>	<u>FULL DESC</u>	<u>INVOICE DATE</u>	<u>AMOUNT</u>
Fop Lodge 12	Sheriff Dues Subscr & Memb	FOP Dues	12/11/2018	58.67
Fop Lodge 12 Total				58.67
Frederick-Winchester	Sanitation Intergov Svc Agreem	November 2018	12/12/2018	133,250.00
Frederick-Winchester Total				133,250.00
Friends of the Shena	Friends of Shenandoah Contr	FY19 Allocation	12/13/2018	4.00
Friends of the Shena Total				4.00
Galls/Best Uniforms	Sheriff Uniform Sworn Staff	shirts	11/23/2018	6.42
Galls/Best Uniforms	Sheriff Uniform Sworn Staff	Shirts	11/23/2018	8.00
Galls/Best Uniforms	Sheriff Uniform Sworn Staff	shirts, pants, ties	11/29/2018	148.00
Galls/Best Uniforms Total				162.42
GCA	Maintenanc Custodial Contracts	rm GCA County Cleaning Service Dec 2018	12/01/2018	58.70
GCA	JGC Maintenanc Custodial Contr	rm GCA County Cleaning Service Dec 2018	12/01/2018	44.74
GCA	Maintenanc Custodial Contracts	rm GCA County Cleaning Service Dec 2018	12/01/2018	104.31
GCA	Maintenanc Custodial Contracts	rm GCA County Cleaning Service Dec 2018	12/01/2018	32.50
GCA Total				240.25
Global Industrial In	Rec Center Materials & Supplie	supplies	10/19/2018	32.50
Global Industrial In Total				32.50
Glover, Robert P.	Plan Com Board Member Fees	Attd @ PC Dec mtgs	12/12/2018	32.50
Glover, Robert P. Total				32.50
Gray, Ginger	Programs Purchased Services	contracted employee	12/03/2018	568.28
Gray, Ginger	Programs Purchased Services	contracted employee	12/17/2018	1.67
Gray, Ginger Total				569.95
Greatscapes	Maintenanc Purchased Services	rm GreatScapes Gov 102 Complex clean up	12/01/2018	41.03
Greatscapes Total				41.03
Grubb, Kristen	Programs Purchased Services	contracted employee	12/17/2018	47.56
Grubb, Kristen Total				47.56
Hall, Monahan	Legal Svc Purchased Svcs	lbw PA, P&R, BP Lot 18 12-2018	12/05/2018	427.49
Hall, Monahan	Plan Adm Purchased Services	lbw PA, P&R, BP Lot 18 12-2018	12/05/2018	76.88
Hall, Monahan Total				504.37
Intensive Supervisio	CSA Srvc 3 NoManCom	In home counseling	12/03/2018	40.00
Intensive Supervisio Total				40.00
Jean Sutton	Rev Rf Ambulance Svcs Refunds	EMS Refund-Insurance Overpayment	12/14/2018	714.14
Jean Sutton Total				714.14
Johnston, Jane	Programs Purchased Services	contracted employee	12/03/2018	543.30
Johnston, Jane	Programs Purchased Services	contracted employee	12/17/2018	2,616.49
Johnston, Jane Total				3,159.79
Kalbian, Maral	HstPrvCom Purchased Services	Consulting Services	12/05/2018	751.00
Kalbian, Maral	Joseph Sch Roof-Cap Outlay	Josephine City School Museum Roof Project	12/03/2018	3,366.23
Kalbian, Maral Total				4,117.23
Kelli Hess	Rev Rf Ambulance Svcs Refunds	EMS Refund-Insurance Overpayment	12/14/2018	0.72
Kelli Hess Total				0.72
KNS Technologies	Econ Dev Maint Svc Contracts	Website Maintenance December	12/03/2018	41.03
KNS Technologies Total				41.03
Language Line Servc	Sheriff Purchased Services	Monthly Statement	11/30/2018	23.78
Language Line Servc Total				23.78
Lee, Frank	Plan Com Board Member Fees	Attd @ PC Dec mtgs	12/12/2018	184.95
Lee, Frank Total				184.95
LexisNexis	BoS Materials & Supplies	lbw VA CODE RULES VII 11/18 SUPP	11/06/2018	254.30
LexisNexis	Clk of CC Materials & Supplies	va law of evidence 8th edition	11/16/2018	54.71
LexisNexis	Comm Atty Materials & Supplies	VA Law of Evidence 8th Edition	12/10/2018	50.33
LexisNexis Total				359.34
Logan Systems Inc	Clk of CC Microfilming	computer indexing	12/15/2018	3.69
Logan Systems Inc Total				3.69
Lopez, Carlos	Sheriff Purchased Services	Interpreter services	11/07/2018	13.99
Lopez, Carlos Total				13.99
Lord Fairfax Health	Local Health Dept Contribution	3rd Qtr commitment 2019	12/18/2018	1,046.80
Lord Fairfax Health Total				1,046.80
Lowes	Maintenanc Materials & Supplie	rm Lowes Shop plywood for cart	12/11/2018	25.16
Lowes	Rec Center Materials & Supplie	supplies	12/11/2018	183.60
Lowes	Maintenanc Materials & Supplie	rm Lowes CUC and Sheriffs Dept fir board led light	12/07/2018	115.50
Lowes	Citizens Convenience Ctr	rm Lowes CCCC washers and wedges	12/18/2018	25.00
Lowes Total				349.26
Malloy Ford	Maintenanc Materials & Supplie	rm Malloy Maint 2015 Truck Gas tank	11/29/2018	89.30
Malloy Ford Total				89.30
Malone, Gwendolyn	Plan Com Board Member Fees	Attd @ PC Dec Mtgs	12/12/2018	228.43

Clarke County
 Invoice History Report
 December 31, 2018

<u>YENDOR NAME</u>	<u>ACCOUNT DESC</u>	<u>FULL DESC</u>	<u>INVOICE DATE</u>	<u>AMOUNT</u>
Malone, Gwendolyn Total				228.43
Mansfield Oil Co	County Adm Vehicle Fuel	rm Mansfield Oil Fuel 11/16/18-11/30/18	12/04/2018	47,840.50
Mansfield Oil Co	County Adm Vehicle Fuel	rm MOil County Fuel for vehicles	12/17/2018	10,000.00
Mansfield Oil Co	Sheriff Vehicle Fuel	Fuel for 12/1 - 12/15/2018	12/17/2018	8.34
Mansfield Oil Co	EMS Vehicle Fuel	rm Mansfield Oil Fuel 11/16/18-11/30/18	12/04/2018	65.03
Mansfield Oil Co	EMS Vehicle Fuel	rm MOil County Fuel for vehicles	12/17/2018	18.00
Mansfield Oil Co	Bldg Insp Vehicle Fuel	rm Mansfield Oil Fuel 11/16/18-11/30/18	12/04/2018	154.00
Mansfield Oil Co	Bldg Insp Vehicle Fuel	rm MOil County Fuel for vehicles	12/17/2018	281.91
Mansfield Oil Co	AnimalCtrl Vehicle Fuel	rm MOil County Fuel for vehicles	12/17/2018	16.50
Mansfield Oil Co	Maintenanc Vehicle Fuel	rm Mansfield Oil Fuel 11/16/18-11/30/18	12/04/2018	164.88
Mansfield Oil Co	Maintenanc Vehicle Fuel	rm MOil County Fuel for vehicles	12/17/2018	117.01
Mansfield Oil Co Total				58,666.17
Marconi, Gloria	Cnsrv Esmt Donation- Purch Svc	Production of 2018 year end appeal ltr	12/05/2018	273.00
Marconi, Gloria Total				273.00
Marple, Beth	VictimWit Matl & Supplies	Calendar Planner	12/07/2018	260.05
Marple, Beth Total				260.05
Matsch Systems	IT Purchased Services	Clarke Net Phacs Call Account	12/03/2018	718.50
Matsch Systems Total				718.50
Miller, Sue	Programs Purchased Services	contracted employee	12/03/2018	95.55
Miller, Sue Total				95.55
Montgomery, Christel	Programs Purchased Services	Contracted Employee	12/17/2018	109.20
Montgomery, Christel Total				109.20
Motorola Solutions	Sheriff Purchased Services	INRS Install	12/06/2018	72.80
Motorola Solutions	Sheriff Maint Contracts	quarterly motorola maint 11/01-01/31	11/01/2018	127.40
Motorola Solutions	Sheriff Vehicle Repair Parts	INRS Install	12/06/2018	14.58
Motorola Solutions Total				214.78
MRugged	Sheriff E-Tkt Matl & Supplies	E-Ticket Scanner	12/04/2018	30.00
MRugged Total				30.00
Nelson, Clifford M	Plan Com Board Member Fees	Attd @ PC Dec Mtgs	12/12/2018	234.77
Nelson, Clifford M Total				234.77
Newegg Business	Tk Improve Capital Outlay Repl	50 solid state drives	12/06/2018	94.71
Newegg Business Total				94.71
NRADC	Regional Jail Joint Ops	FY19 3rd quarter payment	12/05/2018	190.86
NRADC Total				190.86
Ohrstrom, George II	Plan Com Board Member Fees	Attd @ PC Dec Mtgs	12/12/2018	268.00
Ohrstrom, George II Total				268.00
Piedmont Geotechnica	Plan Adm Pass Thru Eng Fees	Review of Electrical Resistivity Rpt	12/05/2018	290.00
Piedmont Geotechnica Total				290.00
Pitney Bowes	IT Maint Contracts	Acct 0016575109 Treas mail mac	12/01/2018	240.00
Pitney Bowes	District C Postal Svcs	Leasing charges	12/01/2018	20.00
Pitney Bowes	J&D Court Postal Svcs	leasing charges	12/01/2018	100.00
Pitney Bowes	Sheriff Postal Svcs	Postage Machine Rental	12/12/2018	50.00
Pitney Bowes Total				410.00
Premier Accounts Rec	EMS Purchased Services	Premier Accts Rec Mng EMS Billing Invoice Nov 2018	12/05/2018	100.00
Premier Accounts Rec Total				100.00
Purchase Power	Finance Postal Svcs	Postage	12/05/2018	100.00
Purchase Power Total				100.00
Rappahannock Electri	JGC Maintenanc Electric	rm REC County Electric Bill 11/01/18-12/01/18	12/06/2018	100.00
Rappahannock Electri	Maintenanc Electric	rm REC County Electric Bill 11/01/18-12/01/18	12/06/2018	100.00
Rappahannock Electri	Maintenanc Electric	rm REC County Electric Bill 11/01/18-12/01/18	12/06/2018	100.00
Rappahannock Electri	Maintenanc Electric	rm REC County Electric Bill 11/01/18-12/01/18	12/06/2018	100.00
Rappahannock Electri	Maintenanc Electric	rm REC County Electric Bill 11/01/18-12/01/18	12/06/2018	400.40
Rappahannock Electri	Maintenanc Electric	rm REC County Electric Bill 11/01/18-12/01/18	12/06/2018	25.00
Rappahannock Electri	Maintenanc Electric	rm REC County Electric Bill 11/01/18-12/01/18	12/06/2018	2,145.00
Rappahannock Electri	Maintenanc Electric	rm REC County Electric Bill 11/01/18-12/01/18	12/06/2018	150.00
Rappahannock Electri	Maintenanc Electric	rm REC County Electric Bill 11/01/18-12/01/18	12/06/2018	86.11
Rappahannock Electri	Maintenanc Electric	rm REC County Electric Bill 11/01/18-12/01/18	12/06/2018	75.00
Rappahannock Electri	Maintenanc Electric	rm REC County Electric Bill 11/01/18-12/01/18	12/06/2018	500.00
Rappahannock Electri	Maint Kohn Prop-Elec Svcs	rm REC County Electric Bill 11/01/18-12/01/18	12/06/2018	845.00
Rappahannock Electri	Maintenanc Electric	rm REC County Electric Bill 11/01/18-12/01/18	12/06/2018	25.00
Rappahannock Electri	Maintenanc Electric	rm REC County Electric Bill 11/01/18-12/01/18	12/06/2018	25.00
Rappahannock Electri	Citizens Convenience Ctr	rm REC County Electric Bill 11/01/18-12/01/18	12/06/2018	25.00
Rappahannock Electri	Maintenanc Electric	rm REC County Electric Bill 11/01/18-12/01/18	12/06/2018	25.00
Rappahannock Electri Total				4,726.51
Roberts Oxygen Comp	Rec Center Materials & Supplie	rental	11/30/2018	3,000.00

Clarke County
 Invoice History Report
 December 31, 2018

<u>VENDOR NAME</u>	<u>ACCOUNT DESC</u>	<u>FULL DESC</u>	<u>INVOICE DATE</u>	<u>AMOUNT</u>
Roberts Oxygen Comp Total				3,000.00
Roseville & Plaza Pe	AnimalCtrl Purchased Services	rm RVet ACO Rabies for Rusty & Duke Daisy was paid	12/03/2018	314.60
Roseville & Plaza Pe	AnimalCtrl Purchased Services	rm RVet ACO rabies shots for beau and jazzy	12/03/2018	5.09
Roseville & Plaza Pe	AnimalCtrl Purchased Services	rm RVet ACO rabies for Tank & Persephone	12/03/2018	4.00
Roseville & Plaza Pe	AnimalCtrl Purchased Services	rm RVet ACO 4 rabies medical on Elenor and Abby	12/03/2018	131.52
Roseville & Plaza Pe Total				455.21
S&S Worldwide	Programs Materials & Supplies	afterschool supplies	11/30/2018	94.46
S&S Worldwide Total				94.46
Safe Harbor For Chil	CSA Srvc 2c FmFCIVE	Parent Mentor	11/30/2018	203.15
Safe Harbor For Chil Total				203.15
Schenck Foods Compan	Programs Materials & Supplies	food afterschool	12/04/2018	583.00
Schenck Foods Compan Total				583.00
Shannon-Baum Signs I	Maintenanc Materials & Supplie	rm SannonBaum C Maint & CCCC post to install signs	12/10/2018	914.94
Shannon-Baum Signs I	Citizens Convenience Ctr	rm SannonBaum C Maint & CCCC post to install signs	12/10/2018	150.48
Shannon-Baum Signs I Total				1,065.42
Shenandoah Area Agen	SAAA EntityGift	FY19 Q2 Allocation	11/16/2018	2,332.38
Shenandoah Area Agen Total				2,332.38
Shentel	IT Telecomm Online Tech	Government Shentel Dark Fiber	12/01/2018	3,152.27
Shentel	IT Leases & Rentals	Government Shentel Dark Fiber	12/01/2018	2.50
Shentel Total				3,154.77
Shred-It	Treasurer Purchased Services	shredding services	11/22/2018	699.33
Shred-It Total				699.33
Sinclair Health Clin	CSA Srvc 2c FmFCIVE	Drug Screen	11/30/2018	183.65
Sinclair Health Clin	CSA Srvc 2c FmFCIVE	Drug Screen	11/30/2018	2,324.56
Sinclair Health Clin	CSA Srvc 2c FmFCIVE	Drug screen	11/30/2018	802.04
Sinclair Health Clin Total				3,310.25
Sponsellers Flower S	Parks Adm Materials & Supplies	ribbon	11/30/2018	252.00
Sponsellers Flower S Total				252.00
Stallard, Sue	Comm Atty Postal Svcs	Reimburse postage	12/04/2018	492.57
Stallard, Sue Total				492.57
Tire World	Maintenanc Materials & Supplie	rm Tire World Maint tires for 2001 Maint	12/05/2018	271.25
Tire World Total				271.25
Treasurer Of Virgini	Exam&Bury Purchased Services	Medical examiner fees	11/28/2018	1,071.92
Treasurer Of Virgini Total				1,071.92
Tyler Technologies	IT Maint Contracts	Application services	12/01/2018	616.22
Tyler Technologies Total				616.22
VA Premier Elite Plu	Rev Rf Ambulance Svcs Refunds	EMS Refund-Insurance Overpayment	12/14/2018	4.79
VA Premier Elite Plu	Rev Rf Ambulance Svcs Refunds	EMS Refund-Insurance overpayment	12/14/2018	252.00
VA Premier Elite Plu	Rev Rf Ambulance Svcs Refunds	EMS Refund - Insurance Overpayment	12/14/2018	162.23
VA Premier Elite Plu Total				419.02
VA Victim Assistance	VictimWit Dues Subscr & Memb	Dues	12/18/2018	1,993.70
VA Victim Assistance Total				1,993.70
Valley Doors Unlimit	Citizens Convenience Ctr	rm Valley Doors CCCC lock sets and pad locks	12/12/2018	37.99
Valley Doors Unlimit Total				37.99
Valley Health	EMS Materials & Supplies	WMC EMS Supply Invoice Nov 2018	12/13/2018	2.00
Valley Health Total				2.00
VEBA	Electoral Dues Subscr & Memb	Clarke Co. 2019 Dues	12/10/2018	414.48
VEBA Total				414.48
Verizon	County Adm Telephone	Phone bill	11/26/2018	509.24
Verizon	Com of Rev Telephone	Phone bill	11/26/2018	313.70
Verizon	Treasurer Telephone	Phone bill	11/26/2018	113.66
Verizon	IT Telephone	Phone bill	11/26/2018	15.99
Verizon	IT Telephone	PRI line	11/26/2018	10.98
Verizon	Registrar Telephone	Phone bill	11/26/2018	46.57
Verizon	District C Telephone	Phone bill	11/26/2018	44.83
Verizon	J&D Court Telephone	Phone bill	11/26/2018	120.17
Verizon	Clk of CC Telephone	Phone bill	11/26/2018	293.78
Verizon	Comm Atty Telephone	Phone bill	11/26/2018	597.39
Verizon	Sheriff Telephone	Phone bill	11/26/2018	209.59
Verizon	EMS Telephone	Phone bill	11/26/2018	172.84
Verizon	Probation Telephone	Phone bill	11/26/2018	151.51
Verizon	Bldg Insp Telephone	Phone bill	11/26/2018	100.00
Verizon	AnimalCtrl Telephone	Phone bill	11/26/2018	10.52
Verizon	Maintenanc Telephone	Phone bill	11/26/2018	12.99
Verizon	Parks Adm Telephone	Phone bill	11/26/2018	144.87

Clarke County
 Invoice History Report
 December 31, 2018

<u>VENDOR NAME</u>	<u>ACCOUNT DESC</u>	<u>FULL DESC</u>	<u>INVOICE</u>	
			<u>DATE</u>	<u>AMOUNT</u>
Verizon	Plan Adm Telephone	Phone bill	11/26/2018	285.60
Verizon	Coop Ext Telephone	Phone bill	11/26/2018	5.09
Verizon	Finance Telephone	Phone bill	11/26/2018	114.49
Verizon	Maintenanc Telephone	PRI line	11/26/2018	23.78
Verizon Total				3,297.99
Virginia Department	Programs Dues Subscr & Memb	Back ground ck B00614	12/17/2018	868.00
Virginia Department Total				868.00
Virginia Economic De	Econ Dev Dues Subscr & Memb	lbw 2018 VEDA Summer Membership Meeting VEDP Allie	05/29/2018	550.00
Virginia Economic De Total				550.00
VITA	BoS Telephone	Phone bill November	11/29/2018	315.00
VITA	County Adm Telephone	Phone bill November	11/29/2018	315.00
VITA	Com of Rev Telephone	Phone bill November	11/29/2018	143.00
VITA	Treasurer Telephone	Phone bill November	11/29/2018	532.00
VITA	IT Telephone	Phone bill November	11/29/2018	185.00
VITA	Registrar Telephone	Phone bill November	11/29/2018	250.00
VITA	District C Telephone	Phone bill November	11/29/2018	187.12
VITA	J&D Court Telephone	Phone bill November	11/29/2018	905.50
VITA	Clk of CC Telephone	Phone bill November	11/29/2018	505.00
VITA	Comm Atty Telephone	Phone bill November	11/29/2018	200.00
VITA	Sheriff Telephone	Phone bill November	11/29/2018	309.00
VITA	Bldg Insp Telephone	Phone bill November	11/29/2018	1,198.05
VITA	AnimalCtrl Telephone	Phone bill November	11/29/2018	14.49
VITA	Maintenanc Telephone	Phone bill November	11/29/2018	784.00
VITA	Parks Adm Telephone	Phone bill November	11/29/2018	62.43
VITA	Coop Ext Telephone	Phone bill November	11/29/2018	90.02
VITA	Finance Telephone	Phone bill November	11/29/2018	771.70
VITA	Maintenanc Telephone	Phone bill November	11/29/2018	642.88
VITA Total				7,410.19
Wage Works	Finance Flex Reimbursement Py	Daily Flex Settlement	12/03/2018	2,899.50
Wage Works	Finance Flex Reimbursement Py	Daily Flex Settlement	12/04/2018	1,000.00
Wage Works	Finance Flex Reimbursement Py	Daily Flex Settlement	12/05/2018	999.01
Wage Works	Finance Flex Reimbursement Py	Daily Flex Settlement	12/06/2018	671.65
Wage Works	Finance Flex Reimbursement Py	Daily Flex Settlement	12/07/2018	174.12
Wage Works	Finance Flex Reimbursement Py	Daily Flex Settlement	12/10/2018	678.85
Wage Works	Finance Flex Reimbursement Py	Daily Flex Settlement	12/11/2018	885.31
Wage Works	Finance Flex Reimbursement Py	Daily Flex Settlement	12/12/2018	676.23
Wage Works	Finance Flex Reimbursement Py	Daily Flex Settlement	12/14/2018	503.45
Wage Works	Finance Flex Reimbursement Py	Daily Flex Settlement	12/17/2018	58.22
Wage Works	Finance Flex Reimbursement Py	Daily Flex Settlement	12/18/2018	46.07
Wage Works	Finance Flex Reimbursement Py	Daily Flex Settlement	12/19/2018	574.32
Wage Works	Finance Flex Reimbursement Py	Daily Flex Settlement	12/20/2018	30.00
Wage Works	Finance Flex Reimbursement Py	Daily Flex Settlement	12/21/2018	126.94
Wage Works	Finance Flex Reimbursement Py	Daily Flex Settlement	12/24/2018	209.64
Wage Works	Finance Flex Reimbursement Py	Daily Flex Settlement	12/25/2018	162.22
Wage Works	Finance Flex Reimbursement Py	Daily Flex Settlement	12/26/2018	465.27
Wage Works Total				10,160.80
Winchester Community	CSA Srvc 3 NoManCom	counseling	11/30/2018	41.05
Winchester Community Total				41.05
Winchester Electric	Maintenanc Materials & Supplie	rm Winchester Elec Senior Center hoodexhast motor	12/11/2018	99.78
Winchester Electric Total				99.78
Winchester Printers	Cnsrv Esmt Donation- Purch Svc	CEA Notecards	12/05/2018	89.52
Winchester Printers Total				89.52
Winchester Star	BoS Advertising	lbw PUBLIC COMMENT NOTICE Broadband Project	11/30/2018	1,387.51
Winchester Star	Plan Com Advertising	BSA Public Hearing Ads	12/05/2018	1,875.28
Winchester Star	BrdSepApp Advertising	BSA Public Hearing Ads	12/05/2018	172.65
Winchester Star Total				3,435.44
Winchester Title Com	Cnsrv Esmt Donation- Purch Svc	CEA -Sprouse	12/14/2018	921.73
Winchester Title Com Total				921.73
York, Robin	HstPrvCom Board Member Fees	Attd @ 11-28-18 HPC mtg	12/06/2018	1.48
York, Robin Total				1.48
Grand Total				295,817.30

Date	Total	General Fund	Soc Svcs Fund	CSA Fund	Sch Oper Fund	Food Serv Fund	GG Cap Fund	School Cap Fund	GG Debt Fund	School Debt Fund	Joint Fund	Conservation Easements	Unemploy. Fund
04/17/18 Appropriations Resolution: Total	42,147,378	10,825,060	1,555,824	269,499	23,270,676	844,773	607,000	732,000	251,700	2,942,715	793,131	45,000	10,000
<i>Adjustments:</i>													
7/17/2018 Josephine School Museum Roof							18,785						
7/17/2018 Hawk Migration Signs		1,565											
7/17/2018 Barns of Rose Hill Endowment		5,000											
7/17/2018 Health Department		37,236											
8/29/2018 Parks Bench		709											
8/29/2018 Swimming Pool Lane Reel		2,924											
8/29/2018 Fire and EMS Gas Meters		2,000											
9/18/2018 Historic Architecture Book Phase 2		17,000											
10/16/2018 School Resource Officer		69,509											
10/16/2018 Blandy Grant for Chesapeake Bay					53,013								
10/16/2018 School Capital Projects Carryover from FY 18								1,717,989					
10/16/2018 Government Capital Projects Carryover from FY 18							1,661,929						
11/20/2018 Easement Purchase: Sprouse												60,000	
11/20/2018 County Administration Leave Agreement		30,333											
12/18/2018 Easement Purchase: Opequon Cattle												317,625	
Revised Appropriation	46,142,995	10,991,336	1,555,824	269,499	23,323,689	844,773	2,287,714	2,449,989	251,700	2,942,715	793,131	422,625	10,000
Change to Appropriation	3,995,617	166,276	0	0	53,013	0	1,680,714	1,717,989	0	0	0	377,625	0
Original Revenue Estimate	15,735,680	3,261,462	970,388	138,977	10,131,053	844,773	0	154,000		221,027	2,000	12,000	0
<i>Adjustments:</i>													
7/17/2018 Josephine School Museum Roof							17,785						
7/17/2018 Hawk Migration Signs		1,565											
8/29/2018 Parks Bench		709											
8/29/2018 Swimming Pool Lane Reel		2,924											
8/29/2018 Fire and EMS Gas Meters		2,000											
9/18/2018 Historic Architecture Book Phase 2: State		11,500											
9/18/2018 Historic Architecture Book Phase 2: Donations		4,500											
10/16/2018 School Resource Officer		31,237											
10/16/2018 Blandy Grant for Chesapeake Bay					53,013								
10/16/2018 School Capital Projects Carryover from FY 18								22,549					
10/16/2018 Government Capital Projects Carryover from FY 18							13,595						
11/20/2018 Easement Purchase: Sprouse: VDACS												30,000	
11/20/2018 Easement Purchase: Sprouse: Fund Balance												30,000	
12/18/2018 Easement Purchase: Opequon Cattle: Federal												211,750	
12/18/2018 Easement Purchase: Opequon Cattle: VDACS												52,937	
12/18/2018 Easement Purchase: Opequon Cattle: Fund Balance												25,000	
12/18/2018 Easement Purchase: Opequon Cattle: Donations												10,000	
Revised Revenue Estimate	16,256,744	3,315,897	970,388	138,977	10,184,066	844,773	31,380	176,549	0	221,027	2,000	371,687	0
Change to Revenue Estimate	521,064	54,435	0	0	53,013	0	31,380	22,549	0	0	0	359,687	0
Original Local Tax Funding	26,411,698	7,563,598	585,436	130,522	13,139,623	0	607,000	578,000	251,700	2,721,688	791,131	33,000	10,000
Revised Local Tax Funding	29,886,251	7,675,439	585,436	130,522	13,139,623	0	2,256,334	2,273,440	251,700	2,721,688	791,131	50,938	10,000
Change to Local Tax Funding	3,474,553	111,841	0	0	0	0	1,649,334	1,695,440	0	0	0	17,938	0

Italics = Proposed actions



12/27/2018 10:24
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Clarke County
YEAR-TO-DATE BUDGET REPORT

P 1
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FOR 2019 06

ACCOUNTS FOR:	ORIGINAL APPROP	TRANFRS/ADJSTMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
301 General Govt Capital Proj Fund							
94110 HVAC System Replacement	0	11,937	11,937	11,936.28	.00	.72	100.0%
94150 Asphalt, Sidewalk, Path	0	3,136	3,136	.00	.00	3,136.00	.0%
94180 Courthouse Complex Repairs	0	66,373	66,373	35,152.00	.00	31,221.00	53.0%
94310 Sheriff's Equipment	10,000	0	10,000	10,000.00	.00	.00	100.0%
94320 Auto Replacement	30,000	6,097	36,097	30,003.24	245.11	5,848.65	83.8%
94331 Sheriff's Vehicles	135,000	1,685	136,685	131,789.90	.00	4,895.10	96.4%
94409 Citizen's Convenience Center	0	732,911	732,911	640,805.37	126,510.96	-34,405.33	104.7%
94508 Josephine School Museum Roof	0	18,785	18,785	17,303.00	1,530.00	-48.00	100.3%
94601 Technology Improvements	65,000	79,339	144,339	67,408.43	22,278.00	54,652.57	62.1%
94602 Systems Integration	0	9,618	9,618	2,937.50	10,502.50	-3,822.00	139.7%
94603 Mobile Radio System	0	414,045	414,045	93,585.50	264,173.50	56,286.00	86.4%
94702 Swimming Pool	0	56,302	56,302	.00	.00	56,302.00	.0%
94703 Park Fencing	10,000	71,036	81,036	.00	.00	81,036.00	.0%
94706 Park Sitework and Parking	20,000	4,101	24,101	.00	.00	24,101.00	.0%
94707 Recreation Center Addition	0	1,220	1,220	.00	.00	1,220.00	.0%
94708 Park-Kohn Prpty Development	15,000	0	15,000	.00	.00	15,000.00	.0%
94709 New Park Shelter	0	57,964	57,964	19,672.60	8,033.28	30,258.12	47.8%
94710 Park Trash Cans	0	501	501	.00	.00	501.00	.0%
94802 Reassessment	312,000	0	312,000	19,911.00	157,804.50	134,284.50	57.0%
94803 Tourism Signs	0	0	0	6,697.12	.00	-6,697.12	100.0%
TOTAL General Govt Capital Proj Fund	597,000	1,535,050	2,132,050	1,087,201.94	591,077.85	453,770.21	78.7%