



**TOWN OF BOWLING GREEN
TOWN COUNCIL MEETING**

A G E N D A

**Thursday, December 03, 2020
6:00 PM**

CALL TO ORDER AND QUORUM ESTABLISHED:

Motion to go into closed meeting pursuant to Virginia Code section 2.2-3711(A)(1) to interview and consider prospective candidates for appointment to the Planning Commission

- [1.](#) Planning Commission Applicant Interviews

PUBLIC HEARINGS:

- [2.](#) Future Land Use Map
- [3.](#) Public Hearing for RZS-2020-001

DELEGATIONS:

- [4.](#) Sean Brushett – Atlantic Broadband

PUBLIC COMMENTS:

STAFF REPORTS & PRESENTATIONS:

- [5.](#) Police Department Monthly Report - November 2020
- [6.](#) Public Works and Utilities Department Monthly Report - November 2020
- [7.](#) Events & Economic Development Coordinator Monthly Report - November 2020
- [8.](#) Town Clerk/Treasurer • Acting Town Manager Monthly Report - November 2020

CONSENT AGENDA:

- [9.](#) Bills - November 2020
- [10.](#) Minutes – November 5, 2020 Town Council Meeting

UNFINISHED BUSINESS:

- [11.](#) EDA CARES Act Small Business Assistance

NEW BUSINESS:

- [12.](#) FOIA Training
- [13.](#) Infectious Disease Policy
- [14.](#) Removing partitions in front of stage

[15.](#) Resolutions of Appreciation for Outgoing Council Members

[16.](#) Town Attorney Memos

REPORT OF COUNCIL COMMITTEES/MEMBER COMMENTS:

INFORMATIONAL ITEMS:

CLOSED SESSION:

Virginia Code § 2.2-3711(A)(8) for consultation with legal counsel regarding a specific legal matter requiring the provision of legal advice by such counsel-contractual disputes with Kelvic regarding sewer repair and replacement project.

RECONVENE IN OPEN SESSION

ADJOURNMENT



**TOWN OF BOWLING GREEN
TOWN COUNCIL MEETING
AGENDA ITEM REPORT**

AGENDA ITEM: Planning Commission Applicant Interviews
ITEM TYPE: Action Item
PURPOSE OF ITEM: Decision - By Motion
PRESENTER: Melissa Lewis, towntreasurer@townofbowlinggreen.com
PHONE: (804) 633-6212

BACKGROUND / SUMMARY:

Motion to go into closed meeting pursuant to Virginia Code section 2.2-3711(A)(1) to interview and consider prospective candidates for appointment to the Planning Commission

Interview of applicants to fill three vacant Planning Commission seats. The seats that are vacant, or soon will become vacant are:

Flores: 3/16/2021
Voit: 3/1/2021
Coyle: 7/1/2023
Wholey: 7/1/2023

Either Coyle, Voit, or Wholey can remain on the Planning Commission as the Town Council Representative.

ATTACHMENTS:
None.

REQUESTED ACTION:
Appoint 3 applicants to Planning Commission.



TOWN OF BOWLING GREEN TOWN COUNCIL MEETING AGENDA ITEM REPORT

AGENDA ITEM: Future Land Use Map

ITEM TYPE: Public Hearing - Duly Advertised

PURPOSE OF ITEM: Decision - By Motion

PRESENTER: Melissa Lewis, towntreasurer@townofbowlinggreen.com

PHONE: (804) 633-6212

BACKGROUND / SUMMARY:

The Planning Commission has been working to gather information, land owner and public input for the purposes of updating the Future Land Use Map, a component of the Town's Comprehensive Plan. The Planning Commission held a Public Hearing at its November 16th meeting and by majority vote recommended Council adopt the Future Land Use Map as presented.

Adoption of the Future Land Use Map is a component of the Comprehensive Plan and requires both a Planning Commission and Town Council Public Hearing.

ATTACHMENTS:

- Ad that ran in the FLS on 11/20 and 11/27
- A copy of the proposed Future Land Use Map.

REQUESTED ACTION:

Make a motion on the adoption of the Future Land Use Map.

PUBLIC HEARING

Town of Bowling Green Town Council

The Bowling Green Town Council will conduct a public hearing on Thursday December 3, 2020, at 7:00 PM in the Bowling Green Event Hall, 117 Butler Street. The purpose of the hearing is for the Town Council to receive public comment on and consider proposed updates to the Future Land Use Map. The Future Land Use Map is a component of the Town's Comprehensive Plan.

The Town Council will take appropriate action after the hearing. The proposed map is available for review at Town Hall, 117 Butler Street during normal business hours and online at www.townofbowlinggreen.com. All those wishing to comment on this matter can come to the hearing and be heard. Any person requiring assistance in order to participate in the public hearing is asked to contact the Town Manager at 804-633-6212 ext. 1001 in advance so appropriate arrangements can be made.

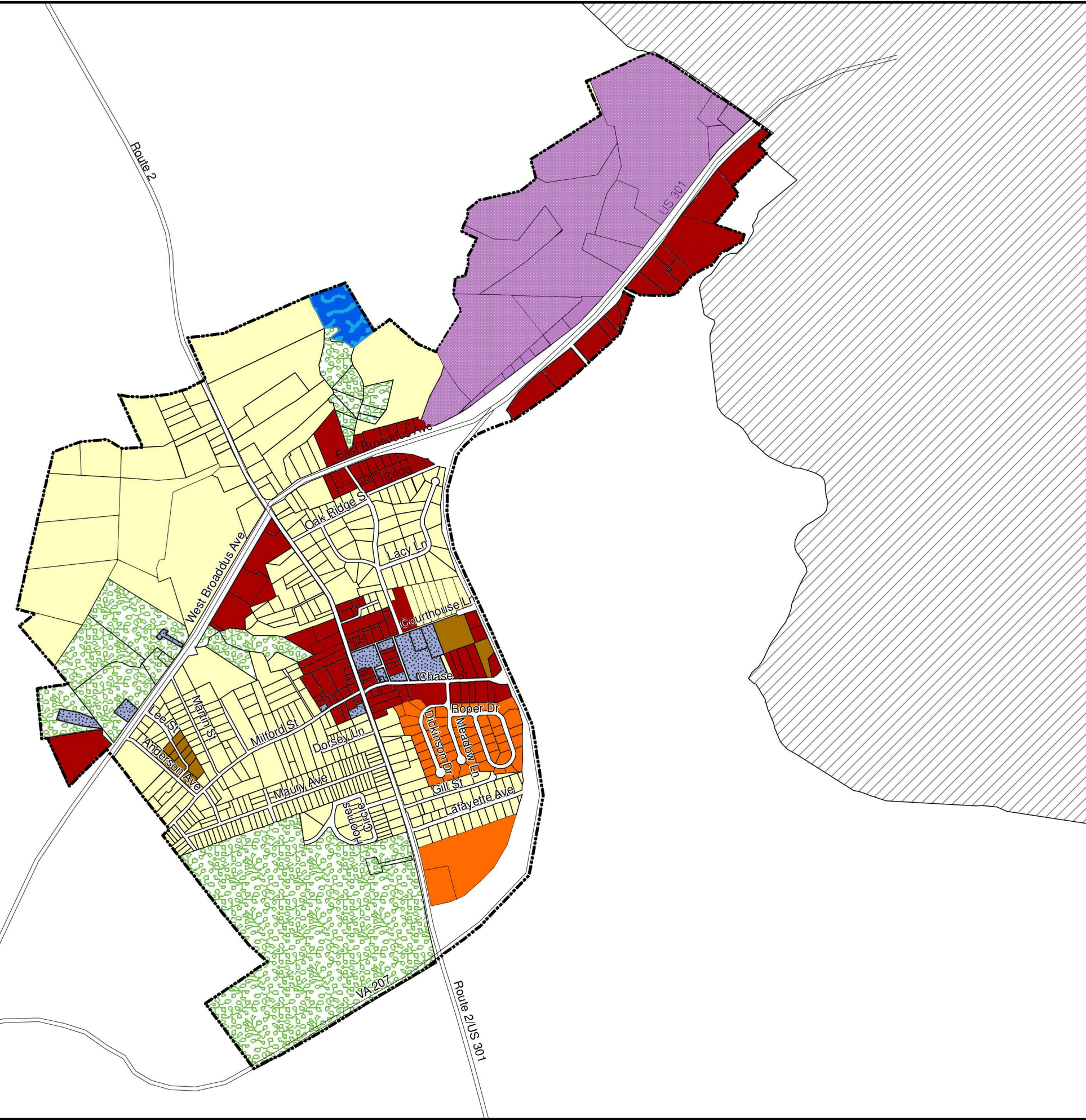
Melissa Lewis



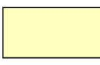








Interim Town Manger/Zoning Administrator

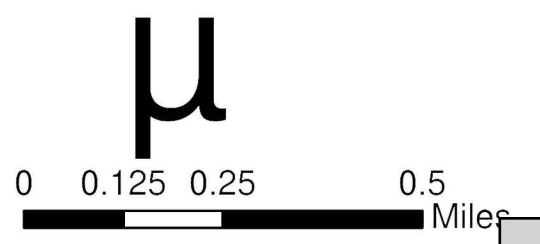
Town of Bowling Green
Comprehensive Plan
2008

**2020 Conceptual Map
TBD**

Future Land Use



-  Agricultural/Rural/Historic Preservation
-  Commercial (B1, B2)
-  Low Density Residential (R1, A1)
-  Low/Moderate Density Residential (R1,2, PUD)
-  Moderate/High Density Residential (R3, PUD)
-  Public
-  Mixed Use (R1/2/3, B1/2, M1, PUD)
-  Road Network
-  Town Boundary
-  Fort A.P. Hill
-  Lake





**TOWN OF BOWLING GREEN
TOWN COUNCIL MEETING
AGENDA ITEM REPORT**

AGENDA ITEM: Public Hearing for RZS-2020-001
ITEM TYPE: Public Hearing - Duly Advertised
PURPOSE OF ITEM: Decision - By Motion
PRESENTER: Melissa Lewis, towntreasurer@townofbowlinggreen.com
PHONE: (804) 633-6212

BACKGROUND / SUMMARY:

Application has been made by Bowling Green Properties, LLC to rezone 221 N. Main Street from B-1 Business zoning to R-1 Residential Zoning.

The Planning Commission held a Public Hearing at its November 16th meeting recommended approval.

ATTACHMENTS:

RZS-2020-001
Public Hearing Notice run in FLS on 11/20 and 11/27

REQUESTED ACTION:

Motion to take action on rezoning request.

PUBLIC HEARING

Bowling Green Town Council

The Bowling Green Town Council will conduct a public hearing on Thursday, December 3, 2020, at 7:00 PM in the Bowling Green Event Hall, 117 Butler Street. The purpose of the hearing will be for the Town Council to receive public comment on and consider the following matter.

Rezoning Application # RZS-2020-001 made by Bowling Green Properties, LLC to rezone 221 N. Main St., Tax ID# 43A2-10-2, from B-1 Business zoning to R-1 Residential zoning.

The Town Council will take appropriate action after the hearing. The complete application is available for review at Town Hall, 117 Butler Street during normal business hours and online at www.townofbowlinggreen.com. All those wishing to comment on this matter can come to the hearing and be heard. Any person requiring assistance in order to participate in the public hearing is asked to contact the Town Manager at 804-633-6212 ext. 1001 in advance so appropriate arrangements can be made.

Melissa Lewis
Interim Town Manger/Zoning Administrator

RZS

2020-001

****This permit shall be posted in a conspicuous place****

PREVIOUS EDITIONS OF THE
FORM ARE OBSOLETE

FORM REVISED:
28 April 2008



Town of Bowling Green Single Use Rezoning Application

Application and petition are hereby made to the Town Council, Town of Bowling Green, to amend the Zoning Map of the Town of Bowling Green and issue a Certificate of Zoning Compliance, in accordance with the description and for the purpose hereinafter set forth. This application is made subject to all local and state laws and ordinances, which are hereby agreed to by the undersigned, and which shall be deemed a condition entering into the exercise of this application.

Owner

Bowling Green Properties LLC

540-847-3453

Name
c/o BERN MAHON

Daytime Telephone Number

116 VANCE DR, FREDERICKSBURG VA

22408

Mailing Address

Property Information

43A2102

B1

Tax Map/Parcel Number

Existing Use/Zoning

221 N. MAIN ST

Address/Location (use street names)

Two story building which is a former residence

Existing Structures (number and type)

with detached garage.

Rezoning of Property Requested

From Zoning Designation

B1

To Zoning Designation

R1

Water and Sewer

What is your water supply source?

What is your sewage disposal source?



Municipal



Private Well



Municipal



Septic Tank

Certification by Owner/Applicant

I certify that I have the authority to make the foregoing application, that the information given is correct, including any attached plans or drawings, and that all construction will conform with all applicable state, county, and town laws, ordinances, and regulations with regard to zoning, health and building. Failure to do so will automatically render this permit invalid. I understand that two copies of a plot plan (or a plan for signs) must be submitted with this application, that construction requires a building permit Issued by the Caroline County Building Official, that a separate application must be made for water & sewer connections, and that all contractors must register with the Town prior to commencing work. I agree to repair any damages to sidewalks, streets, and utilities caused during this construction. I agree to pay an inspection deposit and notify the Zoning Administrator within ten (10) days of completion of the work for an inspection and issuance of Certificate of Zoning Compliance. Failure to do so may result in the forfeiture of the inspection deposit which in no way relieves me of any obligation to comply with all Town requirements. Land may be used or occupied, and buildings structurally altered or erected may be used or changed in use, only after the Certificate of Zoning Compliance is issued.

10/5/2020
Date

Ben M. L.
Owner/Applicant Signature

** FOR TOWN USE ONLY **

Recommendation of Planning Commission

Date Received 10/19/2020

Recommend Approval

Recommend Disapproval Date _____

Action by Town Council

Date Received 11/5/2020

Approved

Disapproved Date _____

Recommendation of Director of Public Works

Date Received _____

Recommend Approval

Recommend Disapproval Date _____

Zoning Administrator

Recommend Approval

Recommend Disapproval

Recommend Approval with Conditions (See Attached)

Fee Paid \$ 750.00

Zoning Administrator Signature

Date

REMINDER!!

Approval of this application does not mean work can begin. Permits must be obtained from the Caroline County Building Official and possibly (depending on the scope of the work) Virginia Department of Transportation (VDOT) and the Health Department or Department of Environmental Quality (DEQ). It is the responsibility of the owner/applicant to check with these agencies to ensure all permits are obtained before beginning work.

ADJACENT PROPERTY OWNERS

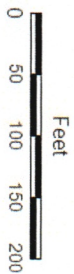
The following are all of the individuals, firms, or corporations owning property adjacent to both sides and rear, and the property in front of (across the street from) the property for which a Single Use Rezoning is requested. **All adjacent property owner information is required to be accurate and complete before the application can be accepted.**

	NAME	STREET ADDRESS
1)	Verizon Bldg.	
	Mailing Address:	
2)	Frazier, Niel & Sierra	111 Davis Ct.
	Mailing Address:	Bowling Green, VA 22427
3)	Treasurer of Bowling Green Baptist Church	225 N. Main St.
	Mailing Address:	PO Box 543 - Bowling Green, VA 22427
4)	Carter, Julian & Joyce	218 N. Main St.
	Mailing Address:	PO Box 1031 Bowling Green, VA 22427
5)	Bise, Gary & Reba	220 N. Main St.
	Mailing Address:	PO Box 783 Bowling Green VA 22427
6)		
	Mailing Address:	
7)		
	Mailing Address:	
8)		
	Mailing Address:	
9)		
	Mailing Address:	
10)		
	Mailing Address:	
11)		
	Mailing Address:	
12)		
	Mailing Address:	
13)		
	Mailing Address:	
14)		
	Mailing Address:	
15)		
	Mailing Address:	

Caroline County, Virginia

- Legend**
- County Boundary
 - Parcels
 - Roads (12,000)
 - Interstate
 - US Highway Primary
 - State Highway Primary
 - Secondary
 - Secondary - 0
 - Null
 - Roads - Back (12,000)
 - Interstate
 - US Highway Primary
 - State Highway Primary
 - Secondary
 - Secondary - 0
 - Null
 - Road Labels

Map printed from Caroline
<http://caroline.mapsdirect.net/>



Title:

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Caroline County is not responsible for its accuracy or how current it may be.

Date: 10/16/2020



**TOWN OF BOWLING GREEN
TOWN COUNCIL MEETING
AGENDA ITEM REPORT**

AGENDA ITEM: Sean Brushett – Atlantic Broadband

ITEM TYPE: Presentation

PURPOSE OF ITEM: Information Only

PRESENTER: Jason Satterwhite, Mayor

PHONE: (804) 633-6212

BACKGROUND / SUMMARY:

Representative from Atlantic Broadband will follow up on issues presented at the September Council meeting:

1. Why was the Bowling Green Office, most recently located at 103 Chase Street, permanently closed? As we understand it, our franchise agreement requires Atlantic Broadband to maintain an office in Town.
2. When will 1 Gig service be released to the Bowling Green market?
3. Could you please provide a comparison of ABB's cost per bit relative to the rate structures of other providers in the region?

ATTACHMENTS:

None

REQUESTED ACTION:



**TOWN OF BOWLING GREEN
TOWN COUNCIL MEETING
MONTHLY REPORT / PROJECT UPDATE**

AGENDA ITEM: Police Department Monthly Report - November 2020

DATE: 11/24/2020

PREPARED BY: Chief Justin Cecil

MONTHLY REPORT / PROJECT UPDATE:

Police Activity for November 2020

32 Total calls for service

2 Arrest for larceny

1 Overdose

2 Juvenile complaints

40 Traffic Summonses issued

55 Park walk and talks / Business checks

10 Assist other agencies

Town police units assigned for security at Town Hall for special events.

ATTACHMENTS:

None

HEADS UP ITEMS:

Pending grant for a new police vehicle to replace 2005 Crown Victoria.

Working with the towns Attorney on police departments policy.

Police Chief Contract



**TOWN OF BOWLING GREEN
TOWN COUNCIL MEETING
MONTHLY REPORT / PROJECT UPDATE**

AGENDA ITEM: Council Monthly Report for November 2020

DATE: November 24, 2020

PREPARED BY: Josh Irby

MONTHLY REPORT / PROJECT UPDATE:

Water

- Contractor has abandoned Well 2 and demolished building on Maury Ave
- Water Leaks repaired on Grant Ct and Elm St
- DEQ inspection meeting on 11-24-2020 and 12-1-2020

Wastewater

- Plant is running well, no exceptions to report
- Kickoff meeting on 11-17-2020 with engineers for wastewater upgrade project

Public Works

- Leaf Collection has begun (10 loads have been collected so far)
- Flowers on Main St have been taken down

ATTACHMENTS:

- Iworq Report (Partial Month)
- DMR for October

HEADS UP ITEMS:

Work Order Report

11/1/2020 - 11/24/2020

Work Order Date	Assigned Department	Work Description	Work Address/Location
11/2/2020	Public Works	take an extra trash can	105 Hoomes Circle
11/2/2020	Utilities	Change oil, oil filter, and both air filters	
11/2/2020	Utilities	get a read customer moved out	15471 Caroline Manor Apt 2G
11/2/2020	Utilities	Water - Service Disconnect	141 lee street
11/2/2020	Utilities	Water - Service Disconnect	141 lee street
11/2/2020	Utilities	Replace battery and alternator in Truck #1 GMC	
11/2/2020	Utilities	Take Truck #1 in for inspection	
11/2/2020	Utilities	Take Dump Truck in for inspection	
11/2/2020	Utilities	Disconnect service, Please take a final read	230 Milford Street
11/2/2020	Utilities	Disconnect service, Please take a final read	228 Milford St
11/4/2020	Public Works	Mark utilities	17152 elm st
11/4/2020	Public Works	take new trash can	121 Lakewood Rd
11/4/2020	Utilities	Disconnect service, Please take a final read	15426 CM Apt 1B

Work Order Date	Assigned Department	Work Description	Work Address/Location
11/4/2020	Public Works	Mark utilities	140 maury ave
11/4/2020	Utilities	Water main on Grant Ct. is leaking	Grant Ct.
11/4/2020	Public Works	Set council meeting up	117 Butler St.
11/5/2020	Utilities	pick up trash can	120 Lafayette Ave
11/5/2020	Public Works	Replace batteries in thermostats in ballroom	117 Butler St.
11/5/2020	Public Works	found 2" meter valve	120 milford st
11/5/2020	Public Works	Mark utilities	15263 hilldale ave
11/5/2020	Public Works	Paint around sinks in both restrooms	117 Butler St.
11/5/2020	Utilities	Replace meter it is clogged with mud	16023 Grant CT
11/6/2020	Public Works	take 1 new trash can and pick up 2 broken trashcans	121 Lakewood Rd
11/9/2020	Public Works	Set up tables for weekly meeting	117 Butler St.
11/9/2020	Public Works	Check water leak repair areas	Grant Ct.
11/9/2020	Public Works	Put leaf box on truck	219 Anderson Ave
11/9/2020	Public Works	Replace tiles in the restroom	109 Courthouse Lane
11/10/2020	Public Works	Replace broken pipe on leaf vac	219 Anderson Ave

Work Order Date	Assigned Department	Work Description	Work Address/Location
11/12/2020	Public Works	PU Recycle can and deliver a trash can to replace it	105 Hoomes Cir
11/12/2020	Public Works	Take down planters	North Main St.
11/13/2020	Public Works	mark utilities	13415 fredericksburg tpke
11/13/2020	Utilities	Cut water on	133 Courthouse Lane
11/16/2020	Public Works	leaf pick up	s main
11/16/2020	Public Works	mark utilities	107 davis ct
11/16/2020	Public Works	mark utilities	15432 rogers clark blvd
11/17/2020	Public Works	mark utilities	111 e broaddus
11/17/2020	Public Works	take down Planning Com tables on the stage	117 Butler St
11/18/2020	Public Works	Leaf Collection	
11/18/2020		Disconnect service, Please take a final read	122 Dorsey Lane
11/18/2020	Utilities	Water - Service Disconnect	15421 CM Apt 1A
11/18/2020	Public Works	flush blow off	17025 elm st
11/19/2020	Public Works	Grease and clean up skid steer	
11/19/2020	Public Works	Leaf Collection	
11/19/2020	Public Works	Set up tables for planning commission interviews	117 Butler St

Work Order Date	Assigned Department	Work Description	Work Address/Location
11/19/2020	Facilities	Bulbs need changing business office back office	
11/19/2020	Public Works	reconnect	15421 cm apt 1a
11/20/2020	Public Works	Leaf Collection	
11/20/2020	Utilities	Repair Water Purifier at Plant	219 Anderson Ave
11/20/2020		Tinsel Town - Safety Cones	Cedar Lane
11/20/2020	Public Works	mark utilities	14284 fredericksburg tpke
11/20/2020	Public Works	Repair drywall and paint in men's restroom at Town Hall	117 Butler St
11/20/2020	Public Works	25 chairs in the front room	117 Butler St
11/23/2020	Public Works	Set up tables and chairs for meeting	117 Butler St
11/23/2020	Public Works	picked up took garbage can	115 maury ave.
11/23/2020	Public Works	mark utilities	14284 fredericksburg tpke
11/23/2020	Public Works	mark utilities	133 courthouse
11/24/2020	Public Works	mark utilities	111 e broaddus
11/24/2020	Public Works	mark utilities	111 e broaddus
11/24/2020	Public Works	mark utilities	109 e broaddus
11/24/2020	Public Works	install soap dispensers	117 Butler St

Work Order Date	Assigned Department	Work Description	Work Address/Location
11/24/2020	Utilities	get read new customer moving in	16386 Heritage Pines Circle
11/24/2020	Public Works	Cut water back on	141 Lee St.

Total Records: 62

11/24/2020

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

DEPT. OF ENVIRONMENTAL QUALITY
(REGIONAL OFFICE)

PERMITTEE NAME/ADDRESS (INCLUDE
FACILITY NAME/LOCATION IF DIFFERENT)

Northern Regional Office
13901 Crown Court

Woodbridge, VA 22193

NAME: Bowling Green Wastewater Treatment Plant
ADDRESS: c/o Town of Bowling Green
Bowling Green, VA 22427

VA0020737	001
PERMIT NUMBER	DISCHARGE NUMBER

MONITORING PERIOD

YEAR	MO	DAY	YEAR	MO	DAY
2020	10	01	2020	10	31

FACILITY LOCATION: 219 Anderson Ave
Bowling Green, VA 22427

FROM

TO

NOTE: READ PERMIT AND GENERAL INSTRUCTIONS BEFORE COMPLETING THIS FORM.

Parameter	REPORTID	QUANTITY OR LOADING			QUALITY OR CONCENTRATION			NO. EX.	FREQUENCY OF ANALYSIS	SAMPLE TYPE	LAB CODE
		AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM				
FLOW	REPORID	.104	.308	MGD	*****	*****	*****	0	CONT	TIRE	
PARAM CODE: 001	REQRMNT	0.25	NL		*****	*****	*****		CONT	TIRE	
pH	REPORID	*****	*****		7.1	*****	7.8	0	1/DAY	GRAB	
PARAM CODE: 002	REQRMNT	*****	*****		6.0	*****	9.0		1/DAY	GRAB	
TSS	REPORID	.23	.44	KG/D	*****	.7	1.3	0	3D/W	8HC	
PARAM CODE: 004	REQRMNT	9.5	14		*****	10	15		3D/W	8HC	
DO	REPORID	*****	*****		6.1	*****	*****	0	1/DAY	GRAB	
PARAM CODE: 007	REQRMNT	*****	*****		5.0	*****	*****		1/DAY	GRAB	
TKN (N-KJEL)	REPORID	.22	.25	KG/D	*****	.66	.71	0	3D/W	8HC	
PARAM CODE: 068	REQRMNT	2.8	4.2		*****	3.0	4.5		3D/W	8HC	
E.COLI	REPORID	*****	*****		*****	3	*****	0	3D/W	GRAB	
PARAM CODE: 120	REQRMNT	*****	*****		*****	126	*****		3D/W	GRAB	
CBOD5	REPORID	<QL	<QL	KG/D	*****	<QL	<QL	0	3D/W	8HC	
PARAM CODE: 159	REQRMNT	9.5	14		*****	10	15		3D/W	8HC	

GENERAL PERMIT REQUIREMENTS OR COMMENTS:
OUTFALL-SPECIFIC COMMENTS:
PARAMETER-SPECIFIC COMMENTS:

BYPASSES AND OVERFLOWS	TOTAL OCCURENCES	TOTAL FLOW(M.G.)	TOTAL BOD5(K.G.)	OPERATOR IN RESPONSIBLE CHARGE			
				TYPED OR PRINTED NAME	CERTIFICATE NUMBER		
				Joshua Irby	1965008627		
I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.				TYPED OR PRINTED NAME			
				PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT		TELEPHONE	804-221-1834
				TYPED OR PRINTED NAME		SIGNATURE	Date



**TOWN OF BOWLING GREEN
TOWN COUNCIL MEETING
MONTHLY REPORT / PROJECT UPDATE**

AGENDA ITEM: Events & Economic Development Coordinator Council Monthly Report for November 2020

DATE: 11/26/20

PREPARED BY: Jo-Elsa Jordan

MONTHLY REPORT / PROJECT UPDATE:

Bowling Green Christmas Parade of Lights: 12/12/20, 5:00 p.m. *CANCELLED

Complete VDOT Land-Use Permit application as required for road closures

- Meet with BGPD, CCSO and VSP; Get required signatures
- Update parade map as required for permit
- Coordinate with Town Clerk for payment requirement

Secure Santa Claus for 12/12/20

Secure Santa's carriage and horses

Outsource and finalize marketing graphic *See attached

Update 2020 parade registration forms *See attached

Upload event and registration form onto website/event calendar

Create event on Facebook

Facebook promotion

Create letters and labels to Maury Avenue residents *See attached

Recruit volunteers

Update Town Council on amendment to Governor's Executive Order, limiting private or public gathers to no more than 25 people.

Contact VDH Director of Environmental Health for clarification.

Contact Governor's Office for clarification.

Meet with BGPD Police Chief, VSP and CCSO to discuss alternatives (i.e. reverse parade)

Cancel event on website and social media

Economic Development Authority:

- Coordinate with board members for work session on 11/12/20 to discuss process for CARES Act fund distribution and HVAC filtration options for small businesses; Publish work session on Town website and place notice on the community board at Town Hall.
- Contact small businesses to reiterate HVAC filtration option and update participant spreadsheet.
- Coordinate with Performance Air for site-specific estimates by 11/23/20 for EDA review.

- Prepare meeting packet for 11/23/20 EDA meeting; Publish on website.
- Finalize CARES Act fund distribution and HVAC filtration process, as needed for final request to Council for fund appropriation.
- Record and publish EDA meeting minutes.

Planning Commission:

- Update website with recruitment documents
- Contact GWRC to determine options for planning review if needed

Misc.

Attend weekly staff meetings; Monday's at 10:00 a.m.

General social media posts

Resolutions for exiting Council members



**TOWN OF BOWLING GREEN
TOWN COUNCIL MEETING
MONTHLY REPORT / PROJECT UPDATE**

AGENDA ITEM: Town Clerk/Treasurer • Acting Town Manager Monthly Report to Council
November 2020

DATE: November 30, 2020

PREPARED BY: Melissa Lewis

MONTHLY REPORT / PROJECT UPDATE:

- FY20 Audit Prep
- Cash reconciliations
- Letter of Condition requirements for Water System Project Upgrade – all conditions met. Waiting on closing instructions.
- Administration and reconciliation of Cares Act Funds
- Annual workers comp audit complete, credit issued by VRSA
- Organizing Dept. of Labor and Industry/OSHA Compliant Covid-19 Training

Meetings/Training attended:

- November Town Council Meeting
- Planning Commission Meeting
- 4 Weekly Staff meetings
- Meeting with Dewberry Engineering – WWTP PER Kick Off
- Meeting with USDA Representative to discuss status of various projects and applications.
- Meeting with contractor to discuss A/V Technology, additional needs, logistics, etc.
- Conference call with DEQ

Attachments:

- YTD Revenue/Expense Report

REVENUE SUMMARY

7/01/2020 - 11/30/2020

ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	BALANCE	% UNCOLLECTED
FUND #-100 ***GENERAL FUND REVENUE***							
11010	***REAL ESTATE**	141,500.00	141,500.00	48,739.04	49,551.97	91,948.03	64.98
11011	***RT 301 SPECIAL TAX DISTRICT***	34,269.00	34,269.00	1,147.24	1,147.24	33,121.76	96.65
11020	***PUBLIC SERVICE***	4,000.00	4,000.00	.00	.00	4,000.00	100.00
11030	***PERSONAL PROPERTY***	52,500.00	52,500.00	12,529.15	12,786.09	39,713.91	75.64
11060	***PENALTY & INTEREST***	6,000.00	6,000.00	2,025.97	2,420.18	3,579.82	59.66
15010	INTEREST EARNED	5,000.00	5,000.00	2,117.86	2,117.86	2,882.14	57.64
16099	***REFUSE COLLECTION FEES***	89,301.00	89,301.00	31,589.12	31,589.12	57,711.88	64.62
120101	SALES TAX	32,000.00	32,000.00	18,068.45	18,068.45	13,931.55	43.53
120201	CONSUMER UTILITY TAX	30,000.00	30,000.00	10,138.97	15,081.80	14,918.20	49.72
120301	BUSINESS LICENSE	68,000.00	68,000.00	3,583.55	4,385.41	63,614.59	93.55
120501	VEHICLE LICENSE FEES	27,000.00	27,000.00	7,479.72	7,684.28	19,315.72	71.53
120601	BANK STOCK TAX	250,000.00	250,000.00	.00	.00	250,000.00	100.00
121001	TRANSIENT OCCUPANCY TAX	4,500.00	4,500.00	1,222.98	1,595.51	2,904.49	64.54
121101	MEALS TAX	200,000.00	200,000.00	91,021.75	109,754.47	90,245.53	45.12
130306	***PERMITS, FEES AND LICENSES***	3,000.00	3,000.00	1,770.00	3,240.00	240.00-	8.00-
140101	***FINES AND FORFEITURES***	43,100.00	43,100.00	9,037.16	9,856.39	33,243.61	77.13
150201	***RENTALS***	26,000.00	26,000.00	5,050.00	5,700.00	20,300.00	78.07
189000	** OTHER LOCAL REVENUE **	2,100.00	2,100.00	12,000.00	12,000.00	9,900.00-	471.42-
220108	ROLLING STOCK TAX	.00	.00	2.46	2.46	2.46-	100.00-
220109	VA 599 POLICE FUNDING	24,500.00	24,500.00	6,369.00	6,369.00	18,131.00	74.00
220110	PPTRA REIMBURSEMENT-STATE	21,900.00	21,900.00	21,907.50	21,907.50	7.50-	.03-
220111	COMMUNICATIONS TAX	38,000.00	247,390.00	220,026.81	222,775.79	24,614.21	9.94
240407	***GRANTS***	1,034.00	1,034.00	5,935.00	5,935.00	4,901.00-	473.98-
240412	VIRGINIA FIRE PROGRAMS	10,000.00	10,000.00	.00	.00	10,000.00	100.00
410501	**SAVINGS TRANSFER**	216,775.00	216,775.00	1,885.00	1,885.00	214,890.00	99.13
999999	MISCELLANEOUS	.00	.00	1,236.32	3,037.80	3,037.80-	100.00-
--FUND TOTAL--		1,330,479.00	1,539,869.00	514,883.05	548,891.32	990,977.68	64.35
FUND #-400 ***EVENTS AND ACTIVITIES FUND***							
19050	HARVEST FESTIVAL	13,000.00	13,000.00	1,990.00	2,390.00	10,610.00	81.61
410501	USE OF FUND BALANCE	6,500.00	6,500.00	.00	6,000.00	500.00	7.69
--FUND TOTAL--		19,500.00	19,500.00	1,990.00	8,390.00	11,110.00	56.97
FUND #-500 ***WATER REVENUE***							
16099	***WATER REVENUE***	2,941,130.00	2,941,130.00	157,571.18	157,981.18	2,783,148.82	94.62
410501	***SAVINGS TRANSFER***	253,986.00	253,986.00	.00	253,986.00	.00	.00
--FUND TOTAL--		3,195,116.00	3,195,116.00	157,571.18	411,967.18	2,783,148.82	87.10
FUND #-520 ** SEWER OPERATIONS **							
16099	SEWER SALES	422,250.00	427,071.79	153,494.24	160,264.81	266,806.98	62.47
410501	USE OF FUND BALANCE SEWER	161,270.00	161,270.00	.00	161,270.00	.00	.00

TOWN OF BOWLING GREEN
REVENUE SUMMARY
7/01/2020 - 11/30/2020

ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	BALANCE	% UNCOLLECTED
-----	-----	-----	-----	-----	-----	-----	-----
	--FUND TOTAL--	583,520.00	588,341.79	153,494.24	321,534.81	266,806.98	45.34
	--FINAL TOTAL--	5,128,615.00	5,342,826.79	827,938.47	1,290,783.31	4,052,043.48	75.84

TOWN OF BOWLING GREEN
EXPENDITURE SUMMARY
7/01/2020 - 11/30/2020

ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	ENCUMBRANCE AMOUNT	UNENCUMBERED BALANCE	% REMAINING
-----	-----	-----	-----	-----	-----	-----	-----	-----
FUND #-100 ***GENERAL FUND EXPENDITURES***								
12110	**COUNCIL AND ADMINSTRATOR EXPENSES	275,198.00	484,588.00	136,501.09	167,131.37	.00	317,456.63	65.51
12410	***TREASURER'S EXPENSES***	257,176.00	257,176.00	82,456.79	115,756.19	.00	141,419.81	54.98
31100	***POLICE DEPT. EXPENSES***	143,682.00	143,682.00	37,595.86	52,636.47	.00	91,045.53	63.36
31200	***POLICE DEPT RESTRICTED FUNDS***	3,000.00	3,000.00	2,582.86	2,582.86	.00	417.14	13.90
32000	***DONATIONS***	12,000.00	12,000.00	.00	.00	.00	12,000.00	100.00
43100	***PUBLIC WORKS***	299,470.00	299,470.00	79,142.13	109,349.93	.00	190,120.07	63.48
410501	***TRANSFERS OUT***	421,256.00	421,256.00	.00	421,256.00	.00	.00	.00
	--FUND TOTAL--	<u>1,411,782.00</u>	<u>1,621,172.00</u>	<u>338,278.73</u>	<u>868,712.82</u>	<u>.00</u>	<u>752,459.18</u>	<u>46.41</u>
FUND #-400 ***EVENTS AND ACTIVITIES***								
71200	EVENTS COORDINATOR	19,950.00	19,950.00	3,748.81	5,298.81	.00	14,651.19	73.43
	--FUND TOTAL--	<u>19,950.00</u>	<u>19,950.00</u>	<u>3,748.81</u>	<u>5,298.81</u>	<u>.00</u>	<u>14,651.19</u>	<u>73.43</u>
FUND #-500 ***WATER EXPENDITURES***								
500100	***WATER OPERATIONS***	453,848.00	453,848.00	108,671.14	145,732.69	.00	308,115.31	67.88
500500	***WATER CIP***	2,700,000.00	2,700,000.00	157,170.50	157,170.50	.00	2,542,829.50	94.17
	--FUND TOTAL--	<u>3,153,848.00</u>	<u>3,153,848.00</u>	<u>265,841.64</u>	<u>302,903.19</u>	<u>.00</u>	<u>2,850,944.81</u>	<u>90.39</u>
FUND #-520 ***SEWER OPERATIONS***								
500100	***SEWER OPERATIONS***	586,537.00	591,358.79	283,826.64	319,460.63	.00	271,898.16	45.97
	--FUND TOTAL--	<u>586,537.00</u>	<u>591,358.79</u>	<u>283,826.64</u>	<u>319,460.63</u>	<u>.00</u>	<u>271,898.16</u>	<u>45.97</u>
	--FINAL TOTAL--	<u>5,172,117.00</u>	<u>5,386,328.79</u>	<u>891,695.82</u>	<u>1,496,375.45</u>	<u>.00</u>	<u>3,889,953.34</u>	<u>72.21</u>

TOWN OF BOWLING GREEN
EXPENDITURE SUMMARY
7/01/2020 - 11/30/2020

ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	ENCUMBRANCE AMOUNT	UNENCUMBERED BALANCE	% REMAINING
-----	-----	-----	-----	-----	-----	-----	-----	-----
	--FINAL TOTAL--	.00	.00	.00	.00	.00	.00	.00



**TOWN OF BOWLING GREEN
TOWN COUNCIL MEETING
AGENDA ITEM REPORT**

AGENDA ITEM: November 2020 Bills
ITEM TYPE: Consent Agenda
PURPOSE OF ITEM: Decision - By Motion
PRESENTER: Melissa Lewis, towntreasurer@townofbowlinggreen.com
PHONE: (804) 633-6212

BACKGROUND / SUMMARY:

Invoices for items purchased and services rendered in November 2020

ATTACHMENTS:

Check Reports:

- 11/02/2020
- 11/05/2020
- 11/06/2020
- 11/13/2020

REQUESTED ACTION:

Approve invoices.

CHECK#	VEND#	VENDOR	CLASS	DATE	AMOUNT	DISCOUNT
25717	41	VISA	000	11/02/2020	1,960.54	.00
25718	41	VISA	000	11/02/2020	2,009.41	.00
25719	41	VISA	000	11/02/2020	3,889.46	.00
25720	41	VISA	000	11/02/2020	3,941.54	.00
25721	41	VISA	000	11/02/2020	650.29	.00
		CLASS TOTAL			14,451.24	.00
		ACH TOTAL			.00	
		CHECK TOTAL			14,451.24	
		EPY TOTAL			.00	
		FINAL TOTAL			14,451.24	.00

I HEREBY APPROVE THIS REGISTER FOR PAYMENT WITH EXCEPTIONS LISTED BELOW OR PREVIOUSLY DOCUMENTED.
 THE TOTAL 14,451.24 - EQUALS THE WEEKLY LOG SHEET TOTALS AS ADJUSTED.

DATE _____ TOWN MANAGER _____

P.O. NO.	VENDOR NO.	VENDOR NAME	INVOICE NO.	INVOICE DATE	A/P ACRL	ACCOUNT NO.	NET AMOUNT	CHECK NO.	ACH ACH PMT	G/L ACCOUNT DESC.	BATCH INV. DESCRIPTION
0000000	000041	VISA	ED 1 FACEBOOK 2	11/02/2020		4400-071200-1240-	21.00	25717		CLEAN SWEEP	00849 JO ELISA
0000000	000041	VISA	ED 2 PRINT DIRT	11/02/2020		4100-012110-6021-	483.11	25717		PUBLIC RELATIONS	00849 POST CARDS & BANNER
0000000	000041	VISA	OVERLIMIT FEE	11/02/2020		4100-012410-3600-	39.00	25717		LATE FEES & PENALTIES	00849 OVERLIMIT FEE
0000000	000041	VISA	PC 1 WALGREENS	11/02/2020		4100-012110-5830-	31.57	25717		COVID-19 EXPENSES	00849 BATTERIES
0000000	000041	VISA	PC 2 FOODLION	11/02/2020		4100-012110-5830-	71.26	25717		COVID-19 EXPENSES	00849 NATIONAL NIGHT OUT
0000000	000041	VISA	PC 3 FOOD LION	11/02/2020		4100-012110-5830-	37.38	25717		COVID-19 EXPENSES	00849 FOOD
0000000	000041	VISA	PC 4 BADGER AND	11/02/2020		4100-031100-6010-	741.90	25717		EQUIPMENT/SUPPLIES	00849 BADGE
0000000	000041	VISA	PC 5 WEP MAIN	11/02/2020		4520-500100-5540-	64.00	25717		EDUCATION/TRAINING/LICENSE/PE00849	00849 SEMER BOOKS
0000000	000041	VISA	PC 2 WEP MAIN	11/02/2020		4520-500100-5540-	125.00	25717		EDUCATION/TRAINING/LICENSE/PE00849	00849 SEMER BOOKS
0000000	000041	VISA	PC 3 WEP MAIN	11/02/2020		4520-500100-5540-	346.32	25717		EDUCATION/TRAINING/LICENSE/PE00849	00849 SEMER BOOKS
			DISC. TOTAL				.00				
			CHECK TOTAL				1,960.54				
			ACH PMT TOTAL				.00				
			CPA PMT TOTAL				.00				
0000000	000041	VISA	EM 4 WALMART	11/02/2020		4520-500100-3311-	49.88	25718		VEHICLE MAINTENANCE	00849 OIL
0000000	000041	VISA	EM 5 PINOS	11/02/2020		4520-500100-5840-	63.00	25718		MISCELLANEOUS	00849 WORK LATE
0000000	000041	VISA	EM 6 WALMART	11/02/2020		4100-012110-5830-	309.13	25718		COVID-19 EXPENSES	00849 VAC, MOD BATTERIES
0000000	000041	VISA	EM 7 WALMART	11/02/2020		4520-500100-3311-	11.99	25718		VEHICLE MAINTENANCE	00849 DRAIN PAN
0000000	000041	VISA	EM 8 HARBOR FRT	11/02/2020		4100-043100-6006-	363.28	25718		HAND TOOLS	00849 TOOLS PW, SEWER & HAND TOOLS
0000000	000041	VISA	EM 8 HARBOR FRT	11/02/2020		4500-500100-6006-	363.28	25718		SMALL TOOLS	00849 TOOLS PW, SEWER & HAND TOOLS
0000000	000041	VISA	EM 8 HARBOR FRT	11/02/2020		4520-500100-6006-	363.27	25718		VEHICLE MAINT	00849 TIRE GOLF CART
0000000	000041	VISA	EM 9 CUSTOM CAR	11/02/2020		4100-043100-3311-	70.00	25718		COVID-19 EXPENSES	00849 CREDIT ON BROOMS
0000000	000041	VISA	TC 1 AMAZON 6	11/02/2020		4100-012110-5830-	75.45	25718		TELECOMMUNICATIONS	00849 TM
0000000	000041	VISA	TC 10 OOMA	11/02/2020		4100-012110-5230-	45.39	25718		TELECOMMUNICATIONS	00849 TH
0000000	000041	VISA	TC 10 OOMA	11/02/2020		4100-012410-5230-	68.23	25718		TELECOMMUNICATIONS	00849 PC
0000000	000041	VISA	TC 10 OOMA	11/02/2020		4100-031100-5230-	44.98	25718		TELECOMMUNICATIONS	00849 PW
0000000	000041	VISA	TC 10 OOMA	11/02/2020		4100-043100-5230-	22.26	25718		TELECOMMUNICATIONS	00849 PW
0000000	000041	VISA	TC 10 OOMA	11/02/2020		4520-500100-5230-	22.26	25718		OFFICE SUPPLIES & PRINTING	00849 WWPP
0000000	000041	VISA	TC 11 ADOBE	11/02/2020		4100-012410-6001-	50.97	25718		OFFICE SUPPLIES & PRINTING	00849 ADOBE
0000000	000041	VISA	TC 12 AMAZON 2	11/02/2020		4100-012110-5830-	236.94	25718		COVID-19 EXPENSES	00849 PAPER TOWELS
			DISC. TOTAL				.00				
			CHECK TOTAL				2,009.41				
			ACH PMT TOTAL				.00				
			CPA PMT TOTAL				.00				
0000000	000041	VISA	TC 14 AMAZON 1	11/02/2020		4100-012410-6001-	26.11	25719		OFFICE SUPPLIES & PRINTING	00849 MONITOR STAND
0000000	000041	VISA	TC 15 AMAZON 2	11/02/2020		4100-012110-5830-	1,320.53	25719		COVID-19 EXPENSES	00849 EXTRA TABLES SOCI
0000000	000041	VISA	TC 16 AMAZON 3	11/02/2020		4100-012110-5830-	2,052.55	25719		COVID-19 EXPENSES	00849 BATTERIES, HAND SOA
0000000	000041	VISA	TC 17 AMAZON 1	11/02/2020		4100-012110-5830-	794.24	25719		COVID-19 EXPENSES	00849 HAND SOAP
0000000	000041	VISA	TC 18 CLEARANT	11/02/2020		4100-012110-5830-	870.81	25719		COVID-19 EXPENSES	00849 WIRES FOR BAGS
0000000	000041	VISA	TC 19 DOLLAR GR	11/02/2020		4100-043100-6009-	42.91	25719		EQUIPMENT/SUPPLIES	00849 CLEANING SUPPLIES
0000000	000041	VISA	TC 2 AMAZON 6	11/02/2020		4100-043100-6009-	124.24	25719		EQUIPMENT/SUPPLIES	00849 BACK UP CAMERA
0000000	000041	VISA	TC 20 GLOBAL	11/02/2020		4100-012110-5830-	393.76	25719		COVID-19 EXPENSES	00849 CLEANING CABINET
0000000	000041	VISA	TC 21 ABEIL	11/02/2020		4100-012110-5830-	256.56	25719		COVID-19 EXPENSES	00849 DUST MOP & HANDLE
0000000	000041	VISA	TC 22 USBS	11/02/2020		4100-012410-5210-	7.75	25719		POSTAGE	00849 GRANT
			DISC. TOTAL				.00				
			CHECK TOTAL				5,889.46				
			ACH PMT TOTAL				.00				
			CPA PMT TOTAL				.00				
0000000	000041	VISA	TC 23 AMAZON 1	11/02/2020		4100-012110-5830-	88.46	25720		COVID-19 EXPENSES	00849 MICROFIBER BAGS
0000000	000041	VISA	TC 24 USBS	11/02/2020		4100-012410-5210-	7.75	25720		POSTAGE	00849 GRANT
0000000	000041	VISA	TC 25 AMAZON 1	11/02/2020		4100-012110-5830-	650.49	25720		COVID-19 EXPENSES	00849 PAPER TOWELS TOUCH
0000000	000041	VISA	TC 26 AMAZON	11/02/2020		4100-012110-5830-	113.28	25720		COVID-19 EXPENSES	00849 PRINTER TONER
0000000	000041	VISA	TC 27 AMAZON	11/02/2020		4100-012110-5830-	257.77	25720		COVID-19 EXPENSES	00849 TONER
0000000	000041	VISA	TC 3 AMAZON 5	11/02/2020		4100-012110-5830-	1,137.00	25720		COVID-19 EXPENSES	00849 HAND SANITIZER BAGS
0000000	000041	VISA	TC 4 INDEED 1	11/02/2020		4520-500100-5540-	500.44	25720		EDUCATION/TRAINING/LICENSE/PE00849	00849 SEPT ADS
0000000	000041	VISA	TC 5 AMAZON 5	11/02/2020		4100-012110-5830-	499.89	25720		COVID-19 EXPENSES	00849 GREEN BAGS
0000000	000041	VISA	TC 6 INDEED 1	11/02/2020		4520-500100-5540-	21.71	25720		EDUCATION/TRAINING/LICENSE/PE00849	00849 SEP ADS

P.O. NO.	VENDOR NO.	VENDOR NAME	INVOICE NO.	INVOICE DATE	A/P ACCTL	ACCOUNT NO.	NET AMOUNT	CHECK NO.	ACH ACH PMT	COVID-19 EXPENSES	BATCH INV. DESCRIPTION
0000000	000041		TC 7 USPS 5	11/02/2020		4100-012110-5830-	664.75	25720		COVID-19 EXPENSES	00849 POSTAGE
			DISC. TOTAL				.00				3,941.54
0000000	000041		TC 8 AMAZON 4	11/02/2020		4100-012110-5830-	368.55	25721		COVID-19 EXPENSES	00849 HAND SANITIZER DISP
0000000	000041		TC 9 ZOOM	11/02/2020		4100-012110-6001-	15.74	25721		OFFICE/MEETING SUPPLIES & PRI00849 2020-10	
0000000	000041		2C 13 AMAZON 1	11/02/2020		4100-012110-5830-	266.00	25721		COVID-19 EXPENSES	00849 TOUCHLESS PT HOLDR
			DISC. TOTAL				.00				650.29
			CHECK TOTAL				.00				14,451.24
			CHECK TOTAL				.00				14,451.24

I HEREBY APPROVE THIS REGISTER FOR PAYMENT WITH EXCEPTIONS LISTED BELOW OR PREVIOUSLY DOCUMENTED.
 THE TOTAL 14,451.24 - EQUALS THE WEEKLY LOG SHEET TOTALS AS ADJUSTED.

DATE _____ TOWN MANAGER _____

CHECK#	VEND#	VENDOR	CLASS	DATE	AMOUNT	DISCOUNT
25686	9999999	KEY ASSOCIATES LLC	000	11/05/2020	6,785.00	.00
					6,785.00	.00
					.00	
					6,785.00	
					.00	
					6,785.00	.00

I HEREBY APPROVE THIS REGISTER FOR PAYMENT WITH EXCEPTIONS LISTED BELOW OR PREVIOUSLY DOCUMENTED.
 THE TOTAL 6,785.00- EQUALS THE WEEKLY LOG SHEET TOTALS AS ADJUSTED.

DATE _____

TOWN MANAGER _____

P.O. NO.	VENDOR NO.	VENDOR NAME	INVOICE NO.	INVOICE DATE	A/P ACCRL	ACCOUNT NO.	NET AMOUNT	CHECK NO.	ACH ACH PMT	G/L ACCOUNT DISC.	BATCH INV. DESCRIPTION
0000000	9999999	KEY ASSOCIATES LLC	20201105	11/05/2020		3500-016099-0012-	35.00	25686			00847 SEWER INSPHC FEE
0000000	9999999		20201105	11/05/2020		3520-016099-0011-	6,000.00	25686			00847 SEWER AVAILI FEE
0000000	9999999		20201105	11/05/2020		3520-016099-0007-	750.00	25686			00847 SEWER AVAILI FEE
		DISC. TOTAL					.00				00847 SEWER CONNECT FEE
		CHECK TOTAL					.00				
		CHECK TOTAL					6,785.00				6,785.00
		ACH PMT TOTAL					.00				
		CPA PMT TOTAL					.00				
		CPA PMT TOTAL					.00				
		EPY PMT TOTAL					.00				
		TOTAL					6,785.00				6,785.00

I HEREBY APPROVE THIS REGISTER FOR PAYMENT WITH EXCEPTIONS LISTED BELOW OR PREVIOUSLY DOCUMENTED.
 THE TOTAL 6,785.00- EQUALS THE WEEKLY LOG SHEET TOTALS AS ADJUSTED.

DATE _____ TOWN MANAGER _____

CHECK#	VEND#	VENDOR	CLASS	DATE	AMOUNT	DISCOUNT
25687	1063	ALACRITI PAYMENTS, LLC	000	11/06/2020	85.75	.00
25688	600	BENNETT DEBORAH T	000	11/06/2020	280.00	.00
25689	679	DAVID L BROOKS HAULING &	000	11/06/2020	16,988.45	.00
25690	1058	DIAMOND SPRINGS	000	11/06/2020	64.28	.00
25691	125	E M GRAY & SON	000	11/06/2020	888.79	.00
25692	1052	ENCO UTILITY SERVICES FLO	000	11/06/2020	734.13	.00
25693	28	G & G MILFORD FARM SERV.	000	11/06/2020	54.99	.00
25694	237	GRAINGER	000	11/06/2020	966.15	.00
25695	571	HACH COMPANY	000	11/06/2020	1,215.00	.00
25696	776	PARKSON CORPORATION	000	11/06/2020	5,327.32	.00
25697	19	VERIZON	000	11/06/2020	304.19	.00
25698	256	VERIZON WIRELESS	000	11/06/2020	678.43	.00
25699	44	VUPS	000	11/06/2020	135.45	.00
25700	12	WASTE MANAGEMENT	000	11/06/2020	830.70	.00
		CLASS TOTAL			28,553.63	.00
		ACH TOTAL			.00	
		CHECK TOTAL			28,553.63	
		EPY TOTAL			.00	
		FINAL TOTAL			28,553.63	.00

I HEREBY APPROVE THIS REGISTER FOR PAYMENT WITH EXCEPTIONS LISTED BELOW OR PREVIOUSLY DOCUMENTED.
 THE TOTAL 28,553.63 - EQUALS THE WEEKLY LOG SHEET TOTALS AS ADJUSTED.

DATE _____ TOWN MANAGER _____

P.O. NO.	VENDOR	VENDOR NAME	INVOICE NO.	INVOICE DATE	A/P ACCRL	ACCOUNT NO.	NET AMOUNT	CHECK NO.	ACH ACH	BATCH INV. DESCRIPTION
0000000	001063	ALACKRITI PAYMENTS, LLC	NMXGN13P71LL46	11/06/2020		4100-012410-3130-	85.75	25687		CREDIT CARD AND BANK FEES
							.00			
							.00			
DISC. TOTAL							85.75			
0000000	000600	BARNETT DEBORAH T	2020-10 1	11/06/2020		4400-071200-1310-	280.00	25688		TOWN HALL ACTIVITIES
							.00			
							.00			
DISC. TOTAL							280.00			
0000000	000679	DAVID L BROOKS HAULING &	23481	11/06/2020		4500-500100-6050-	10,000.00	25689		METER/FIRE HYDRANTS
							6,988.45	25689		REPAIR/MAINTENANCE
							.00			
DISC. TOTAL							16,988.45			
0000000	001058	DIAMOND SPRINGS	2020-10	11/06/2020		4100-043100-7200-	23.63	25690		TOWN HALL EXPENSES
							14.00	25690		TOWN HALL EXPENSES
							26.65	25690		MISCELLANEOUS
DISC. TOTAL							.00			
0000000	000125	E M GRAY & SON	96199	11/06/2020		4520-500100-5120-	888.79	25691		PROPANE
							.00			
							.00			
DISC. TOTAL							888.79			
0000000	001052	ENCO UTILITY SERVICES FLO	12943	11/06/2020		4100-012410-5210-	.50	25692		POSTAGE
							431.57	25692		POSTAGE
							302.06	25692		POSTAGE
DISC. TOTAL							.00			
0000000	000028	G & G MILFORD FARM SERV.	187894	11/06/2020		4520-500100-6007-	54.99	25693		REPAIR/ MAINTENANCE
							.00			
							.00			
DISC. TOTAL							54.99			
0000000	000237	GRAINGER	9651105580	11/06/2020		4520-500100-6004-	817.90	25694		LAB SUPPLIES/CHEMICALS
							148.25	25694		VEHICLE MAINTENANCE
							.00			
DISC. TOTAL							.00			
0000000	000571	HACH COMPANY	12170529	11/06/2020		4520-500100-6007-	1,215.00	25695		REPAIR/ MAINTENANCE
							.00			
							.00			
DISC. TOTAL							1,215.00			
0000000	000776	PARKSON CORPORATION	ARI/51029441	11/06/2020		4520-500100-6007-	5,327.32	25696		REPAIR/ MAINTENANCE
							.00			
							.00			
DISC. TOTAL							5,327.32			
0000000	000019	VERIZON	2020-10	11/06/2020		4500-500100-5230-	16.73	25697		TELECOMMUNICATIONS
							287.46	25697		TELECOMMUNICATIONS
							.00			
DISC. TOTAL							304.19			
0000000	000256	VERIZON WIRELESS	9865298592	11/06/2020		4100-031100-5230-	412.93	25698		TELECOMMUNICATIONS
							72.63	25698		TELECOMMUNICATIONS
							47.63	25698		TELECOMMUNICATIONS
							72.62	25698		TELECOMMUNICATIONS
							72.62	25698		TELECOMMUNICATIONS
DISC. TOTAL							.00			
0000000	000044	VUPS	10200455	11/06/2020		4500-500100-5899-	135.45	25699		MISS UTILITY COSTS
							.00			
							.00			
DISC. TOTAL							135.45			
0000000	000012	WASTE MANAGEMENT	272098202810	11/06/2020		4520-500100-3180-	830.70	25700		SLUDGE REMOVAL
							.00			
							.00			
DISC. TOTAL							830.70			
							.00			
							.00			
DISC. TOTAL							28,553.63			
							.00			
							.00			
DISC. TOTAL							28,553.63			

CHECK#	VEND#	VENDOR	CLASS	DATE	AMOUNT	DISCOUNT
25701	18	A & M HOME CENTER	000	11/13/2020	170.84	.00
25702	944	ATLANTIC BROADBAND /	000	11/13/2020	209.65	.00
25703	897	CINTAS CORPORATION	000	11/13/2020	31.20	.00
25704	14	CINTAS OF RICHMOND	000	11/13/2020	1,327.31	.00
25705	679	DAVID L BROOKS HAULING &	000	11/13/2020	32,823.13	.00
25706	10	DOMINION VIRGINIA POWER	000	11/13/2020	5,052.37	.00
25707	234	ENVIROCOMPLIANCE LAB INC	000	11/13/2020	1,290.00	.00
25708	234	ENVIROCOMPLIANCE LAB INC	000	11/13/2020	655.00	.00
25709	648	ERARD ANDREA G	000	11/13/2020	1,667.00	.00
25710	237	GRAINGER	000	11/13/2020	131.54	.00
25711	918	STAPLES ADVANTAGE	000	11/13/2020	603.46	.00
25712	918	STAPLES ADVANTAGE	000	11/13/2020	922.91	.00
25713	228	VIRGINIA DEPARTMENT OF	000	11/13/2020	100.00	.00
25714	12	WASTE MANAGEMENT	000	11/13/2020	7,823.86	.00
25715	1049	WEX BANK	000	11/13/2020	477.23	.00
25716	451	XEROX CORPORATION	000	11/13/2020	397.59	.00
		CLASS TOTAL			53,683.09	.00
		ACH TOTAL			.00	
		CHECK TOTAL			53,683.09	
		EPY TOTAL			.00	
		FINAL TOTAL			53,683.09	.00

I HEREBY APPROVE THIS REGISTER FOR PAYMENT WITH EXCEPTIONS LISTED BELOW OR PREVIOUSLY DOCUMENTED.
 THE TOTAL 53,683.09 EQUALS THE WEEKLY LOG SHEET TOTALS AS ADJUSTED.

DATE _____ TOWN MANAGER _____

P.O. NO.	VENDOR NO.	VENDOR NAME	INVOICE NO.	INVOICE DATE	A/P ACRL	ACCOUNT NO.	NET AMOUNT	CHECK NO.	ACH ACH	BATCH INV. DESCRIPTION
----------	------------	-------------	-------------	--------------	----------	-------------	------------	-----------	---------	------------------------

0000000	000018	A & M HOME CENTER	B46016	11/13/2020		4100-043100-7200-	3.99	25701		TOWN HALL EXPENSES
0000000	000018		B46023	11/13/2020		4100-043100-7200-	16.29	25701		TOWN HALL EXPENSES
0000000	000018		B46331	11/13/2020		4100-043100-6006-	34.99	25701		HAND TOOLS
0000000	000018		B46535	11/13/2020		4100-043100-6006-	7.49	25701		HAND TOOLS
0000000	000018		B46579	11/13/2020		4100-043100-7200-	37.16	25701		TOWN HALL EXPENSES
0000000	000018		B46597	11/13/2020		4500-500100-6006-	3.79	25701		HAND TOOLS
0000000	000018		C42150	11/13/2020		4500-500100-6007-	37.97	25701		REPAIR/MAINTENANCE
0000000	000018		C42174	11/13/2020		4100-043100-6006-	16.98	25701		HAND TOOLS
0000000	000018		C42532	11/13/2020		4500-500100-6007-	12.18	25701		REPAIR/MAINTENANCE
DISC. TOTAL							.00	EPY PMT TOTAL		TOTAL
DISC. TOTAL							170.84	ACH PMT TOTAL		TOTAL

0000000	000944	ATLANTIC BROADBAND /	2020-11	11/13/2020		4100-012410-5230-	125.20	25702		TELECOMMUNICATIONS
0000000	000944		2020-11	11/13/2020		4520-500100-5230-	84.45	25702		TELECOMMUNICATIONS
DISC. TOTAL							.00	EPY PMT TOTAL		TOTAL
DISC. TOTAL							209.65	ACH PMT TOTAL		TOTAL

0000000	000897	CINTAS CORPORATION	8404867399	11/13/2020		4520-500100-6011-	31.20	25703		UNIFORMS/ SAFETY EQUIPMENT
DISC. TOTAL							.00	EPY PMT TOTAL		TOTAL
DISC. TOTAL							31.20	ACH PMT TOTAL		TOTAL

0000000	000014	CINTRAS OF RICHMOND	1901649378	11/13/2020		4520-500100-6011-	465.78	25704		UNIFORMS/ SAFETY EQUIPMENT
0000000	000014		4063689484	11/13/2020		4100-043100-6011-	44.53	25704		UNIFORMS/ SAFETY EQUIP
0000000	000014		4063689484	11/13/2020		4500-500100-6011-	30.74	25704		UNIFORMS/SAFETY EQUIP
0000000	000014		4063689484	11/13/2020		4520-500100-6011-	90.90	25704		UNIFORMS/ SAFETY EQUIP
0000000	000014		4064357943	11/13/2020		4100-043100-6011-	44.53	25704		UNIFORMS/ SAFETY EQUIPMENT
0000000	000014		4064357943	11/13/2020		4500-500100-6011-	30.74	25704		UNIFORMS/ SAFETY EQUIP
0000000	000014		4064357943	11/13/2020		4520-500100-6011-	90.90	25704		UNIFORMS/SAFETY EQUIP
0000000	000014		4065067724	11/13/2020		4100-043100-6011-	44.53	25704		UNIFORMS/ SAFETY EQUIPMENT
0000000	000014		4065067724	11/13/2020		4500-500100-6011-	30.74	25704		UNIFORMS/ SAFETY EQUIP
0000000	000014		4065067724	11/13/2020		4520-500100-6011-	90.90	25704		UNIFORMS/SAFETY EQUIPMENT
0000000	000014		4065681417	11/13/2020		4100-043100-6011-	45.89	25704		UNIFORMS/ SAFETY EQUIP
0000000	000014		4065681417	11/13/2020		4500-500100-6011-	32.10	25704		UNIFORMS/ SAFETY EQUIP
0000000	000014		4065681417	11/13/2020		4520-500100-6011-	285.03	25704		UNIFORMS/SAFETY EQUIPMENT
DISC. TOTAL							.00	EPY PMT TOTAL		TOTAL
DISC. TOTAL							1,327.31	ACH PMT TOTAL		TOTAL

0000000	000679	DAVID L BROOKS HAULING &	23510	11/13/2020		4520-500100-6007-	24,906.63	25705		REPAIR/ MAINTENANCE
0000000	000679		23511	11/13/2020		4500-500100-6007-	7,916.50	25705		REPAIR/MAINTENANCE
DISC. TOTAL							.00	EPY PMT TOTAL		TOTAL
DISC. TOTAL							32,823.13	ACH PMT TOTAL		TOTAL

0000000	000010	DOMINION VIRGINIA POWER	2020-10	11/13/2020		4100-043100-7200-	360.75	25706		TOWN HALL EXPENSES
0000000	000010		2020-10	11/13/2020		4100-043100-7200-	30.58	25706		TOWN HALL EXPENSES
0000000	000010		2020-10	11/13/2020		4100-043100-5110-	50.16	25706		ELECTRICITY-STREETLIGHTS
0000000	000010		2020-10	11/13/2020		4100-043100-5110-	1,644.56	25706		ELECTRICITY-STREETLIGHTS
0000000	000010		2020-10	11/13/2020		4100-031100-5110-	52.47	25706		ELECTRICITY
0000000	000010		2020-10	11/13/2020		4500-500100-5110-	100.04	25706		ELECTRICITY
0000000	000010		2020-10	11/13/2020		4500-500100-5110-	341.44	25706		ELECTRICITY
0000000	000010		2020-10	11/13/2020		4500-500100-5110-	546.08	25706		ELECTRICITY
0000000	000010		2020-10	11/13/2020		4520-500100-5110-	1,707.17	25706		ELECTRICITY
0000000	000010		2020-10	11/13/2020		4520-500100-5110-	.81	25706		ELECTRICITY
0000000	000010		2020-10	11/13/2020		4520-500100-5110-	58.03	25706		ELECTRICITY
0000000	000010		2020-10	11/13/2020		4520-500100-5110-	17.07	25706		ELECTRICITY
0000000	000010		2020-10	11/13/2020		4520-500100-5110-	143.21	25706		ELECTRICITY
DISC. TOTAL							.00	EPY PMT TOTAL		TOTAL
DISC. TOTAL							5,052.37	ACH PMT TOTAL		TOTAL

P.O. NO.	VENDOR NO.	VENDOR NAME	INVOICE NO.	INVOICE DATE	A/P ACCTL	ACCOUNT NO.	NET AMOUNT	CHECK NO.	ACH PMT	BATCH INV. DESCRIPTION
0000000	000234	ENVIROCOMPLIANCE LAB INC	ROA50004	11/13/2020		4520-500100-3160-	135.00	25707		TESTING
0000000	000234		ROA50022	11/13/2020		4520-500100-3160-	115.00	25707		TESTING
0000000	000234		ROA50068	11/13/2020		4520-500100-3160-	155.00	25707		TESTING
0000000	000234		ROA50162	11/13/2020		4520-500100-3160-	115.00	25707		TESTING
0000000	000234		ROA50187	11/13/2020		4520-500100-3160-	115.00	25707		TESTING
0000000	000234		ROA50223	11/13/2020		4520-500100-3160-	155.00	25707		TESTING
0000000	000234		ROA50312	11/13/2020		4520-500100-3160-	115.00	25707		TESTING
0000000	000234		ROA50335	11/13/2020		4520-500100-3160-	115.00	25707		TESTING
0000000	000234		ROA50377	11/13/2020		4520-500100-3160-	155.00	25707		TESTING
0000000	000234		ROA50476	11/13/2020		4520-500100-3160-	115.00	25707		TESTING
	DISC. TOTAL						.00			
	CHECK TOTAL						1,290.00			
	ACH PMT TOTAL						.00			
0000000	000234	ENVIROCOMPLIANCE LAB INC	ROA50505	11/13/2020		4520-500100-3160-	115.00	25708		TESTING
0000000	000234		ROA50558	11/13/2020		4520-500100-3160-	155.00	25708		TESTING
0000000	000234		RO949854	11/13/2020		4520-500100-3160-	115.00	25708		TESTING
0000000	000234		RO949870	11/13/2020		4520-500100-3160-	115.00	25708		TESTING
0000000	000234		RO949914	11/13/2020		4520-500100-3160-	155.00	25708		TESTING
	DISC. TOTAL						.00			
	CHECK TOTAL						655.00			
	ACH PMT TOTAL						.00			
0000000	000648	BEARD ANDREA G	2020-11	11/13/2020		4100-012110-3150-	1,667.00	25709		PROFESSIONAL SERVICES - LEGAL
	DISC. TOTAL						.00			
	CHECK TOTAL						1,667.00			
	ACH PMT TOTAL						.00			
0000000	000237	GRAINGER	9707698032	11/13/2020		4520-500100-6006-	131.54	25710		SMALL TOOLS
	DISC. TOTAL						.00			
	CHECK TOTAL						131.54			
	ACH PMT TOTAL						.00			
0000000	000918	STAPLES ADVANTAGE	731253819104	11/13/2020		4100-012110-5830-	20.18	25711		COVID-19 EXPENSES
0000000	000918		731470561801	11/13/2020		4100-012110-5830-	154.29	25711		COVID-19 EXPENSES
0000000	000918		731470561802	11/13/2020		4100-012110-5830-	33.55	25711		COVID-19 EXPENSES
0000000	000918		731470561803	11/13/2020		4100-012110-5830-	87.38	25711		COVID-19 EXPENSES
0000000	000918		731470561805	11/13/2020		4100-012110-5830-	79.14	25711		COVID-19 EXPENSES
0000000	000918		731470561811	11/13/2020		4520-500100-6005-	12.99	25711		JANITORIAL SUPPLIES
0000000	000918		731470561821	11/13/2020		4520-500100-6005-	12.99	25711		JANITORIAL SUPPLIES
0000000	000918		731478105401	11/13/2020		4100-012110-5830-	64.95	25711		COVID-19 EXPENSES
0000000	000918		731497200701	11/13/2020		4100-012110-5830-	95.99	25711		COVID-19 EXPENSES
0000000	000918		731497639901	11/13/2020		4100-012110-5830-	67.98	25711		COVID-19 EXPENSES
	DISC. TOTAL						.00			
	CHECK TOTAL						603.46			
	ACH PMT TOTAL						.00			
0000000	000918	STAPLES ADVANTAGE	731564283301	11/13/2020		4100-012410-6001-	51.96	25712		OFFICE SUPPLIES & PRINTING
0000000	000918		731601336901	11/13/2020		4100-012110-5830-	298.62	25712		COVID-19 EXPENSES
0000000	000918		731601336901	11/13/2020		4520-500100-6001-	359.96	25712		OFFICE SUPPLIES
0000000	000918		731601336902	11/13/2020		4100-012110-5830-	42.62	25712		COVID-19 EXPENSES
0000000	000918		731624966801	11/13/2020		4100-012410-6001-	25.59	25712		OFFICE SUPPLIES & PRINTING
0000000	000918		731624966801	11/13/2020		4100-012110-5830-	144.16	25712		COVID-19 EXPENSES
	DISC. TOTAL						.00			
	CHECK TOTAL						922.91			
	ACH PMT TOTAL						.00			
0000000	000228	VIRGINIA DEPARTMENT OF DISC.	20201113	11/13/2020		4400-071200-1250-	100.00	25713		PARADE/HOLIDAY EVENTS
	DISC. TOTAL						.00			
	CHECK TOTAL						100.00			
	ACH PMT TOTAL						.00			
0000000	000012	WASTE MANAGEMENT	272113502814	11/13/2020		4520-500100-3320-	89.71	25714		PROFESSIONAL SERVICES
0000000	000012		272136701283	11/13/2020		4100-043100-7130-	1,592.16	25714		REFUSE COLLECTION
0000000	000012		347132924248	11/13/2020		4100-043100-7130-	6,141.99	25714		REFUSE COLLECTION
	DISC. TOTAL						.00			
	CHECK TOTAL						7,823.86			
	ACH PMT TOTAL						.00			

P.O. NO.	VENDOR NO.	VENDOR NAME	INVOICE NO.	INVOICE DATE	A/P ACCEL.	ACCOUNT NO.	NET AMOUNT	CHECK NO.	ACH PMT	ACH	G/L ACCOUNT DESC.	BATCH INV. DESCRIPTION
0000000	001049	MEX BANK	69494104	11/13/2020		4100-031100-6008-	140.17	25715			VEHICLE FUEL/OIL	00848 PC
0000000	001049		69494104	11/13/2020		4100-043100-6008-	112.36	25715			VEHICLE FUEL/OIL	00848 PW
0000000	001049		69494104	11/13/2020		4500-500100-6008-	112.35	25715			VEHICLE FUEL/OIL	00848 WALTER
0000000	001049		69494104	11/13/2020		4520-500100-6008-	112.35	25715			VEHICLE FUEL & OIL	00848 SEMER
		DISC. TOTAL					.00				VEHICLE FUEL & OIL	477.23
		CHECK TOTAL					477.23					
0000000	000451	XEROX CORPORATION	011722406	11/13/2020		4100-012110-5830-	397.59	25716			COVID-19 EXPENSES	00848 2020-10
		DISC. TOTAL					.00				COVID-19 EXPENSES	397.59
		CHECK TOTAL					397.59					
		CHECK TOTAL					53,683.09					53,683.09
		CHECK TOTAL					53,683.09					53,683.09
		CHECK TOTAL					.00					
		CHECK TOTAL					.00					

I HEREBY APPROVE THIS REGISTER FOR PAYMENT WITH EXCEPTIONS LISTED BELOW OR PREVIOUSLY DOCUMENTED.
 THE TOTAL 53,683.09- EQUALS THE WEEKLY LOG SHEET TOTALS AS ADJUSTED.

DATE _____ TOWN MANAGER _____



**TOWN OF BOWLING GREEN
TOWN COUNCIL MEETING
AGENDA ITEM REPORT**

AGENDA ITEM: Minutes – November 5, 2020 Town Council Meeting

ITEM TYPE: Consent Agenda

PURPOSE OF ITEM: Decision - By Motion

PRESENTER: Melissa Lewis, towntreasurer@townofbowlinggreen.com

PHONE: (804) 633-6212

BACKGROUND / SUMMARY:

Minutes transcribed from the November 5, 2020 Town Council Meeting

ATTACHMENTS:

Minutes and approved bills from the November 5, 2020 Town Council Meeting

REQUESTED ACTION:

Approve Minutes.

**TOWN OF BOWLING GREEN
TOWN COUNCIL MEETING**

MINUTES

**Thursday, November 05, 2020
7:00 PM**

CALL TO ORDER AND QUORUM ESTABLISHED:

The Mayor called the meeting to order and noted a quorum was present. The Pledge of Allegiance was recited. The Mayor also congratulated the newly elected members, Jeff Voit, Valerie Coyle, and Jerry Covington.

PRESENT

Mayor Jason Satterwhite
Vice-Mayor Mark Gaines
Council Member Valarie Coyle
Council Member Jean Davis
Council Member Tammie Gaines
Council Member Deborah Howard
Council Member Glenn McDearmon - Attending Meeting electronically for medical reasons.
Council Member Otis Wright

PUBLIC COMMENTS:

Edyth K. West, 228 W. Broaddus Avenue - Addressed the Town Council , thanking the members for the Cares Act Package provided to the citizens of the town.

Bonnie Cannon, 123 S. Main St. - Addressed the Town Council, also thanking the members for the Cares Act Package and also addressing the continued water increases. She questioned the reason for using USDA. and shared her concerns and suggestions to the Town Council in hopes that they would consider them to try and avoid continued increases.

The Mayor responded to Mrs. Cannon explaining the USDA was a benefit for the town, providing grants and financing to help us with the aging water system. The council does understand the burden of cost increases and has considered looking at other options to help balance the costs increases.

STAFF REPORTS & PRESENTATIONS:

The following Staff reports were presented to Council:

Police Department Monthly Report - October 2020

Public Works and Utilities Dept. Monthly Report - October 2020

Economic Dev. & Events Coordinator Monthly Report - October 2020

Town Clerk/Treasurer-Acting Town Manager Monthly Report - October 2020

Police Department Monthly Report to Council October 2020

Public Works/Utilities Monthly Report for October 2020

Economic Dev. & Events Coordinator Council Monthly Report for OCT 2020

The Economic Dev & Events Coordinator, Jo-Elsa Jordan brought forth a request for Council to make a decision via vote whether to have the 2020 Bowling Green Christmas Parade of Lights this year.

Motion made by Council Member T Gaines, Seconded by Vice-Mayor Gaines to move forward with the 2020 Bowling Green Christmas Parade of Lights.

Voting Yea: Vice-Mayor Gaines, Council Member Gaines, Council Member Wright

Voting Nay: Council Member Coyle, Council Member Davis, Council Member Howard

Voting Abstaining: Council Member McDearmon due to his concerns over COVID19.

Due to Council Member McDearmon Abstaining a Yea vote by Mayor Jason Satterwhite was the deciding vote to have the 2020 Bowling Green Christmas Parade of Lights.

Town Clerk/Treasurer • Acting Town Manager Monthly Report to Council October 2020

CONSENT AGENDA:

The following items were presented to Council:

October 2020 Bills (attached to these minutes)

October 1, 2020 Town Council Minutes

Motion made by Council Member T. Gaines, Seconded by Council Member Davis to approve the Consent Agenda as presented.

Voting Yea: Vice-Mayor M. Gaines, Council Member Coyle, Council Member Davis, Council Member T. Gaines, Council Member Howard, Council Member McDearmon, Council Member Wright.

Motion passed.

NEW BUSINESS:

Resolution of appreciation for Reese Peck upon his retirement as Town Manager.

Motion made by Council Member Davis, Seconded by Vice-Mayor M Gaines to approve the Resolution of appreciation for Reese Peck upon his retirement as Town Manager.

Voting Yea: Vice-Mayor Gaines, Council Member Coyle, Council Member Davis, Council Member T Gaines, Council Member Howard, Council Member McDearmon, Council Member Wright.

Motion passed.

Resolution to commit to adopting a water rate schedule for FY2022-2023

Motion made by Council Member McDearmon, Seconded by Council Member Wright to a resolution to commit to adopting a water rate schedule for FY2022-2023.

Voting Yea: Vice-Mayor Gaines, Council Member Coyle, Council Member Davis, Council Member Gaines, Council Member Howard, Council Member McDearmon, Council Member Wright.

Motion passed.

Andy Crocker with SERCAP came to speak on the background on water rates and benefits for the town to move forward with the increase and working with USDA.

Schedule Public Hearing for RZS-2020-001

Motion made by Vice-Mayor M Gaines, Seconded by Council Member Coyle to schedule a Public Hearing for RZS-2020-001 application by Bowling Green Properties LLC to rezone 221 N. Main Street from B1 Business Zoning to R1 Residential Zoning.

Voting Yea: Vice-Mayor Gaines, Council Member Coyle, Council Member Davis, Council Member Gaines, Council Member Howard, Council Member McDearmon, Council Member Wright.

Motion passed.

Schedule Public Hearing for Future Land Use Map

Motion made by Council Member Wright, Seconded by Council Member Coyle to schedule a Public Hearing for Future Land Use Map for proposed updates for the December meeting.

Voting Yea: Vice-Mayor M Gaines, Council Member Coyle, Council Member Davis, Council Member T Gaines, Council Member Howard, Council Member McDearmon, Council Member Wright.

Motion passed.

Advertise for Planning Commission Members

Council Member Coyle commented that it is imperative that the Town Council interview the applicants.

Motion made by Council Member Coyle, Seconded by Vice-Mayor M. Gaines to schedule a special meeting of Council for November 19, 2020 at 7:00 p.m. for the purpose of interviewing applicants for the Planning Commission vacancies.

Voting Yea: Vice-Mayor M Gaines, Council Member Coyle, Council Member Davis, Council Member T Gaines, Council Member Howard, Council Member McDearmon, Council Member Wright.

Motion passed.

REPORT OF COUNCIL COMMITTEES/MEMBER COMMENTS:

Council Member T. Gaines - Committee did meet, discussed the utilities and some of the same issues that were talked about tonight.

Council Member Howard - Had a virtual meeting to discuss job description and what we are looking for to replace the town manager.

Council Member Davis - EDA met and discussed the Cares Act Applications that had been filled out. Also had the gentleman from Performance Air come and speak to us.

Vice-Mayor M. Gaines - No Comment.

Council Member Coyle - Planning Commission met continuing on with The Future Use Map. Planning Public Hearing for November 16, 2020, just moving along and hoping things work before January.

Council Member Wright - No Comment.

Council Member McDearmon - Echoed what Jean said, also wanted to tell Town Council of the good job Jo-Elsa continues to do for the supporting the EDA, very detailed, getting things together and reaching out to all the businesses. Doing a great job letting the community be aware of what is available for them.

Mayor Satterwhite - The Mayor extended his condolences to Armando Flores's family and wanted to thank him in a public setting for all the years of service he provided to the town serving on the Planning Commission.

INFORMATIONAL ITEMS:

Thank you to Council from John and Cindy Plachinski, thanking them for the Cares Act Package. Sending their sincere appreciation for the town's thoughtfulness.

CLOSED SESSION:

Closed Meeting

Motion made by Council Member McDearmon, Seconded by Council Member T. Gaines to enter into Closed Meeting pursuant to Va. Code section 2.2-3711(A)(8) for consultation with the Town Attorney about a specific legal matter- damage caused by Kelvic Construction LLC during sewer line replacement project and pursuant to Va. Code 2.2-3711(A)(1) to discuss the hiring of a Town Manager.

Voting Yea: Vice-Mayor Gaines, Council Member Coyle, Council Member Davis, Council Member Gaines, Council Member Howard, Council Member McDearmon, Council Member Wright.

RECONVENE IN OPEN SESSION

Motion made by Council Member Howard, Seconded by Council Member T. Gaines to reconvene in Open Meeting.

Voting Yea: Vice-Mayor Gaines, Council Member Coyle, Council Member Davis, Council Member Gaines, Council Member Howard, Council Member McDearmon, Council Member Wright.

Motion passed.

CERTIFICATION

Council certified that only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened were discussed or considered in the meeting by Council.

Mayor Satterwhite.....	Yes	Council Member McDearmon.....	Yes
Vice Mayor M. Gaines.....	Yes	Council Member Coyle.....	Yes
Council Member Wright.....	Yes	Council Member T. Gaines.....	Yes
Council Member Howard.....	Yes	Council Member Davis.....	Yes

Council directed staff to work up a plan to reorganize the Administrative duties of the Business Office Staff to be presented at the December 03, 2020 Town Council Meeting.

ADJOURNMENT

Motion made by Vice-Mayor M.Gaines, Seconded by Council Member Howard to adjourn the meeting.

Voting Yea: Vice-Mayor Gaines, Council Member Coyle, Council Member Davis, Council Member Gaines, Council Member Howard, Council Member McDearmon, Council Member Wright.

CHECK#	VEND#	VENDOR	CLASS	DATE	AMOUNT	DISCOUNT
255922	1050	AIS INDUSTRIAL SERVICES	000	10/02/2020	12,500.00	.00
255923	117	BAL MUNICIPAL SOFTWARE	000	10/02/2020	6,009.00	.00
255924	600	BENNETT DEBORAH T	000	10/02/2020	280.00	.00
255925	500	CARTER MACHINERY CO INC	000	10/02/2020	1,775.26	.00
255926	1020	CONSOLIDATED PIPE & SUP	000	10/02/2020	671.18	.00
255927	679	DAVID L BROOKS HAULING &	000	10/02/2020	2,037.92	.00
255928	939	DRAINFIELD SOLUTIONS, LLC	000	10/02/2020	600.00	.00
255929	648	ERARD ANDREA G	000	10/02/2020	1,667.00	.00
256001	1075	FREDERICKSBURG VA MAIN ST	000	10/02/2020	5,000.00	.00
256002	546	JOHNSON'S EXTERMINATING	000	10/02/2020	1,364.00	.00
256003	514	K L LANGFORD EXCAVATING	000	10/02/2020	1,215.00	.00
256004	48	MID-ATLANTIC LAB	000	10/02/2020	180.00	.00
256005	11	RADPAHANNOCK ELEC COOP	000	10/02/2020	702.16	.00
256006	454	SELECTIVE SHADES	000	10/02/2020	280.00	.00
256007	291	USA BLUE BOOK	000	10/02/2020	311.86	.00
256008	574	UV DOCTOR LAMPS LLC	000	10/02/2020	582.47	.00
256009	19	VERIZON SECURITY SUBPOENA	000	10/02/2020	221.91	.00
256101	1088	VERIZON WIRELESS	000	10/02/2020	100.00	.00
256110	256	VERIZON WIRELESS	000	10/02/2020	334.57	.00
256111	12	WASTE MANAGEMENT	000	10/02/2020	729.14	.00
25612	878	WHITE OAK ELECTRIC	000	10/02/2020	13,920.60	.00
		CLASS TOTAL	000		50,482.07	.00
		ACH TOTAL			.00	
		CHECK TOTAL			50,482.07	
		EPY TOTAL			.00	
		FINAL TOTAL			50,482.07	.00

I HEREBY APPROVE THIS REGISTER FOR PAYMENT WITH EXCEPTIONS LISTED BELOW OR PREVIOUSLY DOCUMENTED.
 THE TOTAL 50,482.07- EQUALS THE WEEKLY LOG SHEET TOTALS AS ADJUSTED.

DATE

TOWN MANAGER

CHECK#	VEND#	VENDOR	CLASS	DATE	AMOUNT	DISCOUNT
25616	18	A & M HOME CENTER	000	10/13/2020	131.61	.00
25617	18	A & M HOME CENTER	000	10/13/2020	22.56	.00
25618	1063	ALACRITI PAYMENTS, LLC	000	10/13/2020	28.73	.00
25619	944	ATLANTIC BROADBAND	000	10/13/2020	204.40	.00
25620	1090	BOTACH INC	000	10/13/2020	3,132.20	.00
25621	500	CARTER MACHINERY CO INC	000	10/13/2020	9,343.66	.00
25622	897	CINTAS CORPORATION	000	10/13/2020	162.25	.00
25623	14	CINTAS OF RICHMOND	000	10/13/2020	800.90	.00
25624	679	DAVID L BROOKS HAULING &	000	10/13/2020	3,800.00	.00
25625	1058	DIAMOND SPRINGS	000	10/13/2020	1,168.64	.00
25626	341	DOMINION CHEMICAL CO	000	10/13/2020	288.00	.00
25627	10	DOMINION VIRGINIA POWER	000	10/13/2020	5,089.04	.00
25628	234	ENVIROCOMPLIANCE LAB INC	000	10/13/2020	1,405.00	.00
25629	234	ENVIROCOMPLIANCE LAB INC	000	10/13/2020	655.00	.00
25630	28	G & G MILFORD FARM SERV.	000	10/13/2020	392.52	.00
25631	179	LUCK STONE CORPORATION	000	10/13/2020	432.03	.00
25632	1042	OMNIGO SOFTWARE	000	10/13/2020	2,582.86	.00
25633	1091	SERVPRO OF NORTH STAFFORD	000	10/13/2020	6,440.78	.00
25634	1089	SNAP-ON TOOLS	000	10/13/2020	1,224.75	.00
25635	918	STAPLES ADVANTAGE	000	10/13/2020	304.86	.00
25636	1043	STATE OF ESCAPE, LLC	000	10/13/2020	240.00	.00
25637	148	THE FREE LANCE STAR	000	10/13/2020	179.30	.00
25638	291	USA BLUE BOOK	000	10/13/2020	486.07	.00
25639	313	VA ENERGY PURCHASING	000	10/13/2020	60.00	.00
25640	44	VUPS	000	10/13/2020	48.30	.00
25641	12	WASTE MANAGEMENT	000	10/13/2020	8,945.56	.00
25642	1049	WEX BANK	000	10/13/2020	505.91	.00
25643	451	XEROX CORPORATION	000	10/13/2020	403.11	.00
		CLASS TOTAL			47,478.04	.00
		ACH TOTAL			.00	
		CHECK TOTAL			47,478.04	
		EPY TOTAL			.00	
		FINAL TOTAL			47,478.04	.00

I HEREBY APPROVE THIS REGISTER FOR PAYMENT WITH EXCEPTIONS LISTED BELOW OR PREVIOUSLY DOCUMENTED.
 THE TOTAL 47,478.04 - EQUALS THE WEEKLY LOG SHEET TOTALS AS ADJUSTED.

DATE _____ TOWN MANAGER _____

API00B 10/15/2020 TOWN OF BOWLING GREEN
TIME-11:50:59

A/P CHECK REGISTER
Check Date - 10/15/2020

Acct'd - 2020/10

PAGE 1

CHECK#	VEND#	VENDOR	CLASS	DATE	AMOUNT	DISCOUNT
25644	114	BOWLING GREEN ELECTRONICS	000	10/15/2020	12,334.25	.00
		CLASS TOTAL			12,334.25	.00
		ACH TOTAL			.00	
		CHECK TOTAL			12,334.25	
		EPY TOTAL			.00	
		FINAL TOTAL			12,334.25	.00

I HEREBY APPROVE THIS REGISTER FOR PAYMENT WITH EXCEPTIONS LISTED BELOW OR PREVIOUSLY DOCUMENTED.
THE TOTAL 12,334.25 - EQUALS THE WEEKLY LOG SHEET TOTALS AS ADJUSTED.

DATE _____

TOWN MANAGER _____

AP100B 10/22/2020 TOWN OF BOWLING GREEN
 TIME:16:39:53

A/P CHECK REGISTER
 Check Date - 10/23/2020

ActPd - 2020/10

PAGE

1

CHECK#	VEND#	VENDOR	CLASS	DATE	AMOUNT	DISCOUNT
256652	536	CAS SEVERN	000	10/23/2020	2,350.00	.00
256653	865	CASH	000	10/23/2020	90.01	.00
256654	1020	CONSOLIDATED PIPE & SUP	000	10/23/2020	391.60	.00
256655	1076	EXPERT AUTO	000	10/23/2020	157.48	.00
256656	237	GRAINGER	000	10/23/2020	130.84	.00
256657	48	MID-ATLANTIC LAB	000	10/23/2020	410.00	.00
256658	320	MORTON'S POWER EQUIPMENT	000	10/23/2020	13.95	.00
256659	1092	PBM	000	10/23/2020	500.00	.00
256660	919	PRO SHRED SECURITY	000	10/23/2020	45.00	.00
256661	11	RAPPAHANNOCK ELEC COOP	000	10/23/2020	518.80	.00
256662	1091	SERVERO OF NORTH STAFFORD	000	10/23/2020	6,440.79	.00
256663	653	STEMMLE PLUMBING REPAIR	000	10/23/2020	4,550.00	.00
		CLASS TOTAL			15,598.47	.00
		ACH TOTAL			.00	
		CHECK TOTAL			15,598.47	
		EPY TOTAL			.00	
		FINAL TOTAL			15,598.47	.00

I HEREBY APPROVE THIS REGISTER FOR PAYMENT WITH EXCEPTIONS LISTED BELOW OR PREVIOUSLY DOCUMENTED.
 THE TOTAL 15,598.47- EQUALS THE WEEKLY LOG SHEET TOTALS AS ADJUSTED.

DATE _____ TOWN MANAGER _____

CHECK#	VEND#	VENDOR	CLASS	DATE	AMOUNT	DISCOUNT
25664	9999999	ALSOP J MICHAEL	000	10/27/2020	1.32	.00
25665	9999999	FOLKERTS MARK & SUZANNE	000	10/27/2020	61.11	.00
25666	9999999	FRYE CAROLINE	000	10/27/2020	32.89	.00
25667	9999999	ROWLES ADAM	000	10/27/2020	20.39	.00
25668	9999999	UMBLE SCOTT	000	10/27/2020	150.00	.00
		CLASS TOTAL			265.71	.00
		ACH TOTAL			.00	
		CHECK TOTAL			265.71	
		EPY TOTAL			.00	
		FINAL TOTAL			265.71	.00

I HEREBY APPROVE THIS REGISTER FOR PAYMENT WITH EXCEPTIONS LISTED BELOW OR PREVIOUSLY DOCUMENTED.
 THE TOTAL 265.71- EQUALS THE WEEKLY LOG SHEET TOTALS AS ADJUSTED.

DATE _____ TOWN MANAGER _____



TOWN OF BOWLING GREEN TOWN COUNCIL MEETING AGENDA ITEM REPORT

AGENDA ITEM: EDA CARES Act Small Business Assistance

ITEM TYPE: Action Item

PURPOSE OF ITEM: Decision - By Motion

PRESENTER: Jo-Elsa Jordan, edacoordinator@townofbowlinggreen.com

PHONE: (804) 633-6212

BACKGROUND / SUMMARY:

The EDA Board met on Monday, November 23, 2020 at 6:30 p.m. to review CARES Act Small Business Assistance grant applications and to determine details on distribution of funds.

Small Business Assistance balance: \$106,695.00

(27) Applicants

- 4/27: HVAC Filtration ONLY
- 23/27: Small Business Assistance Stimulus

Estimate from Performance Air for HVAC Filtration System: \$42,110.00

Small Business Assistance Stimulus Balance: \$64,585.00

(23) Businesses: \$2,808.04 each

A motion was made by Jason Manns and seconded by David Storke to approve the HVAC filtration system installation by Performance Air in the amount of \$42,110.00. The motion passed unanimously by the board.

A motion was made by Dan Webb and seconded by David Storke to approve all CARES Act grant applications for small business assistance stimulus funds in the amount of \$2,800.00 each for a total of \$64,400.00. The motion passed unanimously by the board.

ATTACHMENTS:

- Applicant list
- Estimate from Performance Air

REQUESTED ACTION:

Decision required by Town Council to appropriate \$42,110.00 to the Economic Development Authority to pay Performance Air for the installation of cold plasma ionization air filtration for small businesses and an additional \$64,400.00 to be distributed equally to small businesses in the amount of \$2,800.00 each, for a total of \$106,510.00.

MOTION: To appropriate \$106,510.00 of CARES Act funds to the Economic Development Authority, with \$42,110.00 to be paid to Performance Air and \$64,400.00 to be distributed equally to applicable small businesses.

BUSINESS NAME	ADDRESS	POC
STIMULUS + HVAC		
HVAC ONLY		
STIMULUS ONLY		
A&M Home Center	106 N. Main Street	Bill Webb
ARTism by Joey	111 E. Broaddus Avenue	Joseph Frye
Bowling Green Suites	224 N. Main Street	Bill Webb
Bud's Automotive Services	17440 A.P. Hill Blvd.	Mark Giles, Jr.
Chase Street Hops	P.O. Box 1395/111 B Main Street	Mark Gaines
Cherry's World Imports	118 N. Main Street	Cherry L. Barksdale
Clarence Campbell III, DDS	117 Courthouse Lane	Clarence Campbell
Classic Cottage	P.O. Box 516	Carrie Wright
Expert Auto	17398 AP Hill Blvd	Donald Cutlip
Floral Designs by Joyce	P.O. Box 1031/218 N. Main Steet	Joyce Carter
JH Audio	104 County Street	Jared Hageman
Liberty Park Estate Sales	333 N. Main Street	Pamela Weldon
Magnolia Morning Suites	115 E. Broaddus Avenue	Mark Gaines
Main Street Ventures	101 Chase Street	Mark Bissoon
Marisol Food Inc. (Los Dos)	117 N. Main Street	Juanna Rodriquez-Suarez
Mary Kay Consultant	332 N. Main Street	Jean Davis
Mike's Outdoor Shop	113 Milford Street	Mary "Jo" Lunoe
Pitts & Manns	P.O. Box 538	Mary Pitts
Roma's	114 W. Broaddus Avenue	Joseph Amato
Samson Motorcars	268 N. Main Street	Samson Beyen
Storke Funeral Home	111 S. Main Street	David Storke
The Mix House	P.O. Box 961/112 N. Main Street	Jessica Beale
The Painted Horse	114 N. Main Street	Deborah Howard
Tinder's Jewelry & Gifts	113 N. Main Street	Todd Tinder
Webb & Associates	MULTIPLE BLDGS.	
Wild Child Foods	100 N. Main Street	Kevin McManus
Your Just Desserts	P.O. Box 683, Ruther Glen, VA	Angela Smith

DESCRIPTION		
Barriers, disinfectant spray machine, HVAC Rent, utilities, supplies, etc. Disinfectant spray machine, HVAC Payroll, utilities, etc.		
Utilities, PPE		
Rent, utilities, supplies, etc.		
HVAC		
Utilities, rent, technology, supplies, website Payroll, rent expenses, HVAC		
Sanitization, utilities, mortgage		
Rent, utilities, technology		
Rent, utilities, technology, WiFi		
Utilities, outdoor seating, PPE, HVAC		
HVAC		
Payroll, rent, utilities, HVAC Utilities, sanitization, HVAC Sanitization, utilities, HVAC PPE, sanitization, technology, HVAC Payroll, rent, utilities, POS system, HVAC Payroll, rent, utilities, HVAC		
HVAC		
Rent, utilities, payroll, technology, sanitization Rent, PPE, cleaning/sanitization, website Utilities, payroll, cleaning/sanitization		
HVAC		
Rent, barriers, sanitization stations, outdoor seating, HVAC		
Rent, utilities, payroll, technology, etc.		

Conflict of Interest Disclosure

I, _____, am not participating in the discussion or voting on providing CARES Act funds to local businesses because I own

[name & address of business] and I have applied for reimbursement under the CARES Act.

Signed

Date

This disclosure shall be reflected in the public records of the Town/EDA for 5 years at Town Hall/EDA Office.



**TOWN OF BOWLING GREEN
TOWN COUNCIL MEETING
AGENDA ITEM REPORT**

AGENDA ITEM: FOIA Training
ITEM TYPE: Presentation
PURPOSE OF ITEM: Information Only
PRESENTER: Andrea Erard, Town Attorney
PHONE: (804) 633-6212

BACKGROUND / SUMMARY:

Code of Virginia Local elected officials - § 2.2-3704.3 As of July 1, 2020, all local elected officials are required to receive FOIA training " within two months after assuming the local elected office and thereafter at least once during each consecutive period of two calendar years commencing with the date on which he last completed a training session." The Town Attorney has advised that this training must be completed by December 31, 2020.

Ms. Erard will provide training.

ATTACHMENTS:

None

REQUESTED ACTION:

Chapter 36. State Government Volunteers 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.

"Trade secret" means the same as that term is defined in the Uniform Trade Secrets Act (§ 59.1-

336 et seq.).

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

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

5. Multidisciplinary child sexual abuse response teams established pursuant to § 15.2-1627.5;

6. The Virginia State Crime Commission; and

7. The records maintained by the clerks of the courts of record, as defined in § 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; 2019, c. 729.

§ 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. The period within which the public body shall respond under this section shall be tolled for the amount of time that elapses between notice of the cost estimate and the response of the requester. If the public body receives no response from the requester within 30 days of sending the cost estimate, the request shall be deemed to be withdrawn.

G. Public records maintained by a public body in an electronic data processing system, computer database, or any other structured collection of data shall be made available to a requester at a

reasonable cost, not to exceed the actual cost in accordance with subsection F. When electronic or other databases are combined or contain exempt and nonexempt records, the public body may provide access to the exempt records if not otherwise prohibited by law, but shall provide access to the nonexempt records as provided by this chapter.

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

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

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

J. In the event a public body has transferred possession of public records to any entity, including but not limited to any other public body, for storage, maintenance, or archiving, the public body initiating the transfer of such records shall remain the custodian of such records for purposes of responding to requests for public records made pursuant to this chapter and shall be 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](#); 2020, c. [1142](#).

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

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

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

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

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

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

G. The Council shall maintain on its website a listing of all FOIA officers, including name,

contact information, and the name of the public body such FOIA officers serve.

2016, c. 748;2017, cc. 290, 778;2020, c. 1141.

§ 2.2-3704.3. Training for local officials

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

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

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

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

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

§ 2.2-3705. Repealed

Repealed by Acts 2004, c. 690.

§ 2.2-3705.1. 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 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](#); 2019, c. [358](#).

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

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

1. Information relating to investigations of applicants for licenses and permits, and of all licensees and permittees, made by or submitted to the Virginia Alcoholic Beverage Control Authority, the Virginia Lottery, 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.

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

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

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

A. The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except as provided in subsection B or where such disclosure is otherwise prohibited by law.

Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

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

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

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

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

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

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

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

6. Personal information, as defined in § 2.2-3801, provided to the Board of the Virginia College Savings Plan or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1, including personal information related to

(i) qualified beneficiaries as that term is defined in § 23.1-700, (ii) designated survivors, or (iii) authorized individuals. Nothing in this subdivision shall be construed to prevent disclosure or publication of information in a statistical or other form that does not identify individuals or provide personal information. Individuals shall be provided access to their own personal information.

For purposes of this subdivision:

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

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

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

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

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

B. The custodian of a scholastic record shall not release the address, phone number, or email address of a student in response to a request made under this chapter without written consent. For any student who is (i) 18 years of age or older, (ii) under the age of 18 and emancipated, or

(iii) attending an institution of higher education, written consent of the student shall be required. For any other student, written consent of the parent or legal guardian of such student shall be required.

1999, cc. [485](#), [518](#), [703](#), [726](#), [793](#), [849](#), [852](#), [867](#), [868](#), [881](#), § 2.1-342.01; 2000, cc. [66](#), [237](#), [382](#), [400](#), [430](#), [583](#), [589](#), [592](#), [594](#), [618](#), [632](#), [657](#), [720](#), [932](#), [933](#), [947](#), [1006](#), [1064](#); 2001, cc. [288](#), [518](#), [844](#), § 2.2-3705; 2002, cc. [87](#), [155](#), [242](#), [393](#), [478](#), [481](#), [499](#), [522](#), [571](#), [572](#), [633](#), [655](#), [715](#), [798](#), [830](#); 2003, cc. [274](#), [307](#), [327](#), [332](#), [358](#), [704](#), [801](#), [884](#), [891](#), [893](#), [897](#), [968](#); 2004, c. [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](#); 2019, cc. [638](#), [639](#); 2020, cc. [71](#), [78](#).

§ 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 51.5-184 and Chapter 1 (§ 63.2-100 et seq.) of Title 63.2 and information and statistical registries required to be kept confidential pursuant to Chapter 1 (§ 63.2-100 et seq.) of Title 63.2.

4. (Effective until July 1, 2021) 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.

4. (Effective July 1, 2021) Investigative notes; proprietary information not published, copyrighted or patented; information obtained from employee personnel records; personally identifiable information regarding residents, clients or other recipients of services; other correspondence and information furnished in confidence to the Department of Education in connection with an active investigation of an applicant or licensee pursuant to Chapter 14.1 (§ 22.1-289.02 et seq.) of Title 22.1; other correspondence and information furnished in confidence to the Department of Social Services in connection with an active investigation of an applicant or licensee pursuant to Chapters 17 (§ 63.2-1700 et seq.) and 18 (§ 63.2-1800 et seq.) of Title 63.2; and information furnished to the Office of the Attorney General in connection with an investigation or litigation pursuant to Article 19.1 (§ 8.01-216.1 et seq.) of Chapter 3 of Title 8.01 and Chapter 9 (§ 32.1-310 et seq.) of Title 32.1. However, nothing in this subdivision shall prevent the disclosure of information from the records of completed investigations in a form that does not reveal the identity of complainants, persons supplying information, or other individuals involved in the investigation.

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

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

7. Information acquired (i) during a review of any child death conducted by the State Child Fatality Review Team established pursuant to § 32.1-283.1 or by a local or regional child fatality review team to the extent that such information is made confidential by § 32.1-283.2; (ii) during a review of any death conducted by a family violence fatality review team to the extent that such information is made confidential by § 32.1-283.3; (iii) during a review of any adult death conducted by the Adult Fatality Review Team to the extent made confidential by § 32.1-283.5 or by a local or regional adult fatality review team to the extent that such information is made

confidential by § 32.1-283.6;(iv) by a local or regional overdose fatality review team to the extent that such information is made confidential by § 32.1-283.7;(v) during a review of any death conducted by the Maternal Mortality Review Team to the extent that such information is made confidential by 32.1-283.8;or (vi) during a review of any death conducted by the Developmental Disabilities Mortality Review Committee to the extent that such information is made confidential by § 37.2-314.1.

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

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

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

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

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

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

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

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

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

1999, cc. 485, 518, 703, 726, 793, 849, 852, 867, 868, 881, § 2.1-342.01; 2000, cc. 66, 237, 382, 400, 430, 583, 589, 592, 594, 618, 632, 657, 720, 932, 933, 947, 1006, 1064;2001, cc. 288, 518, 844, § 2.2-3705; 2002, cc. 87, 155, 242, 393, 478, 481, 499, 522, 571, 572, 633, 655, 715, 798, 830;2003,

cc. 274, 307, 327, 332, 358, 704, 801, 884, 891, 893, 897, 968;2004, cc. 65, 666, 690, 773, 1014, 1021;2005, cc. 181, 227, 716;2008, c. 539;2009, cc. 472, 813, 840;2011, cc. 110, 175, 535;2012, cc. 476, 479, 507, 803, 835;2015, cc. 22, 108, 127;2016, cc. 620, 716;2017, cc. 188, 475, 600, 719, 778; 2018, c. 600;2019, c. 834;2020, cc. 851, 860, 861.

§ 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; (ii) financial information of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity where if such information was made public prior to the execution of an interim agreement or a comprehensive agreement, the financial interest or bargaining position of the public or private entity would be adversely affected. In order for the information specified in clauses (i), (ii), and (iii) to be excluded from the provisions of this chapter, the private entity shall make a written request to the responsible public entity:

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

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

disclosure when in the possession of any affected jurisdiction or affected local jurisdiction.

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

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

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

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

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

No bidder, applicant, or franchisee may invoke the exclusion provided by this subdivision if the bidder, applicant, or franchisee is owned or controlled by a public body or if any representative of the 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 submitted by CMRS providers as defined in § 56-484.12 to the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, relating to the provision of wireless E-911 service.

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

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

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

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

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

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

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

with law.

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

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

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

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

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

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

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

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

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

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

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

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 provided to the Department of Environmental Quality pursuant to the provisions of § 10.1-1458. In order for such trade secrets to be excluded from the provisions of this chapter, the submitting party shall (i) invoke this exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary.

27. Information of a proprietary nature furnished by a licensed public-use airport to the Department of Aviation for funding from programs administered by the Department of Aviation or the Virginia Aviation Board, where if such information was made public, the financial interest of the public-use airport would be adversely affected.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the public-use airport shall make a written request to the Department of Aviation:

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

28. Information relating to a grant, loan, or investment application, or accompanying a grant, loan, or investment application, submitted to the Commonwealth of Virginia Innovation

Partnership Authority (the Authority) established pursuant to Article 11 (§ 2.2-2351 et seq.) of Chapter 22, an advisory committee of the Authority, or any other entity designated by the Authority to review such applications, to the extent that such records would (i) reveal (a) trade secrets; (b) financial information of a party to a grant, loan, or investment application that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) research-related information produced or collected by a party to the application in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of a party to a grant, loan, or investment application; and memoranda, staff evaluations, or other information prepared by the Authority or its staff, or a reviewing entity designated by the Authority, exclusively for the evaluation of grant, loan, or investment applications, including any scoring or prioritization documents prepared for and forwarded to the Authority.

29. Proprietary information, voluntarily provided by a private business pursuant to a promise of confidentiality from a public body, used by the public body for a solar services agreement, where disclosure of such information would (i) reveal (a) trade secrets of the private business; (b) financial information of the private business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) other information submitted by the private business and (ii) adversely affect the financial interest or bargaining position of the public body or private business.

In order for the information specified in clauses (i)(a), (b), and (c) to be excluded from the provisions of this chapter, the private business shall make a written request to the public body:

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

30. Information contained in engineering and construction drawings and plans submitted for the sole purpose of complying with the Building Code in obtaining a building permit if disclosure of such information would identify specific trade secrets or other information that would be harmful to the competitive position of the owner or lessee. However, such information shall be exempt only until the building is completed. Information relating to the safety or environmental soundness of any building shall not be exempt from disclosure.

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

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

- a. Invoking such exclusion upon submission of the data or other materials for which protection

from disclosure is sought;

b. Identifying with specificity the data or other materials for which protection is sought; and

c. Stating the reasons why protection is necessary.

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

32. Information related to a grant application, or accompanying a grant application, submitted to the Department of Housing and Community Development that would (i) reveal (a) trade secrets, (b) financial information of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (c) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant. The exclusion provided by this subdivision shall only apply to grants administered by the Department, the Director of the Department, or pursuant to § 36-139, Article 26 (§ 2.2-2484 et seq.) of Chapter 24, or the Virginia Telecommunication Initiative as authorized by the appropriations act.

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

a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

b. Identifying with specificity the data, information, or other materials for which protection is sought; and

c. Stating the reasons why protection is necessary.

The Department shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or confidential proprietary information of the applicant. The Department shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

33. Financial and proprietary records submitted with a loan application to a locality for the preservation or construction of affordable housing that is related to a competitive application to be submitted to either the U.S. Department of Housing and Urban Development (HUD) or the Virginia Housing Development Authority (VHDA), when the release of such records would adversely affect the bargaining or competitive position of the applicant. Such records shall not be withheld after they have been made public by HUD or VHDA.

1999, cc. 485, 518, 703, 726, 793, 849, 852, 867, 868, 881, § 2.1-342.01; 2000, cc. 66, 237, 382, 400, 430, 583, 589, 592, 594, 618, 632, 657, 720, 932, 933, 947, 1006, 1064; 2001, cc. 288, 518, 844, § 2.2-3705; 2002, cc. 87, 155, 242, 393, 478, 481, 499, 522, 571, 572, 633, 655, 715, 798, 830; 2003, cc. 274, 307, 327, 332, 358, 704, 801, 884, 891, 893, 897, 968; 2004, cc. 593, 690; 2005, cc. 258, 411;

2006, cc. [73](#), [76](#), [467](#), [831](#), [921](#), [936](#);2006, Sp. Sess. I, c. [1](#);2007, cc. [374](#), [693](#);2008, cc. [71](#), [102](#), [266](#), [387](#), [633](#), [689](#), [736](#), [743](#);2009, cc. [246](#), [311](#), [325](#), [765](#), [810](#), [869](#);2010, cc. [310](#), [808](#);2011, cc. [541](#), [781](#), [798](#), [871](#);2012, cc. [693](#), [709](#);2013, cc. [54](#), [482](#), [574](#);2015, cc. [696](#), [697](#);2016, cc. [620](#), [716](#), [724](#), [725](#), [775](#);2017, cc. [662](#), [737](#), [778](#), [796](#), [816](#);2018, cc. [470](#), [532](#), [533](#);2019, cc. [358](#), [629](#);2020, cc. [72](#), [79](#), [1164](#), [1169](#).

§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exclusions

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

1. State income, business, and estate tax returns, personal property tax returns, and confidential records held pursuant to [§ 58.1-3](#).
2. Working papers and correspondence of the Office of the Governor, the Lieutenant Governor, or the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the Clerks of the House of Delegates or the Senate of Virginia; the mayor or chief executive officer of any political subdivision of the Commonwealth; or the president or other chief executive officer of any public institution of higher education in the Commonwealth. However, no information that is otherwise open to inspection under this chapter shall be deemed excluded by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence. Further, information publicly available or not otherwise subject to an exclusion under this chapter or other provision of law that has been aggregated, combined, or changed in format without substantive analysis or revision shall not be deemed working papers. Nothing in this subdivision shall be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor pursuant to [§ 2.2-106](#) or [2.2-107](#).

As used in this subdivision:

"Members of the General Assembly" means each member of the Senate of Virginia and the House of Delegates and their legislative aides when working on behalf of such member.

"Office of the Governor" means the Governor; the Governor's chief of staff, counsel, director of policy, and Cabinet Secretaries; the Assistant to the Governor for Intergovernmental Affairs; and those individuals to whom the Governor has delegated his authority pursuant to [§ 2.2-104](#).

"Working papers" means those records prepared by or for a public official identified in this subdivision for his personal or deliberative use.

3. Information contained in library records that can be used to identify (i) both (a) any library patron who has borrowed or accessed material or resources from a library and (b) the material or resources such patron borrowed or accessed or (ii) any library patron under 18 years of age. For the purposes of clause (ii), access shall not be denied to the parent, including a noncustodial parent, or guardian of such library patron.

4. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services, and records and automated systems prepared for the Department's Bid Analysis and Monitoring Program.

5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.
6. Information furnished by a member of the General Assembly to a meeting of a standing committee, special committee, or subcommittee of his house established solely for the purpose of reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of formulating advisory opinions to members on standards of conduct, or both.
7. Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer's name and service address, but excluding the amount of utility service provided and the amount of money charged or paid for such utility service.
8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development Authority concerning individuals who have applied for or received loans or other housing assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for housing assistance programs funded by local governments or by any such authority; or (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other local government agency concerning persons who have applied for occupancy or who have occupied affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's own information shall not be denied.
9. Information regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure of such information would have a detrimental effect upon the negotiating position of a governing body or on the establishment of the terms, conditions, and provisions of the siting agreement.
10. Information on the site-specific location of rare, threatened, endangered, or otherwise imperiled plant and animal species, natural communities, caves, and significant historic and archaeological sites if, in the opinion of the public body that has the responsibility for such information, disclosure of the information would jeopardize the continued existence or the integrity of the resource. This exclusion shall not apply to requests from the owner of the land upon which the resource is located.
11. Memoranda, graphics, video or audio tapes, production models, data, and information of a proprietary nature produced by or for or collected by or for the Virginia Lottery relating to matters of a specific lottery game design, development, production, operation, ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such information not been publicly released, published, copyrighted, or patented. Whether released, published, or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game to which it pertains.
12. Information held by the Virginia Retirement System, acting pursuant to § 51.1-124.30, or a local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of

trustees of a trust established by one or more local public bodies to invest funds for post-retirement benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the board of visitors of The College of William and Mary in Virginia, acting pursuant to § 23.1-2803, or by the Virginia College Savings Plan, acting pursuant to § 23.1-704, relating to the acquisition, holding, or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, if disclosure of such information would (i) reveal confidential analyses prepared for the board of visitors of the University of Virginia, prepared for the board of visitors of The College of William and Mary in Virginia, prepared by the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan, or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality of the future value of such ownership interest or the future financial performance of the entity and (ii) have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, the board of visitors of The College of William and Mary in Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested, or the present value of such investment.

13. Financial, medical, rehabilitative, and other personal information concerning applicants for or recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority under Chapter 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. If the value of the prize won by the winner exceeds \$10 million, the information described in clause (ii) shall not be disclosed unless the winner consents in writing to such disclosure.

18. Information held by the Board for Branch Pilots relating to the chemical or drug testing of a person regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary action by the Board for a positive test result.

19. Information pertaining to the planning, scheduling, and performance of examinations of holder records pursuant to the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.) prepared by or for the State Treasurer or his agents or employees or persons employed to perform an audit or examination of holder records.

20. Information held by the Virginia Department of Emergency Management or a local governing body relating to citizen emergency response teams established pursuant to an ordinance of a local governing body that reveal the name, address, including e-mail address, telephone or pager numbers, or operating schedule of an individual participant in the program.

21. (Effective until January 1, 2021) 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.

21. (Effective January 1, 2021) Information held by state or local park and recreation departments and local and regional park authorities concerning identifiable individuals under the age of 18 years. However, nothing in this subdivision shall operate to prevent the disclosure of information defined as directory information under regulations implementing the federal Family Educational

Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For such information of persons who are emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated person who is the subject of the information may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such information for inspection and copying.

22. Information submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management that reveal names, physical addresses, email addresses, computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable communications device information, or operating schedules of individuals or agencies, where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.

23. Information held by the Judicial Inquiry and Review Commission made confidential by § 17.1-913.

24. Information held by the Virginia Retirement System acting pursuant to § 51.1-124.30, a local retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement system), or the Virginia College Savings Plan, acting pursuant to § 23.1-704 relating to:

- a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings Plan on the pursuit of particular investment strategies, or the selection or termination of investment managers, prior to the execution of such investment strategies or the selection or termination of such managers, if disclosure of such information would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan; and
- b. Trade secrets provided by a private entity to the retirement system or the Virginia College Savings Plan if disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan.

For the records specified in subdivision b to be excluded from the provisions of this chapter, the entity shall make a written request to the retirement system or the Virginia College Savings Plan:

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

The retirement system or the Virginia College Savings Plan shall determine whether the requested exclusion from disclosure meets the requirements set forth in subdivision b.

Nothing in this subdivision shall be construed to prevent the disclosure of the identity or amount of any investment held or the present value and performance of all asset classes and subclasses.

25. Information held by the Department of Corrections made confidential by § 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. (Effective until January 1, 2021) 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.

28. (Effective January 1, 2021) Information maintained in connection with fundraising activities by the Veterans Services Foundation pursuant to § 2.2-2716 that reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on a driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction, or credit card or bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the information. Nothing in this subdivision, 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 response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child are discussed by multidisciplinary child sexual abuse response teams established pursuant to § 15.2-1627.5, or (iii) individual cases of abuse, neglect, or exploitation of adults as defined in § 63.2-1603 are discussed by multidisciplinary teams established pursuant to §§ 15.2-1627.5 and 63.2-1605. The findings of any such team may be disclosed or published in statistical or other aggregated form that does not disclose the identity of specific individuals.

33. Information contained in the strategic plan, marketing plan, or operational plan prepared by the Virginia Economic Development Partnership Authority pursuant to § 2.2-2237.1 regarding target companies, specific allocation of resources and staff for marketing activities, and specific marketing activities that would reveal to the Commonwealth's competitors for economic development projects the strategies intended to be deployed by the Commonwealth, thereby adversely affecting the financial interest of the Commonwealth. The executive summaries of the strategic plan, marketing plan, and operational plan shall not be redacted or withheld pursuant to this subdivision.

34. Information discussed in a closed session of the Physical Therapy Compact Commission or the Executive Board or other committees of the Commission for purposes set forth in subsection E of § 54.1-3491.

35. Information held by the Commonwealth of Virginia Innovation Partnership Authority (the Authority), an advisory committee of the Authority, or any other entity designated by the Authority, relating to (i) internal deliberations of or decisions by the Authority on the pursuit of particular investment strategies prior to the execution of such investment strategies and (ii) trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided by a private entity to the Authority, if such disclosure of records pursuant to clause (i) or (ii) would have an adverse impact on the financial interest of the Authority or a private entity.

36. Personal information provided to or obtained by the Virginia Lottery in connection with the voluntary exclusion program administered pursuant to § 58.1-4015.1.

37. Personal information provided to or obtained by the Virginia Lottery concerning the identity of any person reporting prohibited conduct pursuant to § 58.1-4043.

1999, cc. 485, 518, 703, 726, 793, 849, 852, 867, 868, 881, § 2.1-342.01; 2000, cc. 66, 237, 382, 400, 430, 583, 589, 592, 594, 618, 632, 657, 720, 932, 933, 947, 1006, 1064; 2001, cc. 288, 518, 844, § 2.2-3705; 2002, cc. 87, 155, 242, 393, 478, 481, 499, 522, 571, 572, 633, 655, 715, 798, 830; 2003, cc. 274, 307, 327, 332, 358, 704, 801, 884, 891, 893, 897, 968; 2004, cc. 426, 690, 832; 2005, cc. 165, 508; 2007, cc. 406, 652, 660, 737, 739; 2008, cc. 16, 739; 2009, cc. 223, 827, 845; 2010, c. 300; 2011, cc. 827, 867; 2012, c. 726; 2013, cc. 199, 481, 554, 574; 2014, cc. 225, 808; 2015, cc. 38, 137, 549, 730; 2016, cc. 550, 620, 716, 729; 2017, cc. 587, 642, 778, 804, 824; 2018, cc. 58, 141; 2019, cc. 163, 170, 247, 300, 358, 729, 775; 2020, cc. 70, 587, 1164, 1169, 1218, 1227, 1246, 1256.

§ 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 and 2.2-3708.1. 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 subdivisions A 1 and 2 and subsection B shall be authorized only if the following conditions are met:

1. The public body has adopted a written policy allowing for and governing participation of its members by electronic communication means, including an approval process for such participation, subject to the express limitations imposed by this section. Once adopted, the policy shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting;
2. A quorum of the public body is physically assembled at one primary or central meeting location; and
3. The public body makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

D. The following provisions apply to state public bodies:

1. Except as provided in subsection D of § [2.2-3707.01](#), state public bodies may also conduct any meeting wherein the public business is discussed or transacted through electronic communication means, provided that (i) a quorum of the public body is physically assembled at one primary or central meeting location, (ii) notice of the meeting has been given in accordance with subdivision 2, and (iii) members of the public are provided a substantially equivalent electronic communication means through which to witness the meeting. For the purposes of this subsection, "witness" means observe or listen.

If a state public body holds a meeting through electronic communication means pursuant to this subsection, it shall also hold at least one meeting annually where members in attendance at the meeting are physically assembled at one location and where no members participate by electronic communication means.

2. Notice of any regular meeting held pursuant to this subsection shall be provided at least three working days in advance of the date scheduled for the meeting. Notice, reasonable under the circumstance, of special, emergency, or continued meetings held pursuant to this section shall be given contemporaneously with the notice provided to members of the public body conducting the meeting. For the purposes of this subsection, "continued meeting" means a meeting that is continued to address an emergency or to conclude the agenda of a meeting for which proper notice was given.

The notice shall include the date, time, place, and purpose for the meeting; shall identify the primary or central meeting location and any remote locations that are open to the public pursuant to subdivision 4; shall include notice as to the electronic communication means by which members of the public may witness the meeting; and shall include a telephone number that may be used to notify the primary or central meeting location of any interruption in the telephonic or video broadcast of the meeting. Any interruption in the telephonic or video broadcast of the meeting shall result in the suspension of action at the meeting until repairs are made and public access is restored.

3. A copy of the proposed agenda and agenda packets and, unless exempt, all materials that will be distributed to members of a public body for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of the public body

conducting the meeting.

4. Public access to the remote locations from which additional members of the public body participate through electronic communication means shall be encouraged but not required. However, if three or more members are gathered at the same remote location, then such remote location shall be open to the public.

5. If access to remote locations is afforded, (i) all persons attending the meeting at any of the remote locations shall be afforded the same opportunity to address the public body as persons attending at the primary or central location and (ii) a copy of the proposed agenda and agenda packets and, unless exempt, all materials that will be distributed to members of the public body for the meeting shall be made available for inspection by members of the public attending the meeting at any of the remote locations at the time of the meeting.

6. The public body shall make available to the public at any meeting conducted in accordance with this subsection a public comment form prepared by the Virginia Freedom of Information Advisory Council in accordance with § 30-179.

7. Minutes of all meetings held by electronic communication means shall be recorded as required by § 2.2-3707. Votes taken during any meeting conducted through electronic communication means shall be recorded by name in roll-call fashion and included in the minutes. For emergency meetings held by electronic communication means, the nature of the emergency shall be stated in the minutes.

8. Any authorized state public body that meets by electronic communication means pursuant to this subsection shall make a written report of the following to the Virginia Freedom of Information Advisory Council by December 15 of each year:

a. The total number of meetings held that year in which there was participation through electronic communication means;

b. The dates and purposes of each such meeting;

c. A copy of the agenda for each such meeting;

d. The primary or central meeting location of each such meeting;

e. The types of electronic communication means by which each meeting was held;

f. If possible, the number of members of the public who witnessed each meeting through electronic communication means;

g. The identity of the members of the public body recorded as present at each meeting, and whether each member was present at the primary or central meeting location or participated through electronic communication means;

h. The identity of any members of the public body who were recorded as absent at each meeting and any members who were recorded as absent at a meeting but who monitored the meeting through electronic communication means;

i. If members of the public were granted access to a remote location from which a member participated in a meeting through electronic communication means, the number of members of the public at each such remote location;

j. A summary of any public comment received about the process of conducting a meeting through electronic communication means; and

k. A written summary of the public body's experience conducting meetings through electronic communication means, including its logistical and technical experience.

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

2018, cc. [55](#), [56](#);2019, c. [359](#).

§ 2.2-3709. Expired

Expired.

§ 2.2-3710. Transaction of public business other than by votes at meetings prohibited

A. Unless otherwise specifically provided by law, no vote of any kind of the membership, or any part thereof, of any public body shall be taken to authorize the transaction of any public business, other than a vote taken at a meeting conducted in accordance with the provisions of this chapter. No public body shall vote by secret or written ballot, and unless expressly provided by this chapter, no public body shall vote by telephone or other electronic communication means.

B. Notwithstanding the foregoing, nothing contained herein shall be construed to prohibit (i) separately contacting the membership, or any part thereof, of any public body for the purpose of ascertaining a member's position with respect to the transaction of public business, whether such contact is done in person, by telephone or by electronic communication, provided the contact is done on a basis that does not constitute a meeting as defined in this chapter or (ii) the House of Delegates or the Senate of Virginia from adopting rules relating to the casting of votes by members of standing committees. Nothing in this subsection shall operate to exclude any public record from the provisions of this chapter.

1987, c. 71, § 2.1-343.2; 1999, cc. [703](#), [726](#);2000, c. [932](#);2001, cc. [710](#), [844](#);2002, c. [491](#).

§ 2.2-3711. Closed meetings authorized for certain limited purposes

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

2. Discussion or consideration of admission or disciplinary matters or any other matters that

would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher education in the Commonwealth or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.
4. The protection of the privacy of individuals in personal matters not related to public business.
5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.
6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.
7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.
8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.
9. Discussion or consideration by governing boards of public institutions of higher education of matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in the Commonwealth shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.
10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the

Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority, and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private sources.

11. Discussion or consideration of honorary degrees or special awards.

12. Discussion or consideration of tests, examinations, or other information used, administered, or prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

13. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

16. Discussion or consideration of medical and mental health records subject to the exclusion in subdivision 1 of § 2.2-3705.5.

17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

18. Those portions of meetings in which the State Board of Local and Regional Jails discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or

board of trustees of a trust established by one or more local public bodies to invest funds for postemployment benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or a local finance board or board of trustees, or the Virginia College Savings Plan or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality Review Team pursuant to § 32.1-283.8, and those portions of meetings in which individual death cases of persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review Committee established pursuant to § 37.2-314.1.

22. Those portions of meetings of the board of visitors of the University of Virginia or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or disposition by the Authority of real property, equipment, or technology

software or hardware and related goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies plans of the Authority where disclosure of such strategies or plans would adversely affect the competitive position of the Authority; and members of the Authority's medical and teaching staffs and qualifications for appointments thereto.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application information subject to the exclusion in subdivision 17 of § 2.2-3705.6 by the Commonwealth Health Research Board.

31. Discussion or consideration by the Commitment Review Committee of information subject to the exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. Discussion or consideration of confidential proprietary information and trade secrets developed and held by a local public body providing certain telecommunication services or cable television services and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the

BVU Authority Act (§ 15.2-7200 et seq.).

33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets subject to the exclusion in subdivision 19 of § 2.2-3705.6.
34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1.
35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files 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, loan, or investment application records subject to the exclusion in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-2351 et seq.) of Chapter 22.
48. Discussion or development of grant proposals by a regional council established pursuant to Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity Board.
49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child by a child sexual abuse response team established pursuant to § 15.2-1627.5, or (iii) individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and 63.2-1605.
50. Discussion or consideration by the Board of the Virginia Economic Development Partnership Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33 of § 2.2-3705.7.
51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114.
52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership Authority (the Authority), an advisory committee of the Authority, or any other entity designated by the Authority, of information subject to the exclusion in subdivision 35 of § 2.2-3705.7.
53. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to § 58.1-4105 regarding the denial or revocation of a license of a casino gaming operator and discussion, consideration, or review of matters related to investigations exempt from disclosure under subdivision 1 of § 2.2-3705.3.
54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007 regarding the denial of, revocation of, suspension of, or refusal to renew a permit related to sports betting and any discussion, consideration, or review of matters related to investigations

excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

1968, c. 479, § 2.1-344; 1970, c. 456; 1973, c. 461; 1974, c. 332; 1976, cc. 467, 709; 1979, cc. 369, 684; 1980, cc. 221, 475, 476, 754; 1981, cc. 35, 471; 1982, cc. 497, 516; 1984, cc. 473, 513; 1985, c. 277; 1988, c. 891; 1989, cc. 56, 358, 478; 1990, cc. 435, 538; 1991, c. 708; 1992, c. 444; 1993, cc. 270, 499; 1995, c. 499; 1996, cc. 855, 862, 902, 905, 1046; 1997, cc. 439, 641, 785, 861; 1999, cc. 485, 518, 703, 726, 849, 867, 868; 2000, cc. 382, 400, 720, 1064; 2001, cc. 231, 844; 2002, cc. 87, 393, 455, 478, 499, 655, 715, 830; 2003, cc. 274, 291, 332, 618, 703; 2004, cc. 398, 690, 770; 2005, cc. 258, 411, 568; 2006, cc. 430, 499, 518, 560; 2007, cc. 133, 374, 566, 739; 2008, cc. 626, 633, 668, 721, 743; 2009, cc. 223, 325, 472, 765, 810, 827, 845; 2010, cc. 310, 630, 808; 2011, cc. 89, 111, 147, 536, 541, 816, 874; 2012, cc. 476, 507, 803, 835; 2013, cc. 571, 580, 695; 2014, c. 225; 2015, cc. 27, 38, 108, 169, 182, 549, 730; 2016, cc. 544, 620, 716, 724, 725, 775, 778, 779; 2017, cc. 587, 616, 778, 796, 804, 816, 824; 2018, cc. 48, 532, 533, 600, 829; 2019, cc. 4, 170, 358, 426, 500, 729, 775, 834; 2020, cc. 759, 851, 1164, 1169, 1197, 1218, 1248, 1256.

§ 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 Supreme Court of Virginia to the contrary.

C. Notwithstanding the provisions of § 8.01-644, the petition for mandamus or injunction shall be heard within seven days of the date when the same is made, provided the party against whom the petition is brought has received a copy of the petition at least three working days prior to filing. However, if the petition or the affidavit supporting the petition for mandamus or injunction alleges violations of the open meetings requirements of this chapter, the three-day notice to the party against whom the petition is brought shall not be required. The hearing on any petition made outside of the regular terms of the circuit court of a locality that is included in a judicial circuit with another locality or localities shall be given precedence on the docket of such court over all cases that are not otherwise given precedence by law.

D. The petition shall allege with reasonable specificity the circumstances of the denial of the rights and privileges conferred by this chapter. A single instance of denial of the rights and privileges conferred by this chapter shall be sufficient to invoke the remedies granted herein. If the court finds the denial to be in violation of the provisions of this chapter, the petitioner shall be entitled to recover reasonable costs, including costs and reasonable fees for expert witnesses, and attorney fees from the public body if the petitioner substantially prevails on the merits of the case, unless special circumstances would make an award unjust. In making this determination, a court may consider, among other things, the reliance of a public body on an opinion of the Attorney General or a decision of a court that substantially supports the public body's position.

E. In any action to enforce the provisions of this chapter, the public body shall bear the burden of proof to establish an exclusion by a preponderance of the evidence. No court shall be required to accord any weight to the determination of a public body as to whether an exclusion applies. Any failure by a public body to follow the procedures established by this chapter shall be presumed to be a violation of this chapter.

F. Failure by any person to request and receive notice of the time and place of meetings as provided in § 2.2-3707 shall not preclude any person from enforcing his rights and privileges conferred by this chapter.

1968, c. 479, § 2.1-346; 1976, c. 709; 1978, c. 826; 1989, c. 358; 1990, c. 217; 1996, c. 578; 1999, cc. 703, 726; 2001, c. 844; 2007, c. 560; 2009, c. 634; 2010, c. 299; 2011, cc. 133, 783; 2016, cc. 620, 716; 2019, c. 531.

§ 2.2-3714. Violations and penalties

A. In a proceeding commenced against any officer, employee, or member of a public body under § 2.2-3713 for a violation of § 2.2-3704, 2.2-3705.1 through 2.2-3705.7, 2.2-3706, 2.2-3707, 2.2-3708.2, 2.2-3710, 2.2-3711 or 2.2-3712, the court, if it finds that a violation was willfully and knowingly made, shall impose upon such officer, employee, or member in his individual capacity, whether a writ of mandamus or injunctive relief is awarded or not, a civil penalty of not less than \$500 nor more than \$2,000, which amount shall be paid into the Literary Fund. For a second or subsequent violation, such civil penalty shall be not less than \$2,000 nor more than \$5,000.

B. In addition to any penalties imposed pursuant to subsection A, if the court finds that any officer, employee, or member of a public body failed to provide public records to a requester in accordance with the provisions of this chapter because such officer, employee, or member altered or destroyed the requested public records with the intent to avoid the provisions of this chapter with respect to such request prior to the expiration of the applicable record retention period set by the retention regulations promulgated pursuant to the Virginia Public Records Act (§ 42.1-76 et seq.) by the State Library Board, the court may impose upon such officer, employee, or member in his individual capacity, whether or not a writ of mandamus or injunctive relief is awarded, a civil penalty of up to \$100 per record altered or destroyed, which amount shall be paid into the Literary Fund.

C. In addition to any penalties imposed pursuant to subsections A and B, if the court finds that a public body voted to certify a closed meeting in accordance with subsection D of § 2.2-3712 and such certification was not in accordance with the requirements of clause (i) or (ii) of subsection D of § 2.2-3712, the court may impose on the public body, whether or not a writ of mandamus or injunctive relief is awarded, a civil penalty of up to \$1,000, which amount shall be paid into the Literary Fund. In determining whether a civil penalty is appropriate, the court shall consider mitigating factors, including reliance of members of the public body on (i) opinions of the Attorney General, (ii) court cases substantially supporting the rationale of the public body, and (iii) published opinions of the Freedom of Information Advisory Council.

1976, c. 467, § 2.1-346.1; 1978, c. 826; 1984, c. 252; 1989, c. 358; 1996, c. 578; 1999, cc. 703, 726; 2001, c. 844; 2003, c. 319; 2004, c. 690; 2008, cc. 233, 789; 2011, c. 327; 2017, c. 778; 2018, c. 55; 2019, c. 843.

§ 2.2-3715. Effect of advisory opinions from the Freedom of Information Advisory Council on liability for willful and knowing violations

Any officer, employee, or member of a public body who is alleged to have committed a willful and knowing violation pursuant to § 2.2-3714 shall have the right to introduce at any proceeding a copy of a relevant advisory opinion issued pursuant to § 30-179 as evidence that he did not willfully and knowingly commit the violation if the alleged violation resulted from his good faith reliance on the advisory opinion.

2019, c. 354.



TOWN OF BOWLING GREEN TOWN COUNCIL MEETING AGENDA ITEM REPORT

AGENDA ITEM: Infectious Disease Policy

ITEM TYPE: Action Item

PURPOSE OF ITEM: Decision - By Motion

PRESENTER: Melissa Lewis, towntreasurer@townofbowlinggreen.com

PHONE: (804) 633-6212

BACKGROUND / SUMMARY:

Virginia Department of Labor and Industry's (DOLI) Virginia Occupational Safety and Health (VOSH) Program adopted an emergency temporary standard designed to establish requirements for employers to control, prevent, and mitigate the spread of COVID-19. The Standard requires that the employer develop and implement policies and procedures that address the handling of infectious disease in the workplace.

In addition to the adoption of a policy, DOLI requires that all employees be categorized by their exposure risk level and receive proper training based on their risk level. The process is currently underway.

ATTACHMENTS:

Draft Infectious Disease Policy

REQUESTED ACTION:

Adopt Policy



TOWN OF BOWLING GREEN

Infectious Disease (COVID-19) Preparedness and Response Plan

I. Purpose

This plan describes the implementation of mandatory health and safety requirements established by the Virginia Department of Labor and Industry, Governor Northam’s COVID-19 Executive Order and subsequent Addendum as well as guidelines from the Centers for Disease Control.

II. Responsibilities

The Town of Bowling Green has assigned the following individual(s) to serve in the role of health officer. The health officer has the authority to stop or alter activities to ensure that all work practices conform to the mandatory safety and health requirements applicable to COVID-19 as well as any other infectious disease hazards.

Health Officer(s)			
Name	Title	Department	Phone Number
Melissa Lewis	Town Manager	Town Administration	804-633-6212 Ext. 1001
Jo-Elsa Jordan		Town Administration	804-633-6212 Ext. 1008

For the purpose of ensuring compliance with the most recent safety and health requirements, Melissa Lewis and Jo-Elsa Jordan are responsible for administering this plan, monitoring agencies for new requirements, updating this plan, communicating any changes to employees, and monitoring the overall effectiveness of the plan. This person is also responsible for providing employees with a copy of this plan upon request.

III. Determination of Exposure Risk by Job Duty

We have determined the COVID-19 exposure risk level of all worksite functions to ensure that we apply appropriate hazard controls – including training, equipment, and personal protective equipment (PPE) – to protect employees’ safety and health. This assessment is based on OSHA Publication 3990. Classes of employees have been assigned to risk categories as follows:

Exposure Risk Level means an assessment of the possibility that an employee could be exposed to the hazards associated with SARS-CoV-2 virus and the COVID-19 disease. Hazards and job tasks have been divided into four risk exposure levels: “Very High”, “High”, “Medium”, and “Lower”.

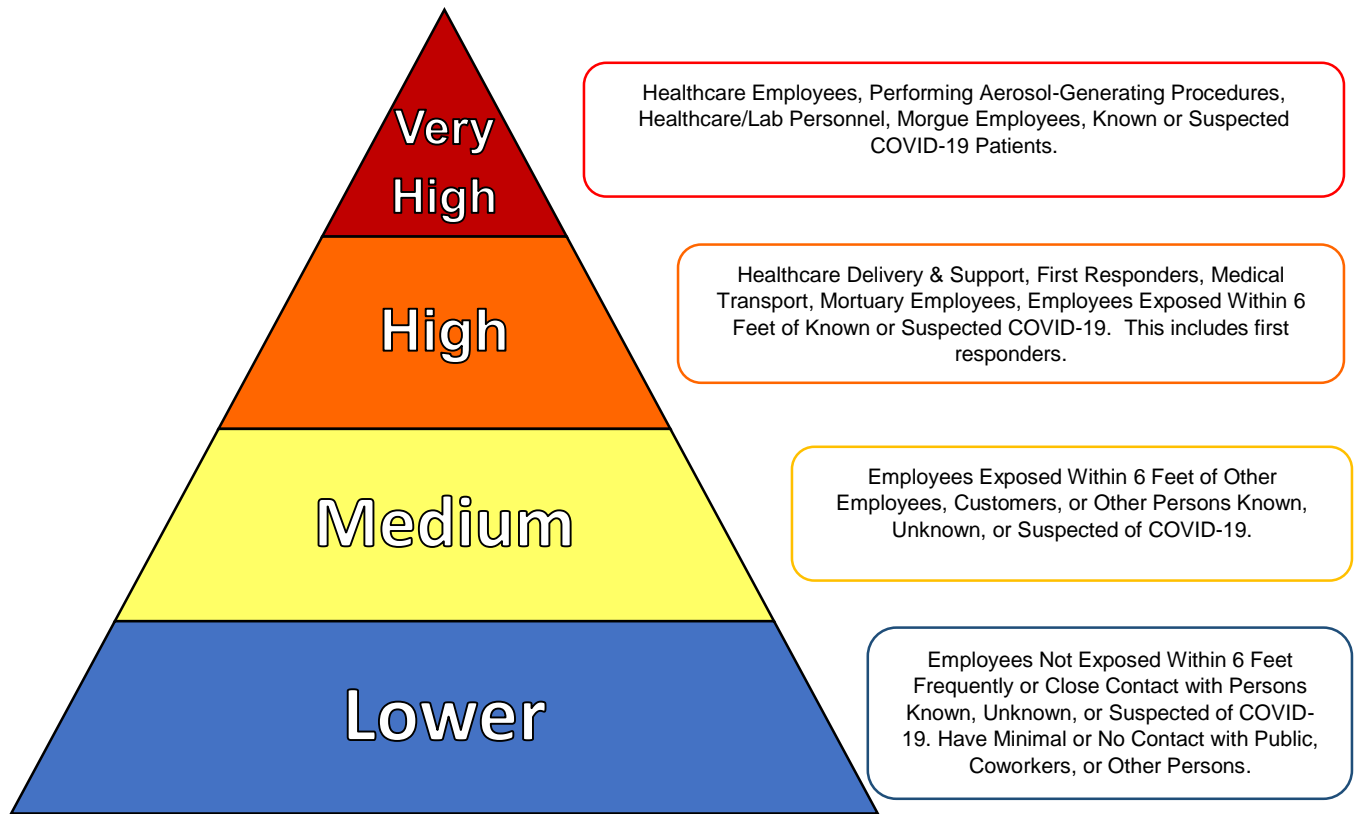
“Very High” exposure risk hazards or job tasks are those in places of employment with high potential for employee exposure to known or suspected sources of the SARSCoV-2 virus and the COVID-19 disease including, but not limited to, during specific medical, postmortem, or laboratory procedures (refer to page 8 of the 16 VAC 25-220, Emergency Temporary Standard/Emergency Regulation for a more detailed description).

“High” exposure risk hazards or job tasks are those in places of employment with high potential for employee exposure within six feet with known or suspected sources of SARS-CoV-2 that are not otherwise classified as “very high” exposure risk (refer to page 8 of the 16 VAC 25-220, Emergency Temporary Standard/Emergency Regulation for a more detailed description).

“Medium” exposure risk hazards or job tasks that are not labeled as “very high” or “high” (refer to pages 9-10 of the 16 VAC 25-220, Emergency Temporary Standard/Emergency Regulation for a more detailed description).

“Lower” exposure risk hazards or job tasks are those not otherwise classified as “very high”, “high”, or “medium” exposure risk that do not require contact within six feet of persons known to be, or suspected of being, or who may be infected with SARS-CoV-2; nor contact within six feet with other employees, other persons, or the general public except as otherwise provided in this definition (refer to page 10 of the 16 VAC 25-220, Emergency Temporary Standard/Emergency Regulation for a more detailed description).

The following graph relates to job tasks that pose a risk level to employees. The job tasks that are listed are not an all-inclusive list.



Consult the definition of “Exposure risk level” of the Emergency Temporary Standard for COVID-19 by the Virginia Department of Labor and Industry. Also, consult pages 18 - 21 of the OSHA document “Guidance on Preparing Workplaces for COVID-19” which is available at <http://www.osha.gov/Publications/OSHA3990.pdf> and determine the risk level of each employee or class of employee based on their type of work and duties. Some jobs may have more than one type of exposure risk depending on the task or qualifying factors.

When you have determined the risk level of all your employees and officials, list the work area, job/job tasks, employee exposure risk, and qualifying factors in the table.

Work Area	Job Tasks	Exposure Risk Determination	Qualifying Factors (Example: No Public Contact, Public Contact)
Town Hall	- Administrative - Customer Service	Medium	- Minimal public contact. - Share offices with other employees.
Wastewater Treatment Plant & Public Works Office	- Operate machinery and equipment. - Sampling and testing - Administrative	Medium	- Minimal public contact. - Share offices with other employees.
EDA Office	- Administrative - Customer Service	Medium	- Minimal public contact.
Police Dept.	- Emergency Response	High	- First responder

IV. Contingency Plan in the Event of an Infectious Disease Outbreak

In the event that an outbreak or pandemic due to an infectious disease, the Town of Bowling Green has set up contingency plans for addressing the workplace needs as well as employee safety and health during the outbreak.

V. Basic Infectious Disease Prevention and Control Measures

To control the spread of infectious diseases such as COVID 19, basic prevention and control measures must be implemented to ensure that all employees are protected against the hazards of infectious disease.

To control the spread of infectious disease it is important to keep up general housekeeping in the workplace. Additional housekeeping actions must also be implemented to ensure the safety and health of employees and decreasing the chances of spread of an infectious disease such as: All restrooms, common areas that remain in

use, door knobs/handles, tools, equipment, and other frequently touched surfaces are disinfected before, in the middle of, and at the end of each shift. All contact surfaces of vehicles used by more than one person are disinfected at the end of each person's use. All disinfectants are EPA-approved or otherwise comply with [CDC disinfection guidance](#). *The Town of Bowling Green will make sure that adequate disinfection products are on hand, safety data sheets (SDSs) are obtained and retained, and employees using the products are aware of any personal protective equipment that is required for use.*

Additional precautions and actions to take are:

- Large gatherings are minimized whenever possible; staff meetings are postponed, cancelled or held remotely;
- Employees are encouraged to maintain physical distance even when on break, as well as before and after working hours;
- Employees are required to maintain physical distance when reporting to work, clocking in, leaving work, and clocking out;
- Employee work stations are greater than six feet apart;
- The employer may utilize flexible work hours, wherever possible, to limit the number of employees simultaneously working on-site; and
- Employee interactions with the general public are modified to allow for additional physical space between parties.

VI. Identification and Isolation of Sick and/or Exposed Employees

Risk and exposure determinations are made without regard to employees protected characteristics as defined by local, state, and federal law.

Any health-related information and documentation gathered from employees is maintained confidentially and in compliance with state and federal law. Specifically, medical documentation is stored separate from employee's personnel documentation.

1. Employee Self-Monitoring

The following employees should **not** report to work and, upon notification to Melissa Lewis or Jo-Elsa Jordan; will be removed from the regular work schedule:

- Employees who display COVID-19 symptoms, such as fever, cough, shortness of breath, sore throat, new loss of smell or taste, and/or gastrointestinal problems, including nausea, diarrhea, and vomiting, whether or not accompanied by a formal COVID-19 diagnosis;
- Employees who, in the last 14 days, have had close contact with and/or live with any person having a confirmed COVID-19 diagnosis; and
- Employees who, in the last 14 days, have had close contact with and/or live with any person displaying COVID-19 symptoms, such as fever, cough, shortness of breath, sore throat, new loss of smell or taste, and/or gastrointestinal problems, including nausea, diarrhea, and vomiting.

Such employees may only resume in-person work upon meeting all return-to-work requirements, defined below.

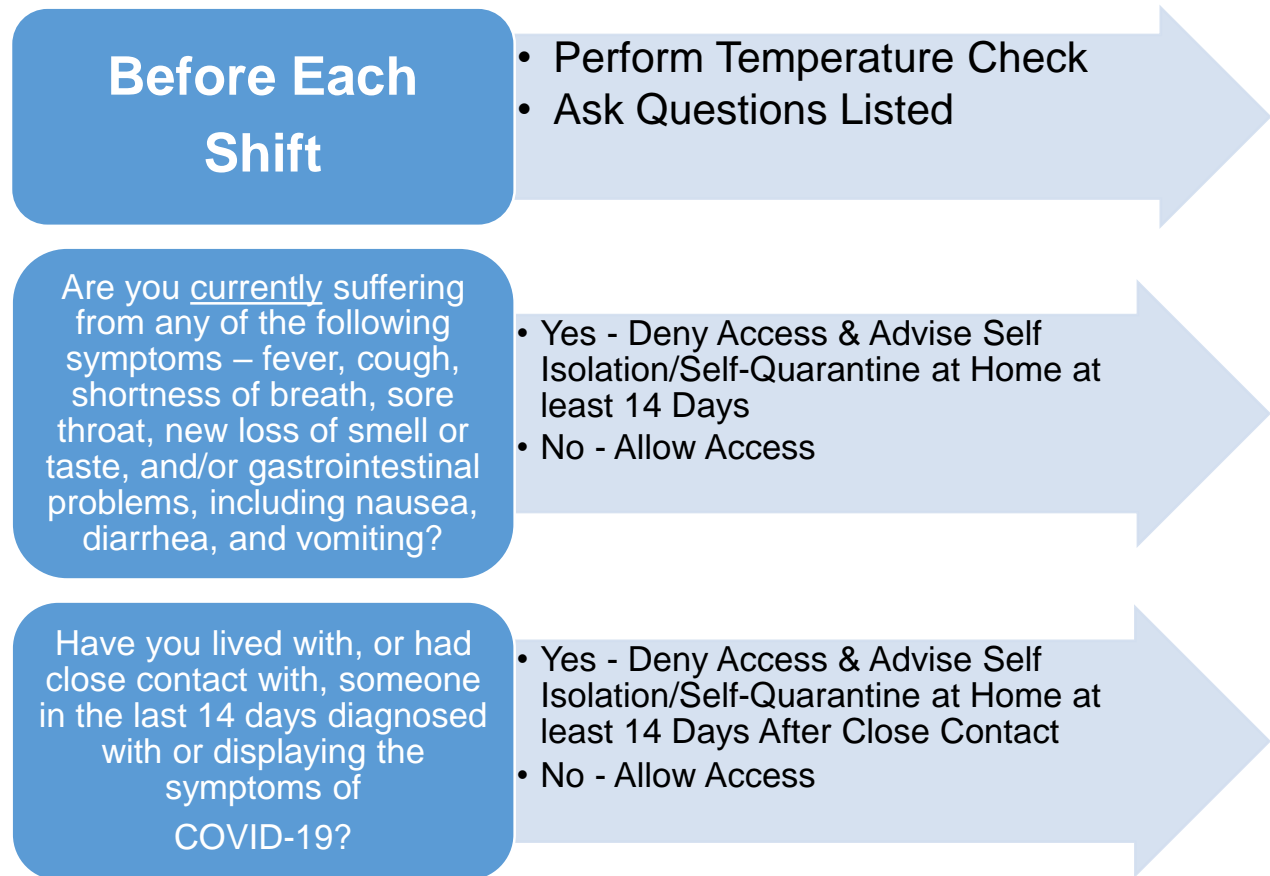
2. Daily Screenings

To prevent the spread of COVID-19 and reduce the potential risk of exposure, the Town of Bowling Green screens employees on a daily basis.

Employees are asked the following questions before entering the worksite:

1. Are you currently suffering from any of the following symptoms – fever, cough, shortness of breath, sore throat, new loss of smell or taste, and/or gastrointestinal problems, including nausea, diarrhea, and vomiting?
 - a. If a touchless thermometer is available, temperature checks are performed.
 - b. If yes, access is denied, and employee is advised to self-isolate/self-quarantine at home, until employee is permitted to return to work as defined below.
2. Have you lived with, or had close contact with, someone in the last 14 days diagnosed with or displaying the symptoms of COVID-19?
 - a. If yes, access is denied, and employee is advised to self-isolate/self-quarantine at home, until at least 14 days after the close contact.

A reference chart of the above daily screening questions is listed below.



Employees who develop symptoms during their shift must immediately report to their supervisor and Melissa Lewis or Jo-Elsa Jordan.

3. Return-to-Work Requirements

Employees who were themselves diagnosed with COVID-19 may only return to work upon confirmation of the cessation of symptoms and contagiousness, proof of which may be acquired via the test-based strategy or the non-test-based strategy.

The test-based strategy is preferred but relies upon the availability of testing supplies and laboratory capacity. Under this strategy, employees may discontinue isolation and return to work upon achieving the following conditions:

- Resolution of fever without the use of fever-reducing medications;
- Improvement in respiratory symptoms (e.g., cough, shortness of breath); and

- Negative results of an FDA Emergency Use Authorized molecular assay for COVID-19 from two consecutive nasopharyngeal swab specimens collected at least 24 hours apart.

Under the non-test-based strategy, employees may discontinue isolation and return to work upon achieving the following conditions:

- At least 3 days (72 hours) have passed since recovery defined as resolution of fever without the use of fever-reducing medications;
- Improvement in respiratory symptoms (e.g., cough, shortness of breath); and
- At least 7 days have passed since symptoms first appeared.

Employees who come into close contact with or who may live with an individual with a confirmed diagnosis or symptoms may return to work after either 14 days have passed since the last close contact with the diagnosed and/or symptomatic individual. This includes the diagnosed and/or symptomatic individual receiving a negative COVID-19 test.

Employees are typically required to submit a release to return to work from a healthcare provider; given the current stressors on the healthcare system, the Town of Bowling Green may accept written statements from employees confirming all the factors supporting their release.

Actively encourage sick employees to stay home:

- Include a statement regarding your PTO program. The Families First Coronavirus Response Act Policies and Posters are to be posted in common places as well as on the employee shared IT drives (if employees have questions regarding use of emergency paid sick time, employees should contact Melissa Lewis or Jo-Elsa Jordan.
- The Town of Bowling Green will follow state and federal guidance for return to work guidance.
 - Guidance from the employee's health care provider will also be considered.
 -

VII. Procedures for Minimizing Exposure from Outside of Workplace

The Town of Bowling Green's business practices are evaluated to ensure the safety and health of all individuals. This is done on a phased approach. Beginning with appointment only onsite meetings, virtual meetings, and finally transitioning to onsite meetings with appropriate precautions when that time comes.

- Social distancing practices to be observed:
 - 6-foot distances are marked in areas where customers might gather/wait
 - In person meetings are to be made by appointments only
 - Limit the number of customers allowed into workplace
 - Minimize face to face contact

Information is posted throughout the worksite educating individuals on ways to reduce the spread of COVID-19.

Any individual entering one of the Town of Bowling Green's facilities may have their temperature checked and/or a questionnaire completed prior to entry.

To minimize exposure from visitors or vendors:

- *All business partners that work with the Town of Bowling Green have been provided this Plan.*
- *When necessary, the Town of Bowling Green will limit the number of visitors in the facility.*
- *Possible statement about protection - Any individual entering one of the Town of Bowling Green facilities may have their temperature checked and/or a questionnaire completed prior to entry.*
- *Possible statement about protection: Masks may be available to visitors/vendors as well as appropriate disinfectants so individuals can clean work areas before and after use.*
- *Possible statement about protection - All deliveries will be handled through curbside pick-up or delivery.*

Minimizing exposure from the general public:

- Social distancing practices to be observed:
- 6-foot distances are marked in areas where individuals might gather/wait.
- Limit number of individuals allowed into workplace.
- Minimize face to face contact:
 - Computer workstations positioned at least 6 feet apart
- Information is posted at the Town of Bowling Green’s facility educating individuals on ways to reduce the spread of COVID-19.
- Any individual entering any building owned by the Town of Bowling Green may have their temperature checked and/or a questionnaire completed prior to entry.
- Individual symptoms may be assessed of COVID-19 and individuals with symptoms will be removed from the workplace.
- Possible statement about protection with General Public - Physical barriers between the Town of Bowling Green employees and the public will be considered in high impact areas (i.e. shielding at the front desk areas).
- Possible statement about protection with General Public – Masks may be available to the general public as well as appropriate disinfectants so individuals can clean work areas before and after use.

VIII. Training

All employees at the Town of Bowling Green will be required to have training on the hazards and characteristics of SARS-CoV-2 virus and COVID-19 disease. This training will ensure that all employees recognize the hazards of SARS-CoV-2 and COVID-19 as well as the procedures to minimize the hazards related to the infectious diseases and help prevent the spread of the infectious disease.

The training material will cover the following:

- Requirements of the COVID-19 Emergency Regulation.

- Companies Infectious Disease Preparedness and Response Plan.
- Characteristics and methods of spread of SARS-CoV-2 virus.
- Symptoms of COVID-19 disease as well as the asymptomatic reactions of some persons to the SARS-CoV-2 virus.
- Safe and healthy work practices, including but not limited to, physical distancing, disinfection procedures, disinfecting frequency, and noncontact methods of greeting.
- PPE
 - When PPE is required
 - What PPE is required
 - How to properly don, doff, adjust and wear PPE
 - Limitations of PPE
 - Proper care, maintenance, useful life and disposal of PPE

All employees in the workplace will be trained on this subject and procedures. All training will be certified and recorded according to the Emergency Regulations for COVID-19 by the Virginia Department of Labor and Industry.

Training Records will be certified by the following requirements:

- Employee name
- Employee's signature (physical or electronic)
- Date
- Signature of Trainer

Retention of training records must be retained in employee files. These records are located at Town Hall. The most recent training records will be maintained.

Office Regulations for the Town of Bowling Green

- a) Assign dedicated entry point(s) for all employees to reduce congestion at the main entrance.
- b) Provide visual indicators of appropriate spacing for employees outside the building in case of congestion.

- c)** Take steps to reduce entry congestion and to ensure the effectiveness of screening (e.g., by staggering start times, adopting a rotational schedule where only half of employees are in the office at a particular time).
- d)** Require face coverings in shared spaces, including during in-person meetings and in restrooms and hallways.
- e)** Increase distancing between employees by spreading out workspaces, staggering workspace usage, restricting non-essential common space (e.g., cafeterias), providing visual cues to guide movement and activity (e.g., restricting elevator capacity with markings, locking conference rooms).
- f)** Prohibit social gatherings and meetings that do not allow for social distancing or that create unnecessary movement through the office.
- g)** Provide disinfecting supplies and require employees wipe down their workstations at least twice daily.
- h)** Post signs about the importance of personal hygiene.
- i)** Disinfect high-touch surfaces in offices (e.g., whiteboard markers, restrooms, handles) and minimize shared items when possible (e.g., pens, remotes, and whiteboards).
- j)** Institute cleaning and communications protocols when employees are sent home with symptoms.
- k)** Notify employees if the employer learns that an individual (including a customer, supplier, or visitor) with a confirmed case of COVID-19 has visited the office.
- l)** Suspend all nonessential visitors.
- m)** Restrict all non-essential travel, including in-person conference events.



**TOWN OF BOWLING GREEN
TOWN COUNCIL MEETING
AGENDA ITEM REPORT**

AGENDA ITEM: Removing partitions in front of stage

ITEM TYPE: Action Item

PURPOSE OF ITEM: Decision - By Motion

PRESENTER: Melissa Lewis, towntreasurer@townofbowlinggreen.com

PHONE: (804) 633-6212

BACKGROUND / SUMMARY:

Audio and Visual equipment is currently being installed on the stage in the ballroom. The contractor recommends removing the partitions that hide the stage stairs and installing the speakers on the full walls on either side of the stage.

ATTACHMENTS:

None

REQUESTED ACTION:

Approve removal of the partition walls on either side of the stage in the ballroom.



**TOWN OF BOWLING GREEN
TOWN COUNCIL MEETING
AGENDA ITEM REPORT**

AGENDA ITEM: Resolutions of Appreciation for Outgoing Council Members

ITEM TYPE: Action Item

PURPOSE OF ITEM: Decision - Resolution

PRESENTER: Melissa Lewis, towntreasurer@townofbowlinggreen.com

PHONE: (804) 633-6212

BACKGROUND / SUMMARY:

Resolutions of Appreciation for Council Members whose terms end 12/31/2020.

ATTACHMENTS:

Resolutions will be presented at the meeting.

REQUESTED ACTION:

Adopt resolutions



**TOWN OF BOWLING GREEN
TOWN COUNCIL MEETING
AGENDA ITEM REPORT**

AGENDA ITEM: Town Attorney Memos
ITEM TYPE: Action Item
PURPOSE OF ITEM: Decision - By Motion
PRESENTER: Andrea Erard, Town Attorney
PHONE: (804) 633-6212

BACKGROUND / SUMMARY:

Memos from Town Attorney on personnel matters to include organization of administrative staff and contracts.

ATTACHMENTS:

Memo from Town Attorney– Organization of Admin staff

Memo from Town Attorney - Confidential

REQUESTED ACTION:

Provide staff with direction.

E

The Law Office of
Andrea G. Erard
9702 Gayton Road, Suite 324
Richmond, Virginia 23238

(804) 920-2241 telephone
(866) 684-5657 facsimile

Erardlaw@gmail.com

MEMORANDUM

TO: The Honorable Mayor
The Honorable Members of the Bowling Green Town Council

FROM: Andrea G. Erard, Town Attorney

RE: Position Descriptions

DATE: November 30, 2020

At the last Council meeting I was asked to revise the position descriptions for the proposed job sharing between Melissa Lewis and Jo-Elsa Jordan. I was also asked to revise the position descriptions for Tracy Wright and Judy Beazley. When I attempted these revisions, I realized that it makes more sense to agree on an organizational structure and basic job responsibilities first. Once there is a consensus on the structure, the position descriptions can be prepared and fine-tuned. I also think that an organizational chart should be prepared.

Accordingly, I prepared a proposed organizational structure. Both Melissa and Jo-Elsa have provided input and I welcome additional input. My goals were to have a chain of command with cross training and clear definition of job responsibilities. I do not think a six month trial period is necessary, but that is a decision for you to make. My hope is that once Council provides input, I can then provide position descriptions and an organizational chart.

Town Manager

The Town Manager provides leadership and administration of the day-to-day operations of the Town of Bowling Green. Working closely with the Town Council, employees and Bowling Green residents, the Town Manager ensures that quality services and programs are available to meet the needs of residents and the business community. Handles all Human Resources matters. Prepares the budget. Supervises the Public Works Department.

Deputy Town Manager/Director of Community Development & Economic Development

The Deputy Town Manager performs complex professional and administrative work in a variety of assignments relating to the operations and programs of the Town. Serves as the Zoning Administrator and primary support to the Planning Commission and the Board of Zoning Appeals. Prepares periodic and special reports concerning the activities of the Town of Bowling Green. Responsible for economic development, business retention; primary support for the EDA.

Clerk/Treasurer

Arranges the agendas for Town Council, Council Committees, Planning Commission, Board of Zoning Appeals, and Economic Development Authority meetings; coordinates appearances before Town Council and other bodies, prepares material for consideration of all noted groups, and keeps the Town Council informed of matters affecting the governing and administration of the Town under the direction of the Town Manager. Prepares minutes.

Deputy Clerk/Administrative Assistant

Payroll, invoice processing, cash disbursement, AP/ AR expense ledgers