



COMMISSION ON OPEN AND TRANSPARENT GOVERNMENT

21 Main Street

Thursday, March 27, 2025 at 5:30 PM

AGENDA

Possible additions to the agenda and related materials are not set forth herein.

Times set forth are approximate and may be adjusted as necessary.

I. CALL THE MEETING TO ORDER 5:30 PM

A. ELECTION OF OFFICERS

- a. Chairman
- b. Vice Chairman
- c. Secretary

B. ADOPT ROBERT'S RULES OF ORDER, 12TH EDITION

- a. Establish Ground Rules, e.g., Public Participation, Consistent with Applicability to other Commissions and Committees

C. APPROVAL OF THE AGENDA

D. NEW BUSINESS

a. Adoption of Mission Statement

- i. Review Draft Previously Provided
- ii. Review Resolutions Adopted January & March

b. Scope of Work

- i. Objectives
- ii. Timetable
- iii. Legal and Practical Limitations

c. Special Counsel

- i. Discovery Process

ii. Applicability of FOIA to Public Disclosure during discovery and delivery of report, pursuant to VA code § 2.2-3711, consultation with legal counsel, etc.

d. Initiation of Discovery

e. Other New Business

E. ADJOURNMENT

Town of Warrenton Commission on Open and Transparent Government

Ensuring Accountability and Trust

Introduction

The Town of Warrenton is committed to fostering an environment of openness and transparency in all aspects of its government operations. To this end, by resolution dated January 14, 2025 (see attached), the Town of Warrenton Commission on Open and Transparent Government was established. The Commission's primary goal is to ensure that the residents of Warrenton have full and timely access to information regarding the town's governance, policies, and decision-making processes. This initiative is rooted in the belief that transparency fosters accountability, trust, and active citizen participation.

Objectives of the Commission

The Commission on Open and Transparent Government has several key objectives aimed at enhancing the transparency and accountability of the town's governance. These objectives include:

1. Ensuring Transparent Decision-Making

Transparency in decision-making is crucial for building public trust. The Commission will work to ensure that all decisions made by the town's government are transparent and based on comprehensive and objective information. This includes providing detailed explanations of the rationale behind decisions and making decision-making processes as open as possible.

2. Promoting Public Access to Information

One of the Commission's main objectives is to make information readily accessible to the public. This includes publishing meeting agendas, minutes, and official documents on the town's website, as well as providing access to public records in accordance with the Virginia Freedom of Information Act (VFOIA). Another objective is to make the information timely so that citizens believe that their voices matter and are not perceived as just an afterthought.

3. Encouraging Citizen Engagement

The Commission seeks to encourage active and meaningful citizen engagement by creating opportunities for residents to participate in town meetings, public hearings, and other civic activities. This includes providing clear and timely information about upcoming meetings and events, as well as offering multiple channels for citizens to submit their feedback and concerns.

Historically, public hearings have had little bearing on legislative decisions, especially those outside of the public participatory process. It has been observed that citizens either are too early in the legislative process (not enough information has been received to support a complete analysis) or too late (the decision has already been made). The Commission seeks to change this dynamic.

4. Enhancing Communication and Outreach

Effective communication and outreach are essential for promoting transparency. The Commission focuses on improving communication between the town's government and its residents through various means, including newsletters, social media, and public forums.

Structure of the Commission

Pursuant to the Resolution, the composition of the Commission will consist of two members of the Town Council, one of whom shall be the Vice Mayor, and three town residents selected by the two members and confirmed by the full Council.

The proposed composition of the Commission is currently as follows:

1. William Semple, Vice-Mayor, Ward 2, Chairperson
2. Eric Gagnon, Member of Council, Ward 5
3. to be determined
4. to be determined
5. to be determined

Key Initiatives and Projects

The Commission on Open and Transparent Government will undertake various initiatives and projects to fulfill its mission. Some of the key projects include:

1. Examining Past and Current Processes and Procedures

The Commission plans to examine selected land use applications submitted over the past six years wherein major breakdowns in openness and transparency occurred that demonstrably eroded public trust. Consistent with the resolution approved by the Warrenton Town Council (attached), the Commission will investigate:

- 1) the inappropriate, untimely and premature intervention of government officials and employees into the land use application process before applications have been fully

- and independently reviewed, including but not limited to interfering with the responsibilities and objectives of advisory committees;
- 2) communications between government officials, staff and applicants whereby applicants are led to believe their projects are “green-lighted” well before the application has been fully and independently vetted by staff, advisory committees, the Town Council and the public.
 - 3) the inappropriate influence of applicants on the legislative process, especially through ex-parte communications with staff, planning commission members, or Council members, including but not limited to communications from the applicant, the applicant’s representatives; and offers of inducements or the promise of employment.
 - 4) the co-opting of staff to shield information from the legislative body through the use of non-disclosure agreements (NDA’s), inappropriate document redactions, or any other technique to shield information relevant to the public’s understanding of the project and government officials’ need to know.
 - 5) The town code, ordinances and policies that serve to isolate procedures and processes from internal and external oversight, leading to : 1) a lack of accountability; 2) absence of oversight allowing for unchecked actions and decisions by government officials, 3) potential for corruption and favoritism, as isolated procedures can make it easier for undue influence to affect decision-making processes; and 4) inefficiencies and inconsistencies in the application of rules and regulations, resulting in a governance system that is neither fair nor effective.
 - 6) Applicability of the Virginia Freedom of Information Act to the deliberations, working papers, and communications of town officials.
 - 7) The applicability, or lack thereof, of the Town's Code of Ethics and its enforcement.

The Commission will conduct its review with the support of the Town Attorney and such outside experts and counsel as the Town Attorney may deem it necessary to develop a record of relevant correspondence, applications, meetings, news reports and any other materials relevant to the selected applications. The Commission will initially focus on the Town Council's approval of the Special Use Permit 22-03 issued on February 14, 2023, to Amazon Web Service.

The Commission's investigation into these matters is essential to ensure that the town's governance remains open and transparent, with robust checks and balances in place to prevent any form of impropriety. By addressing these issues, the Commission aims to restore and strengthen public trust in the town's governance, ensuring that all residents have confidence in the integrity and fairness of the decision-making processes that affect their lives.

2. Reviewing the Town Website and Data Portals

The Commission will review the Town's approach to providing residents access to a wide range of data sets related to the town's operations, finances, and services, including timely status updates on all land use applications.

3. Transparency Audits

The Commission will conduct regular transparency audits to assess how well the town is adhering to its transparency and open government principles. These audits help identify areas for improvement and ensure that the town remains accountable to its residents.

4. Community Feedback Program

The Commission will establish a Community Feedback Program to allow residents to provide input on various aspects of the town's governance, from policy decisions to public services.

The Commission, in concert with the Town, will collect and analyze this feedback to help inform future initiatives and decision-making processes.

5. Preparation of a Report

The Commission shall prepare a report to Council within twelve (12) months of its formation, that provides the Commission's findings and recommendations regarding *inter alia* improvements to procedure, process and/or the Town's Code of Ethics to ensure that all communications with applicants are timely, open and transparent;

Conclusion

The Town of Warrenton Commission on Open and Transparent Government seeks to play a vital role in promoting accountability, trust, and citizen engagement. Through its various initiatives and projects, the Commission is committed to ensuring that the town's governance is open, transparent, and responsive to the needs of its residents. By embracing innovation and community collaboration, the Commission strives to create a more informed and engaged community, fostering a culture of transparency that benefits everyone.

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January 14th, 2025
Town Council
Regular Meeting
RES-25-01-08

**RESOLUTION TO ESTABLISH WARRENTON COMMISSION
ON OPEN AND TRANSPARENT GOVERNMENT**

WHEREAS, the Town Council of Warrenton is a governing body of a municipal corporation in the Commonwealth of Virginia pursuant to Subtitle I and Subtitle 2 of Virginia Code §§15.2-100, et. seq.,

WHEREAS, Virginia Code § 15.2-1411 provides that the governing body of any locality may appoint advisory boards, committees, and commissions as necessary to advise the governing body with regard to any matter of concern to the locality

WHEREAS, such members shall be appointed to serve at the pleasure of the governing body,

WHEREAS, the governing body may appropriate such funds as necessary to pay for direct expenses incurred by such members, including legal expenses, and may be equipped to use discovery tools including subpoenas issued under Virginia Code §15.2-409;

WHEREAS certain controversies and litigation have arisen over the past two years relating to development applications voted on by the Town, and

WHEREAS, the Town Council of Warrenton has at this time concluded that the citizenry of the Town deserves a comprehensive review of the process used to evaluate and decide such development applications, particularly as pertaining to high-intensity commercial uses;

THEREFORE, BE IT RESOLVED, THAT THE TOWN COUNCIL OF WARRENTON SHALL HEREBY ESTABLISH "THE WARRENTON COMMISSION ON OPEN AND TRANSPARENT GOVERNMENT" WITH THE FOLLOWING AUTHORIZATIONS, DUTIES AND OBJECTIVES AIMED AT REFORMING AND IMPROVING TOWN PROCESSES:

1. Review the development applications process as managed by the Town of Warrenton, with specific focus on facilitating the public's timely awareness and understanding of said applications;
2. Review any application that has been before the Town in the past six (6) years that the Commission deems appropriate for review (i) so as to promote increased transparency and openness; and/or (ii) may reveal defective, or potentially improper, practices by Town government which require further investigation. Of initial and particular interest by the Town Council is the Town's approval of Special Use Permit 22-03 issued on February 14, 2023, to Amazon Web Services.
3. Conduct its review with the support of the Town Attorney and such outside experts and counsel as the Town Attorney may deem necessary to develop a record of relevant correspondence, applications, meetings, news reports and any other materials relevant to the selected application;
4. Prepare a report to Council within twelve (12) months of its formation, that provides the Commission's findings and recommendations regarding *inter alia* improvements to procedure, process and/or the Town's Code of Ethics to ensure that all communications with applicants are timely, open and transparent;

5. Appropriate such funds as necessary for the Commission to discharge its duties.

6. The composition of the Committee shall consist of two members of the Town Council, one of whom shall be the Vice Mayor, and three town residents selected by them and confirmed by the Council.

ATTACHMENT:

Votes:

Ayes:

Nays:

Absent from Meeting:

For Information:

Town Attorney

ATTEST: _____


Town Recorder

March 11th, 2025
Town Council
Regular Meeting
RES-25-03-03

**RESOLUTION FOR APPROPRIATION OF FUNDS AND APPOINTMENT OF SPECIAL COUNSEL TO THE
WARRENTON COMMISSION ON OPEN AND TRANSPARENT GOVERNMENT**

WHEREAS, the Town Council of Warrenton ("the Council") is the governing body of a municipal corporation in the Commonwealth of Virginia pursuant to Subtitle I and Subtitle 2 of Virginia Code §15.2-100, et. seq.; and

WHEREAS, on January 14th, 2025, the Council, pursuant to Va. Code §15.2-1409, established the Warrenton Commission on Open and Transparent Government ("the Commission"); and

WHEREAS, the primary delegated function of the Commission is to conduct discovery on and review of selected development applications, and of particular interest is Special Use Permit 22-03 issued on February 14, 2023 issued to Amazon Web Services, and

WHEREAS, the Commission's investigation will require knowledge of and experience in both local government and development projects so as to form a discovery plan and gather information, including electronic and other necessary records; and

WHEREAS, Section 15.2-1409 authorizes the governing body of a locality to (i) seek the attendance of witnesses and production of records to provide evidence under oath and (ii) apply to its Circuit Court for a subpoena or subpoena duces tecum so as to order that production if it is not produced voluntarily; and

WHEREAS, per Section 15.2-1409, the Town through the offices of the Town Attorney is authorized to appoint outside counsel to support the goals of the Commission; and

WHEREAS, the above work of the Commission requires the appropriation of funds to discharge its duties, such as those expenses, including legal fees and costs, undertaken to obtain discovery on those selected development applications; and

WHEREAS, the Warrenton Town Council is charged by the Code of Virginia with the preparation of an annual budget for the Town of Warrenton; and

WHEREAS, on June 11, 2024, the Town Council adopted the Town of Warrenton Fiscal Year 2025 Budget; and

WHEREAS, Va. Code §15.2-2507 allows any locality to amend its budget and appropriate funds without publishing legal notice of a meeting and a public hearing, provided that the new appropriation amount does not exceed one percent (1%) of the total expenditures shown in the currently adopted budget

NOW, THEREFORE, BE IT RESOLVED, that this 11th day of March, 2025, the Warrenton Town Council hereby amends the Fiscal Year 2025 Adopted Budget to appropriate \$60,000 from the General Fund Balance for the appointment of special Council for the Warrenton Commission on Open and Transparent Government; and

BE IT FURTHER RESOLVED BY THE TOWN COUNCIL THAT:

1. That the Town Council hereby authorizes an appropriation of \$60,000 (including \$10,000 to retain a third-party expert in information technology) to retain the legal services of Whitson W. Robinson, attorney, of the Robinson Law Firm;
2. That, with the concurrence of the Town Attorney, Mr. Robinson will serve as Special Counsel to the Commission, reporting directly to the Town Attorney;
3. That Mr. Robinson will be responsible for conducting legal discovery for the Commission, subject to authorization by the Commission and approval by the Town Attorney;
4. That this appropriation represents the maximum budgeted amount covering legal services under this Resolution which shall extend for a period of twelve (12) months from said authorization, with actual legal expenses to be billed on a monthly basis;
5. That if the total cost for services falls below the maximum budgeted amount (\$60,000), then the Town will only pay for actual fees billed to the Town

ATTACHMENT:

Votes:

Ayes: Mr. Roy Francis, Mr. William Semple, Vice Mayor; Mr. Larry Kovalik; Ms. Michele O'Halloran; Mr. Eric Gagnon; Mr. Paul Mooney.

Nays: Mr. David McGuire

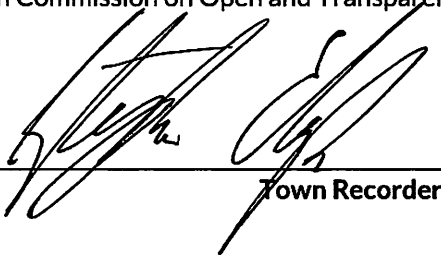
Absent from Vote:

Absent from Meeting:

For Information:

Town of Warrenton Commission on Open and Transparent Government

ATTEST: _____



Town Recorder